

CHOCOLAY TOWNSHIP
PLANNING COMMISSION MEETING
TUESDAY, JANUARY 26, 1993

Present: Estelle DeVooght, Max Engle, William Sanders, Mike LaPointe.

Staff Present: Mike Farrell, Director of Planning & Research and Jeanette Collick, Recording Secretary

Absent: Scott Emerson, Don Wickstrom

Public Present: Terry Huffman, Daniel DiLoretto, Steve Blondeau, Rich Reader

PUBLIC HEARING

Bill Sanders, Chairperson, called the Public Hearing to order at 7:30 p.m.

Conditional Use #26 - Prince of Peace Church:

There was no public comment received. Bill Sanders, Chairperson closed the public hearing regarding Conditional Use #26.

Lot Split Request #9 - Diloreto:

Bill Sanders, Chairperson open the public hearing for Lot Split Request #9

Dan DiLoreto - 301 West Main Street - provided the Planning Commission members information from Richard E. Lomax, PS Manager Subdivision Control Unit, County Zoning Review Unit from the Department of Commerce regarding lot splits.

Mr. DiLoreto stated there are four (4) ownership parts in Part B. There are seven (7) individual parcels. Dan DiLoreto owns 2 parcels, Mr. Drobney owns four (3) parcels, Huefelder owns one (1) parcel and Mr. Menze owns one (1) parcel.

Mr. DiLoreto also stated that according to the letter he received from Mr. Lomax that the 100' that he was requesting to change wasn't a lot split because since it is two (2) descriptions and is considered continuous ownerships it is considered as one division. Also in the letter he received from Mr. Lomax it was stated that since it was Mr. DiLoreto's desire to change his descriptions by enlarging parcel A by 100' and since both parcels A and F are to remain in his ownership, the revising of the descriptions can be done and be in compliance with the Subdivision Control Act.

Mr. DiLoreto stated the reason he wanted to add 100' to his lot with the house on it was because he wanted to add more equity to his home.

He has talked to realtors, county people, township people and state people and everyone has a different opinion on what constitutes a lot split.

Terry Huffman - 165 West Main Street - has no problems with Dan DiLoreto being able to change 100' from his vacant lot and adding it to the one with his home on it.

There were no other public comment regarding Lot Split #9 so Bill Sanders, Chairperson closed the public hearing on Lot Split #9.

Recreation Plan Update:

Bill Sanders, Chairperson open the public hearing regarding the Recreation Plan Update.

Mr. Richard Reader asked what the plans were regarding the Green Garden and Chocolay River part of the Recreation Plan.

Mike Farrell, Director of Planning & Research said at this point in time the Township would like to upgrade it for a small park/picnic area and access to the river. This would not be for motorized vehicle, but access for canoes.

Mike Farrell also commented that the recreation plan is required by state law to update the plan every five years. We need to do this in order to receive state grants and the Township has guidelines to go by to apply for the grants.

There were no other comments regarding the public hearing for the Recreation Plan Updates. Bill Sanders, Chairperson closed the public hearing regarding the Recreation Plan Updates.

Bill Sanders, Chairperson closed the Public Hearing.

Regular Meeting Called to Order:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:40 p.m.

Roll Call:

Roll call was taken with Estelle DeVooght, Max Engle, William Sanders, and Mike LaPointe present.

Scott Emerson and Don Wickstrom were absent.

Approval of Minutes of December 14, 1992:

Bill Sanders noted that on page 2 the motion should have read Rod Smith moved, Bill Sanders second that the following language be added to Section 209 (C): (the word second should be inserted).

Max Engle noted that on page 4 under Unfinished Business (A) the last sentence read Mike asked that the Planning Commission table the topic and ask the Township Board for an extension until March to bring this back to the Board. It should have read back to the Board. (The work back was corrected to read back to the Board.

Max Engle moved, Mike LaPointe second that the Planning Commission Meeting Minutes of December 14, 1992 be approved as corrected.

Carried 4-0

Approval of Agenda/Additional Items for Agenda:

Bill Sanders, Chairperson asked if there were any addition or changes for the agenda.

Bill Sanders moved, Estelle DeVooght second to accept the agenda.

Carried 4-0

Public Comment:

Steve Blondeau - 417 Cherry Creek Road - provided the Planning Commission material regarding the outcome of the Zoning Board of Appeals Meeting. He stated he does not want to go back to the Zoning Board of Appeals. He stated he was not notified of the meeting that was held on December 3, 1992.

Bill Sanders felt the Zoning Board of Appeals members were not responsible for notification of the meeting. The Zoning Board of Appeals acted on information given them.

Mike Farrell stated that Steve Blondeau brought it to the Township Board at the Regular Board Meeting held on January 18, 1993. The Township Board recommended that Mike get the Township's Attorney to get an opinion on if the Zoning Board of Appeals could hold another hearing regarding the matter that was held on December 3, 1992.

Mr. Blondeau stated that this has caused him to be about six (6) months behind and that he as the applicant was not in attendance at the Zoning Board of Appeals Meeting and there were other people in attendance who knew about the meeting. How did they know about the meeting and he didn't.

Estelle DeVooght said that the Zoning Board of Appeals members had to have known to be in attendance.

After much discussion on what had taken place, Bill Sanders, Chairperson said we should wait and see what the Township Attorney's opinion is and that it is not the township's intent to operate as board and/or commission by not notifying the applicant and/or persons involved.

Mike Farrell stated that the Planning Commission is only one of the process.

It was stated that when the Planning Commission discussed the Mining Mineral Extraction Ordinance, they did not include the flooding as a park. It was also stated that the Mining & Mineral Extraction Ordinance was not targeted at any parcel.

Mike Farrell stated that it was consulted with Harley Andrews, Township Attorney for the language of park.

Steve Blondeau went over some of the comments from Mark such as the webster dictionary meaning of park.

Mr. Blondeau felt that the Township would have to allow him to get minerals out.

Mike Farrell commented that the Planning Commission could not accomplish anything at the moment and would have to obtain the information from the attorney regarding this and try to get things worked out.

Bill Sanders apologized to Steve regarding the notification of the meeting.

Bill Sanders asked if there were any more Public Comment. There were none. The Public Comment was closed.

NEW BUSINESS:

A. Consider Conditional Use #26 - Prince of Peace Church

Henry Summers - 1883 M 28 East was present on behalf of the Prince of Peace Church regarding the Conditional Use for the church.

He gave a presentation of the addition for the church. There would be seating for 200. Parking would be on M 28 and Riverside Road. Cost is approximately \$240,000, which \$200,000 is raised already.

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Having fund drives for the other \$40,000, which will be used for utilities, pews, etc.

Bill Sanders asked if the parking was sufficient. Henry Summers said the parking was rearranged from the other plan to obtain 80 parking spaces, which would be on the lower level.

Mike Farrell stated that there was a problem with the parking pertaining to the requirement in the Zoning Ordinance regarding the open space landscaping. About eight spaces would have to be taken out for required open space.

Mike Farrell told Henry Summers he would have to come in a talk with the Zoning Administrator to define the parameter.

Bill Sanders moved, Max Engle second that the Chocoday Township Planning Commission approve the addition to the existing conditional use, as portrayed on the plans submitted with the following conditions:

1. That the necessary parking required and landscaped open space as specified in the Chocoday Township Zoning Ordinance, be established and approved by the Township Zoning Administrator prior to obtaining a Zoning Compliance Permit.
2. That Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator prior to start of construction.
3. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.

Carried: 4-0

B. Consider Lot Split Request #9 - DiLoreto

Mike Farrell asked that the Planning Commission to table the Lot Split Request #9 DiLoreto until the next Planning Commission meeting so he can obtain information from the County Plat Board and Mr. Lomax concerning the issued raised by Mr. DiLoreto.

Dan DiLoreto stated that these were continuous lots and according to Richard Lomax because it would not be changing ownership that this would not be considered a lot split.

Some of the Planning Commission members said that they thought anytime you change a lot line you create a lot split.

Bill Sanders supported Mike Farrell's suggestion about tabling the lot split until he can obtain the information from the Plat Board and Mr. Lomax.

Estelle stated maybe we would have to change the interpretation of a lot split

Bill Sanders moved, Max Engle second that the Lot Split #9 - DiLoreto be tabled until the next Planning Commission and Mike Farrell obtain the information from the Plat Board and Mr. Lomax.

Carried 4-0

Unfinished Business:

A. Consider Recreation Plan Update:

Mike Farrell went through the Short Term, Long Term Projects and the Financial Plan of the Recreation Plan (pages 29 & 30).

There was discussion and view points on various parts of the priority of the Financial Plan. Some members felt that some of the

items that were listed should have a more higher priority than others, such as a basketball court over a tennis court and score board, etc.

There was discussion on the Green Garden Chocolay River Site.

Mike LaPointe felt that a letter should be written from the Planning Commission to inquire what impacts this would have and what the DNR plans are.

It was felt that if the Board approves to apply for a grant for the Update Recreational Plan, priorities could be moved around.

DNR approval for the grant is in April.

Estelle DeVooght moved, Bill Sanders second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the Recreation Plan Update be approved with the Action Plan and the Basis for Action Plan as attached.

Carried 4-0

Planning Director's Report:

Mike Farrell told Steve Blondeau that he will try to find out how his process stands and what he will have to do to proceed and get back to him for the next Planning Commission Meeting.

Mike Farrell said he would like to review sections of the Recreation Plan at every Planning Commission Meeting to update the plan. The Planning Commission on a yearly basis would then make their suggestions to the Township Board.

He also stated that this Fall another survey may be conducted regarding the Recreation Plan.

The Planning Commission By Laws were read and reviewed. Mike Farrell will get these mailed out to the Planning Commission members before the next meeting.

It was also stated that the Zoning Ordinance should be addressed for changes, etc.

Strategic Planning - It was suggested that it may be a possibility for the Planning Commission to ask the Township Board to consider setting up a Recreation Commission to work on the Recreation Plan in conjunction with the Planning Commission.

When going over the Planning Commission portion of the yearly budget, Mike Farrell would like the Planning Commission to go over it before submitting it to the Township Supervisor.

It was also suggested that the officers of the Planning Commission and Mike Farrell have a meeting to set up the agenda for the Planning Commission.

Mike Farrell stated there are some things, such as advertising for rezonings, etc. that would have to be done before the agenda is set up. It was stated any advertising for rezoning, etc. that could be done before the officers met to set up the agenda.

Mike Farrell stated that the Planning Commission still has the changing of Willow Road name coming back. It was felt that just an informal hearing would have to be held. Public Hearing is not required.

Mike Farrell introduced Jeanette Collick who is going to be the Recording Secretary for the Planning Commission.

Public Comment:

Mike LaPointe reported on the Watershed Council and the Conservation District grant.

Adjournment:

There being no further business Estelle DeVooght moved, Max Engle second to adjourn. The meeting was adjourned at 9:40 p.m.

Submitted by:

Jeanette K. Collick

Jeanette R. Collick
Recording Secretary

Approved by:

Estelle DeVooght

Estelle DeVooght
Planning Commission Secretary

CHOCOLAY TOWNSHIP

PLANNING COMMISSION MEETING

TUESDAY, FEBRUARY 23, 1993

Present: Estelle DeVooght, Max Engle, William Sanders, Mike La Pointe, Scott Emerson, Don Wickstrom

Staff Present: Mike Farrell, Director of Planning & Research & Jeanette Collick, Recording Secretary

Public Present: Tracy Pierce, John Evans, Mark Larson, Randy Moore, Milt Gere, Wm. Stenglein, Gary Niemela, Liisa Niemela, Karen Lynd, Betty Herman, Terry Eilders

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m.

Conditional Use - Faith Assembly of God Church

Bill Sanders, Chairperson opened the public hearing for Conditional Use # 27 - Faith Assembly of God.

Mike Farrell, Director of Planning & Research gave a brief explanation what this pertained to.

This is a R-1 Single Family Zoning District. Churches are permitted in a R-1 Zoning District under a conditional use.

This particular piece of property is a piece of vacant land North of Dana Lane Subdivision along M 28 East. They are looking at a 40 x 60 building with a parking lot constructed.

Mark Larson - 33A W. Park - At present time their congregation is approximately 50 people. First phase will hold their present congregation and will be a small building. At this time approximately 2500 square feet. As the congregation grows, they hope to add to it. The church will blend in with the surrounding area.

There were no other comments regarding the Conditional Use #27 - Faith Assembly of God. Bill Sanders, Chairperson closed the public hearing regarding the Faith Assembly of God Church.

Private Road Request - Niemela:

Bill Sanders, Chairperson opened the public hearing on the Private Road Request for Gary Niemela.

Mike Farrell, Director of Planning & Research gave a brief explanation what the applicant is requesting to do.

Within the proposed plan for the private road the maintenance would be up to the land owners of the development to provide for road maintenance. Mr. Niemela is proposing that the road would be gravel to start with. He anticipated black topping it after all the parcels are sold and developed. He would also be in contact with the State Highway Department for their requirement for access off U.S. 41.

Gary Niemela - 6200 U.S. 41 South - We plan on putting in total of eleven (11) homes and will comply with all the Township's laws and regulations.

Milt Gere - 108 Surrey Lane - questioned if the utilities would come off U.S. 41 South?

Gary Niemela stated they would.

There were no other comments regarding the Private Request Bill Sanders, Chairperson closed the public hearing.

Regular Meeting Called to Order:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:45 p.m.

Roll Call:

Roll Call was taken with Estelle DeVooght, Max Engle, William Sanders, Mike La Pointe, Scott Emerson and Don Wickstrom present.

Approval of Minutes of January 26, 1992:

Max Engle moved, Estelle DeVooght second that the Planning Commission Meeting Minutes of January 26, 1993 be approved as presented.

Carried 6-0.

Approval of Agenda/Additional Items for Agenda:

Bill Sanders, Chairperson asked if there were any additions or changes for the agenda.

Mike Farrell, Director of Planning & Research stated that Terry Eilders had a concern on camps, which may fall under public comment, but should be moved to an additional items under New Business (c).

Estelle DeVooght moved, Mike LaPointe second to approve the agenda with the addition of C regarding establishment of camps.

Carried 6-0.

Public Comment:

Bill Sanders, Chairperson opened the Public Comment section of the agenda.

Karen Lynd - 1507 M 28 East - had a concern regarding the Faith Assembly of God Church regarding the location of the entrance, what are the future plans of the church for an expansion, and traffic.

Mark Larson - 333A West Park - stated that as far as the traffic is concern, they have been in contact with the State Highway Department and they said based on the access to M 28 East and the fact that there is flat land there would be no problem with traffic and they would have to have an approved entry way, which would be 24' wide and be curbed. With any future expansion, they may have to talk meet requirements for the acceleration lane. He then proceeded to show on the plans where this would be.

There was concern on the traffic flow on Dana Lane property.

Bill Sanders asked if there any further public comment. There were none. The Public Comment section was closed.

New Business:

Consider Conditional Use #27 - Faith Assembly of God:

Mike Farrell Director of Planning & Research stated that the applicant has an option to purchase the land and the church was pursuing a conditional use permit to determine whether a church could be built in that location.

Scott Emerson had a concern regarding lighting and land and the structures of homes in the area.

Karen Lynd questioned the impact the church would have on property taxes.

It was stated that churches are exempt from taxes, but do obtain services provided by the Township such as, garbage pickup, police protection and fire protection. Taxes do not get absorbed by adjacent property owners and property evaluations won't go up within the surrounding areas because churches are exempt.

Mike Farrell, Director of Planning stated this would be a Conditional Use and would go strictly with the property and they would have to meet certain criteria set by the Planning Commission, such as design, landscaping, parking that is set in the Township Zoning Ordinance.

Betty Herman - 1487 M 28 East had a concern regarding traffic and vacant land regarding snowmobiles, four wheelers - could this be rerouted?

Mike Farrell, Director of Planning & Research stated that is a problem everywhere.

There was discussion on lighting and if the minister would be living at the church. It was stated that this would be used for a church only, not as a residence and there are no plans for residency.

Mike La Pointe moved, Scott Emerson second that the Chocoday Township Planning Commission approve the application and plans, as submitted, for a conditional use permit to construct a church on the following described property:

Section 10, T 47 N, R 24 W

That part of Gov't Lots 1, 2, and 3 commencing 772.47 feet West and 170 feet North of the East 1/4 Corner of Section 10 then 80 58' West 1039.29 feet to POB then South 9 01' West 150 feet, then North 80 58' West 520 feet then South 00 47' West 81.64 feet, then North 89 12' West 440 feet, then North 00 47' East 145.23 feet, then North 80 58' West 40 feet, then North 9 01' East 150 feet, then S 80 58' East along the South E/W Right of Way of M-28 to POB.

with the following conditions.

1. That the applicant consult with the Township Planner and Zoning Administrator on proper vegetative landscaping necessary to screen the proposed development from adjacent properties.
2. That final engineered plans showing the structure, parking and landscaping be submitted to the Planning Commission for their review and approval.
3. Should the final plans be determined, by the Planning Commission, to be a major change from the preliminary plans submitted an additional public hearing may be required.
4. All plans be reviewed by the Township Zoning Administrator and conform with all established regulations as stated in the Chocoday Township Zoning Ordinance #34.
5. That Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator prior to start of construction.
6. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.
7. That non-fulfillment of any of the conditions as set forth in this approval shall constitute a violation of the conditional

use permit and may lead to the revocation of the conditional use permit.

8. That the applicant comply with all of the Michigan Department of transportation for access off M 28.

The penalties for violation of this ordinance shall be the same as those penalties set forth in Section 707 of the Chocolay Township Zoning Ordinance.

Motion Carried 6-0.

Private Road Request - Gary Niemela:

Mike Farrell, Director of Planning & Research stated that the developer has been in contact with the Michigan Department of Transportation and it appears there is not problem with road access to U.S. 41 South.

Mike Farrell, Director of Planning & Research stated he received a letter from Greg Seppanen and he is in favor of approval of the road.

Mike LaPointe asked if the road meets standards.

Mike Farrell stated that as far as our Zoning Ordinance it does meet the standards - 18' of improved surface, and is 66' Right of Way.

Mr. Niemela is proposing a width of 20' of gravel and plans on paving in the future. The reason he is not going with a public road is that he plans on keeping in touch with the surrounding trees and nature that is in the area.

Bill Sanders, Chairperson asked if Mike Farrell check on the name and if there was a conflict with the name. There were no conflicts.

Max Engle asked if the road was already there?

Mike Farrell, Director of Planning stated yes that Mr. Niemela has been doing some logging in that area and thinning wood lots on those parcels.

Scott Emerson had a concern on the green area on the West side of the road that was shown on the plans. Mr. Niemela stated that was existing pine plantation and plans on doing some thinning in there, but no hardwood would be cut down and the same with the North with the wetlands pond and Cherry Creek. Everything would remain the same.

Bill Sanders, Chairperson asked if there were any other questions or comments regarding the Private Road Approval for Gary Niemela. There were none.

Scott Emerson moved, Don Wickstrom second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road application and plans be approved, as submitted, with the following conditions.

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deeds identifying the private road status and the responsibility for road maintenance, right-of-way maintenance, and drainage maintenance.
3. That open access to the private road be maintained for

essential public services.

4. The proposed roads be named Lara Lei Trail and Partridge Trail as shown on the plans submitted.
5. That applicant comply with all requirements of the Michigan Department of Transportation for access to U.S 41 Highway.

Carried 6-0

RP Zoning District

Mike Farrell, Director of Planning stated a concern was raised in the past dealing with RP District, which is Resource Production.

There was concern on camps complying with Single Family Dwellings. The requirements in the Zoning Ordinance is 800 square feet for a dwelling.

There was a concern on house trailers being put on these parcels.

Another concern was that every time someone wants to put a camp in RP District the Planning Commission would have to hold a public hearing and enter in the process.

It was suggested that the Planning Commission might want to look into a text amendment and consider a public hearing on this.

After much discussion it was decided that the Planning Director do some research on the above and bring information back to the Planning Commission.

Unfinished Business:

A. Consider Single Principle Structures per lot language:

It was stated proper planning was necessary. One of the problems the Board had with the existing language was the impact it would have on a current developer who had been given the go ahead to put multiple structures on a parcel. He would be in violation if he put any more structures on the parcel.

The Director of Planning & Research felt it was important looking into the development of the Township that specific things be addressed, one of them being single principle structures on a parcel.

In having multiple structures on a parcel, you are creating problems down the road where that owners may sell half the lot and create problems with setbacks and parking. The method of using a PUD was also discussed at length. It was stated using the PUD route may be very expensive.

After much discussion on the above it was decided that maybe a joint meeting with the Township Board to discuss zoning issues would be the best method.

It was also requested that Mike Farrell, Director of Planning & Research look into PUD and Principle Structures.

B. Consider Rezoning #66 - Text Amendment C-1 Conditional Use of Specialty Retail Sales:

There was discussion on the definition of one of kind or unique, it would be hard to find a special retail of one of kind. The Board wanted unique taken out because of the definition of unique.

The Board also suggested looking at allowing drive-in restaurants and establishments cooking and preparing food for consumption off premises.

The Director of Planning & Research recommended that we don't include drive-in restaurants or establishments cooking and preparing food for off premises consumption.

Special retail sales and the usage of that shop is limited to a small clientele for that specific use versus a take-out restaurant such as Mc Donald's where you have a high impact usage at certain periods of time.

Scott Emerson suggested the word quaint meaning unusual or difference in character.

There being no further discussion, Bill Sanders moved, Max Engle second that the Chocoy Township Planning Commission recommend to the Township Board that the following language be considered as conditional uses within the C-1 district.

* ADD TO SECTION 209 (C)

Specialty retail sales where the type of sales has no outdoor display or storage and is compatible with nearby residential uses.

Carried 6-0.

C. Consider Lot Split Request - DiLoretto:

Mike Farrell, Director of Planning & Research stated he received a letter late Friday, February 19, 1993 from Richard Lomax, which supported what Dan DiLoretto submitted to us that a lot split isn't a lot split until the property is sold. Mike Farrell said he feels uncomfortable with that interpretation and is waiting for verbal clarification from Mr. Lomax. Until he gets that information he would request that the Planning Commission table this request. Mike Farrell, Director of Planning & Research has been in contact with Dan DiLoretto and explained to him we would not move forward with this until we have a concrete definition of what actually entails a lot split.

Mike Farrell also talked to the Marquette County Plat Board and they can't believe the interpretation of the lot split.

Max Engle said what he couldn't understand is that if it wasn't a lot split until it was sold and lots of record are recorded. There is nothing to stop them from selling those lots to another person and once they are sold what recourse, if any does anybody have at that point?

Mike Farrell, Director of Planning & Research state the recourse we would have is to say that this lot has not been granted a lot split and deny the present owner the ability to build on it.

Mike Farrell, Director of Planning is waiting for more information and clarification on a lot split.

Estelle DeVooght stated it still changes a legal description.

Mike Farrell, Director of Planning & Research also requested Mr. Lomax to provide him with other examples in other locations where this has actually taken place.

After much discussion on this topic, it was decided to have this tabled until the Director of Planning received information on this.

Planning Director's Report:

Mike Farrell, Director of Planning & Research stated that he supplied the Planning Commission with the By-Laws and gave them an opportunity to read them. He suggested that some changes should be

made.

Mike Farrell, Director of Planning & Research stated he would put the By-Laws together with the changes discussed, he is not going to change the intent of the By-Laws, but just bringing it up to date.

Snowmobile Trails - #77 Senate Bill that will be going to the Senate in the near future with a change in the requirements that they ride with the flow of traffic.

DNR designated trails on right of way side of the highway that can be ridden in both directions on the trail.

Township Board will be receiving information on this and they can take a look at it.

Scott Emerson had a concern for a local ordinance on the time, etc. for snowmobiles.

Public Comment:

Gary Niemela complimented the Planning Commission on the way they can even disagree in a friendly manner and talk things through. he thanked the Planning Commission for approval of the private road and said he won't let the Commission down.

Max Engle requested that the definition of park that was presented to the Planning Commission a few meetings ago be given to the Zoning Board of Appeals with past minutes that specifically discussed the flooding area.


Scott Emerson asked what happened at the Zoning Board of Appeals. It was stated that it was a cloudy issue regarding proper notification.

It was suggested that process of notification and fees structures be established.

Planning Commission Committee Meeting to be held Monday, March 5, 1993 at 4:00 p.m.

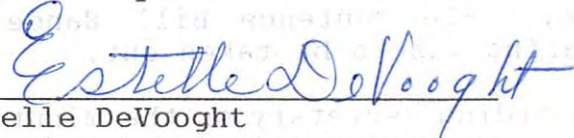
Adjournment:

There being no further business, Bill Sanders moved, Estelle DeVooght second to adjourn. The Planning Commission Meeting was adjourned at 9:30 p.m.



 Jeanette R. Collick
 Recording Secretary

Approved by:



 Estelle DeVooght
 Planning Commission Secretary

CHOCOLAY TOWNSHIP
PLANNING COMMISSION MEETING
TUESDAY - MARCH 23, 1993

PRESENT: Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe,
Dave Wurster

ABSENT: Scott Emerson and Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Mark Maki, Director of Assessing & Zoning

PUBLIC PRESENT: Duane Hastrich, Trudy Hastrich, Robert Wallinger,
Tracy Pierce

PUBLIC HEARING:

Bill Sanders, Chairperson call the Public Hearing to order at 7:30 p.m.

CONDITIONAL USE #28 - HASTRICH:

Mike Farrell, Director of Planning & Research gave a brief explanation what this pertained to.

Trudy and Duane Hastrich have requested that the Chocolay Township Planning Commission consider granting a conditional use permit to operate a specialty retail business selling canoes, kayaks and paddlesport accessories at 600 Willow Road.

Duane Hastrich stated he would wait for questions when this would be discussed on the agenda.

There being no further comments regarding Conditional Use #28, Bill Sanders, Chairperson closed the Public Hearing.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:45 p.m.

Bill Sanders, Chairperson welcomed Dave Wurster to the Planning Commission.

ROLL CALL:

Roll call was taken with Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe and Dave Wurster present.

Scott Emerson and Don Wickstrom were absent.

APPROVAL OF MINUTES OF FEBRUARY 23, 1993:

Bill Sanders, Chairperson noted that on page 2 of the minutes the public hearing was closed twice. The sentence Bill Sanders, Chairperson closed the public hearing was to be taken out.

Mike LaPointe complimented the recording secretary on the minutes.

Mike LaPointe moved, Max Engle second that the Planning Commission Meeting Minutes be approved as corrected.

Motion Carried 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders, Chairperson asked if there were any additions or changes for the agenda.

Bill Sanders moved, Max Engle second to approve the agenda items as presented.

Motion Carried 5-0.

PUBLIC COMMENT:

Robert Wallinger - 149 E Main Street requested permission to address each item as presented.

Bill Sanders, Chairperson informed him there was a Public Comment section the beginning and the end of the meeting.

Mark Maki - asked the Planning Commission if they received a letter from Steve Blondeau dated March 17, 1993 that was sent to the office to the Chocolay Township Board, Chocolay Township Planning Commission and Mark Maki.

Mike Farrell, Director of Planning & Research stated that he didn't receive that document in time to put in the Planning Commission's packet.

In that document Steve Blondeau commented that on January 26, 1993 he had written a letter to the Township requesting an exemption from the Mining & Mineral Ordinance. Basically the ordinance provides certain conditions that someone could be exempt from the Mining Permit the conditions are spelled out in 404 E regarding the hauling of material on an annual basis to exceed a maximum amount and talks about normal hours of operation and traffic flow.

Mark Maki stated that the letter was sent to Mike Farrell, Director of Planning & Research, not to him, Mike did forward the letter to Mark on February 4, 1993.

The just of Mr. Blondeau's letter is that he made an application on January 26, 1993 and that he didn't hear anything. Mark wrote a letter to Ivan Fende, Township Supervisor stating basically that the January 26th letter from Mr. Steve Blondeau that was sent to Mike Farrell was forwarded to him on February 4th and he responded with a letter to Steve Blondeau on February 9, 1993 that he had received the application and he wouldn't be reviewing it before March 1, 1993 and would let him know if any further information would be requested.

On March 3, 1993 Mark sent Steve Blondeau a letter stating that he needed to provide Mark with some more information.

Mr. Blondeau's letter basically indicates that Mark stalled him in the process. Mark was at the Planning Commission to indicated that he received the letter on February 4th and he responded to Mr. Blondeau on February 9th stating that he wouldn't be reviewing it until March 1st. Mark just wanted to clarify these issues with the Planning Commission.

Mark also stated that the problem here is that Steve will not contact Mark directly. He contact other people and then complains that he doesn't know what is going on. Mr. Blondeau has to share some of the responsibility to the fact that he isn't willing to contact Mark on zoning issues he should have a representative to contact Mark directly, and Mark indicated this to Ivan Fende, Township Supervisor and Ivan agreed this would be a good idea.

The Zoning Board of Appeals is going to hold another hearing on this issue.

Bill Sanders thanked Mark for the information.

Robert Wallinger - 149 E Main Street inquired about the green brochure if it was the DNR permit and how to apply for it. He stated that the road that Mr. Blondeau put in was through wetlands and there was concern for this.

He also made a comment on Mr. Blondeau being absent from a meeting that was to benefit him.

Mike Farrell requested that under New Business VIII A - Consider Conditional Use #28 Hastrich be moved to VII B.

No one was opposed to the item being moved up on the agenda. Bill Sanders asked if there were any further public comment. There were none. The Public Comment section was closed.

NEW BUSINESS:

LOT SPLIT - DILORETTO:

Mike Farrell, Director of Planning & Research stated he has a meeting with the County Civil Council early next week.

Mike tried to get in touch with Mr. Diloretto to let him know.

The issue has been dealt with as far as the change in his lot description he can do that.

Mike is trying to get the Chief Civil Council's interpretation on how the County looks at the two lot splits that were issued to Drobny.

Once Menze's parcel is pulled out of that plat it would be down to three owners, which will allow someone to split off and go through the lot split process to sell the lot. Theoretically you have to obtain a lot split before you can sell a lot.

The Township has already granted two lot splits to Drobny, which says that he has the ability to sell those and that is why Mike needs to obtain the information. If we did the lot split at a point when we probably shouldn't have then we still may not be able to have a request from Mr. Diloretto.

Mr. Diloretto stated that those lot splits were requested by Huefelders - one lot split, not two.

Mike Farrell stated there were two lot splits that were issued by the Township.

Huefelder had one lot and she split it into two, which isn't really a lot split because she owns both parcels.

Mike stated that none of this should have been considered as a split from the interpretation he received from the State because they have never changed the number of ownerships of the property and they still have four ownerships.

Mr. Diloretto stated that Huefelders split a lot that she owned into two descriptions which wasn't a split and that is what he wants to do to his property.

Mike stated that in actuality no splits may have occurred to this date, but the Township has granted two splits.

Mike has to find out from the County on how they view this lot split. We cannot act upon Mr. Diloretto's request or any type of lot split.

Mr. Diloretto asked if as far as his request is the Township Planning Commission denying it as in his original request back in January.

Mike Farrell stated he is being denied at this time because it would be illegal for the Township to act upon it at this time and that is going to be his recommendation to the Planning Commission.

It is illegal because we cannot grant a lot split in a situation where a violation of the State Plat Act may occur.

Estelle DeVooght asked if he changes the description what happens if he decides to sell it once he changes the description?

Mike Farrell stated if Mr. Diloretto sells it and the person he sells it to comes back to us and requests to put a structure on it, we deny the Zoning Compliance Permit to put a structure on it at which time the person's recourse is to go to the County and the County will basically take a stand like they did to Huefelder and

say that person wants his/her money back, he would have to give that person their money back.

Mr. Diloretto - prior to Drobny's even buying that house and property he was granted a lot split and that lot split was approved by the Township so that was actually the first lot split.

It was noted that this was Mr. Diloretto's existing lot where his house is now.

The County enforces the ordinance. We cannot take any action on the Township level that would be in violation of the Sub Division Control Act. After the County has identified what they feel is necessary and Mr. Diloretto can comply with that, then the Planning Commission will sit down and take a look what has to be done for a lot split.

If it turns out that Mr. Lomax's opinion regarding a lot split is correct that you cannot stop the changes in a lot, but you can prevent the selling, then he would urge the Planning Commission to amend the Zoning Ordinance to indicate language that would say that no lot split should be approved unless it is in compliance with the Zoning Ordinance and amend the Lot Split Ordinance to not allow specifically spell out that no lot split should be granted for any lot unless the lot is being built on.

Bill Sanders moved, Estelle DeVooght second that the Lot Split Request be tabled until addition information is obtained.

Motion Carried 5-0.

Condition Use #28:

Mike Farrell gave a brief explanation what this pertained to.

The applicant, Trudy and Duane Hastrich have requested that the Chocolay Township Planning Commission consider granting a conditional use permit to operate a specialty retail business selling canoes, kayaks and paddlesport accessories in the old laundromat at 600 Willow Road (Willow Road/Silver Creek).

Estelle DeVooght read a letter that was written to the Chocolay Township Planning Commission by Kay Beauchamp - 261 Silver Creek Road stating she was against the Conditional Use Permit #28.

Duane Hastrich stated the issues that was in Ms. Beauchamps letter has all been addressed in the application.

The renovation of the building and land will result in a more pleasing natural appearance. Trees, shrubs, foundation plantings, flower boxes, hanging plants will be installed. Lawn areas will be upgraded and maintained.

In the future there are plans for an addition of 32' x 20' to the North wall of the structure.

Estelle DeVooght thought instead of the type of business with the amount of people living in that area - a little party store being put there, the residents would go for it.

Mike Farrell stated that the building has been vacant for a number of years.

It was asked if this could be sold as a resident. It could, but the owner would have to demolish the building.

Mr. Hastrich stated that according to the letters Mike Farrell sent out to the property owners within 300 feet there was only one response against his conditional use being granted.

Mr. Hastrich said the last thing in closing is that he feels they have presented in their letter that he is willing to follow all of Mark's and Mike's guidelines to see that this plan is acceptable.

Also the suggested motion Mike Farrell presented to the Planning Commission with the addition of # 4 "Should plans be considered to expand existing building beyond existing walls the necessary variances be acquired prior to amending conditional use to allow such an expansion." Under #2 (the last sentence - and if lighting is used other than typical flood lights they must be of the low sodium vapor type lamp) be struck.

Max Engle moved, Bill Sanders second that the Chocolay Township Planning Commission approve the application and plans, as submitted, for a conditional use permit to operate a specialty retail business selling canoes, kayaks and paddlesports accessories on the following parcel:

Section 7, T 47 N, R 24 W

Commencing at the Northwest corner of said Section 7; thence South 01 degree 08'00" East, 268.69 feet along the West line of said Section 7 to the South right-of-way line of Silver Creek Road; thence North 88 degree 20'15" East, 556.18 feet along the said South right-of-way line of Silver Creek Road to the Point of Beginning of the land to be described; thence South 02 degree 04'00" East, 140.00 feet; thence North 88 degree 20'15" East, 131.10 feet; thence North 01 degree 00'11" West, 140.52 feet along the West line of the East 33 feet of the Northwest Quarter of the Northwest Quarter; thence South 88 degree 20'15" West, 117.21 feet along the said South right-of-way line of Silver Creek Road to the Point of Beginning.

More commonly known as 600 Willow Road.

With the following conditions:

1. Business hours be limited to the hours between 9:00 a.m. and 6:00 p.m. and by appointment at other times.
2. Exterior lighting must be shielded so that it does not project onto residential properties.
3. Advertising signs be limited to structure mounted signs and must comply with the Township sign regulations.
4. Should plans be considered to expand existing building beyond existing walls the necessary variances be acquired prior to amending conditional use to allow such an expansion.
5. All plans be reviewed by the Township Zoning Administrator and conform with all established regulations as stated in the Chocolay Township Zoning Ordinance #34.
6. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to start of construction.
7. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.
8. That non-fulfillment of any of the conditions as set forth in this approval shall constitute a violation of the conditional use permit and may lead to the revocation of the conditional use permit.

The penalties for violation of this ordinance shall be the same as those penalties set forth in Section 707 of the Chocolay Township Zoning Ordinance.

Motion Carried 4-1.

Principal Structure Definition:

Mike Farrell read the clarification out of the County Ordinance. He wants the Planning Commission's comments on this and would like to schedule a Public Hearing.

Principal Structure means the main building to which premises is

devoted.

The Planning Commission felt the definition looks fine.

Max Engle had a concern with principal use. - The main use is allowed within one Zoning area. You may have several different uses within one building - you may have retail sales in part and maybe some office space in another and both are allowed in the C-2 Zoning District, but when you say this, both uses are allowed on the same lot.

Estelle they are in the same structure and they are internal.

Mike Farrell asked Mark Maki when he issues a Zoning Compliance Permit how does he view it if someone comes in with one structure is for office and retail on the same structure?

Mark noted he looks under it in a C-2 Zoning District. The way about this is to try to make it so that you have one main building - because if you have more than one main building then you have problems.

Mark used Engle Nook Gallery as an example. One building - but used for office space and the type of business it is being used for. That isn't a problem.

The key is to eliminate it to one primary permitted structure and not worry about how many uses allowed on the structure.

You could also define Accessory Structure to the extent that you put limits.

Dwelling Definitions/General Regulations:

Mike Farrell, Director of Planning and Research noted that issues come up more often and this is the time to deal with definitions of dwellings. Mobile homes should also be dealt with. At present, mobile homes are only allowed in Mobile Home Parks and the mobile home subdivision in Chocolay Township.

Mike Farrell explained the definitions to the Planning Commission. Also discussed were the general regulation that would allow certain types of mobile homes such as 18' width and conform in design to a regular home was discussed.

This has been upheld in court.

Mike Farrell pointed out the difference between a modular and a mobile home. A mobile home has a title. A modular does not.

Bill Sanders had a question on Item A and what the question marks in the second line meant?

Mike Farrell took the information from the original ordinance. It may have something to do with storage area.

There was also a concern on Item C - regarding what code takes affect. Maybe and/or should be added.

There was also a concern on item G regarding roof over hangs. This should be dealt with for water drainage. Mike will do research with the Health Department on this.

There was also a question regarding camps. Could a mobile home be used, if it met the criteria.

Another possibility may be under the Recreational Structure from the County Ordinance. It allows certain types of structures.

There were no other comments regarding the dwelling definitions and general regulation text.

Mike Farrell will sit down with Mark Maki to see how he would

enforce the general regulations and then set up a public hearing in May or June on language we would be comfortable with.

Recreation Planning:

Mike Farrell suggested a joint meeting with the Planning Commission and the Township Board to discuss aspects of planning in the future.

Also at that time maybe a Recreation Committee could be set up to deal with recreation.

Mike Farrell went over the Recreation Plan that was put in the Planning Commission's agenda packet. He noted this is the copy that went to the DNR for the recreational grant.

Items regarding trails, bike paths, signage and fencing were discussed.

After discussion on the various issues it was noted that the Beaver Grove Recreation Area was a great investment and would get alot of use.

It was also discussed on who determines who gets the use of the both parks. It was noted that the Department of Public Works does the scheduling of the recreation areas.

It was also noted that Chocolay would be hosting all soccer activities this year due to the closing of the soccerfield at Bothwell.

Mike Farrell said he and Larry Gould will pick a topic from the Recreation Plan for the next Planning Commission meeting.

Planning Director's Report:

Mike Farrell, Director of Planing & Research stated that he would like to have a joint meeting with the Township Board before the next Planning Commission meeting to discuss future plans for Chocolay Township.

It was suggested that the joint meeting be held April 20th or 21st preferably the 21st.

Public Comment:

Bill Sanders, Chairperson asked if there were any public comment. There were none so the public comment section of the Planning Commission meeting was closed.

Informational Items and Correspondence:

- 1. Correspondence from Gary Niemela - thanking the Planning Commission for support of their proposed development.
- 2. Correspondence from DNR - Chocolay River Plans.

Adjournment:

There being no further business, Bill Sanders moved, Estelle DeVooght second to adjourn. The Planning Commission Meeting was adjourned at 9:55 p.m.

Motion carried 5-0.

Estelle DeVooght

 Jeanette R. Collick
 Recording Secretary

Jeanette R. Collick

 Estelle DeVooght
 Planning Commission Secretary

CHOCOLAY TOWNSHIP

PLANNING COMMISSION

TUESDAY - APRIL 27, 1993

AS AMENDED

PRESENT: Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe,
Dave Wurster, Scott Emerson

ABSENT: Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Mark Maki, Director of Assessing & Planning

PUBLIC PRESENT: Terry O'Dovero, Bob Cambensy, Peter O'Dovero,
David Weeks, Duane Carlson, Arvo Rantanen, Philip La Combe, John
Renfrew, Ileana Renfrew, Brian Maniko, John Janofski, Rhonda Luce,
Jo Gerrish, Cathy DeVooght, John DeVooght, Susan Goodwin, Richard
Goodwin, Jean Reynolds, Davis W. Reynolds, Drek Peura, John J.
Arvon, Jim Murdy, Lainey Murdy, Terry Huffman, Barbara Dupras, Ron
Clement, Elsa Clement, Bob Curry, Marian Lindquist, Scott
Lindquist, Don Balmer, Jack Hetherington, Suzanne Harding, Howard
Harding, Jude Catello.

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at
7:30 p.m.

**REZONING #67 - TEXT AMENDMENT - FEES, NOTIFICATION, PUBLICATION,
DEFINITION, AND PARKING:**

Mike Farrell, Director of Planning & Research gave a brief
explanation what this pertained to.

The applicant, Chocolay Township Planning Commission, has
petitioned the Chocolay Township Board to amend the Chocolay
Township Zoning Ordinance with language regarding:

1. Section 101, add definition - principal structure

THIS WOULD BE THE MAIN structure or building to which the premise
is devoted to.

2. Section 105, set additional regulations.

This would be setting up language which will require the Zoning
Board of Appeal to advertise their meetings, put notices in the
newspaper five days prior to their meetings and to notify the
applicant, all owners, residents within 300 feet of the property to
be directly affected by a zoning decision.

The time, place and nature of the meeting, the area included and
where and when written comment will be received shall be contained
in the notification.

3. Section 500, change parking requirements

Off street parking for fast food take-out establishments and drive
in restaurants.

Previously it was .10 time floor area in square feet, we are
changing it to be 1.5 spaces per 100 square feet of floor area.

4. Section 702, change fee structure.

Amend fees for applications for Planning Commission or Zoning Board of Appeals, which would consists of:

Planned Unit Development
 Conditional Use Permit
 Variance Application
 Zoning Amendment
 Non-conforming Use Permit
 Home Occupation
 Zoning Appeal

Fees for this would be established by resolution of the Township Board.

There being no further comments regarding Rezoning #67, Bill Sanders, Chairperson closed the public hearing regarding Rezoning #67.

PRIVATE ROAD REQUEST #3 - O'DOVERO:

Bill Sanders, Chairperson opened the public hearing for Private Road Request #3 - O'Dovero.

Mike Farrell, Director of Planning & Research gave a brief explanation on the application requesting approval for a private road with access off M 28 E.

Pete O'Dovero, developer of the project turned this portion over the Bob Cambensy, engineer for the project.

The project consists of constructing a private road with access coming off M 28 East where the abandoned railroad is located.

The entrance off M 28 E will be constructed under a permit from the Michigan Department of Transportation. The road right of way that is being proposed is 66 feet in width with the cul-de-sac right-of-way being 160 feet, which is the same as the Marquette County Road Commission standards. The private road would have 20 foot wide paved asphalt surface.

He explained the three potential drainage schemes, which he preceded to show on the various maps.

Scheme #1. Has essentially two paths of drainage along the ditches of the road. One at the Northwestern end of the road and which goes directly between the proposed lots 12 and 13 and with discharge in the flood plain area would then percolate toward the river.

Scheme #2. Areas of discharge would be near the bridge which is proposed to be built across Silver Creek. Again this would discharge right to the creek in those areas.

One of the questions that may come up would be, what would this possibly do to contribute to the flooding conditions of the Chocolay River or Silver Creek?

Scheme #3. Is the take off from the second one and would have the water discharging in the detention ponds that would be constructed in front of the low areas.

The project would be served with Sanitary Sewer. There is an existing manhole on the lot lying between 40 and 41 in Riverside Addition of Lakewood.

The project is not dealing with septic tanks and any pollution going into the ground.

Each lot would have its own private well.

With the construction of the roadway the developer has to comply

with the Soil Erosion & Sedimentation Act. Cannot start any construction of the road until the permit is in hand.

There will be a number of protections in specifications in that permit as far as any sediments going into Silver Creek or Chocolay River.

John Renfrew - 234 Riverside Road - Concern was with the drainage going into the river. He inquired as to the plans to check the river drain off. Also another concern of his was the use of fertilizers on lawns and going into the river. He was also concerned for the radical impact it would have on the wildlife. He was also concerned about the aesthetics. We have a scenic river that has not been developed.

Bob Cambensy - Engineer - stated these would be single family homes on 200 foot lots and exceeds the zoning requirements. The developer is not planning on cutting all the trees down. People are going to have money invested in these lots also. These would be single family homes.

Duane Carlson - 206 Riverside Road - Concern about wells and earthmoving. Also concerned about property values declining.

Suzanne Harding - 169 E. Main - concern about condominiums, fertilizers, multiple dwellings.

Bill Sanders, Chairperson stated this was a request for a private road approval, not type of homes being built.

Bob Cambensy stated there is twenty-two (22) parcels proposed. No different than twenty-two (22) single family detached homes.

Howard Harding - 169 East Main concern on the proposed road being a through cut off M 28 East. There are approximately eight (8) children probably not over the age of twelve (12) that live on that section of East Main Street where there is a possibility of traffic getting through from the proposed private road.

Mr. Harding was also concerned about the capacity of the Township's Sanitary Sewer - will it handle the homes being proposed to be built if the private road approval goes through?

Mr. Harding was also concerned about the flood plains.

Mr. Cambensy stated that the developer would not be able to obtain a permit if this was in the flood plain. The Township's Sanitary Sewer System will handle the development.

Mr. Harding was also concerned about the additional chemicals from private well coming down stream, the bridge capacity and school bus access.

Mr. Cambensy stated the bridge would have a 80,000 pound capacity

Resident from Baker Street asked why the developer want to go with a private road versus a public road?

Mike Farrell, Director of Planning & Research explained that to go public, you must meet the standards set by the Marquette County Road Commission.

If approved for private road the maintenance has to be provided by the developer and/or association.

Private roads are allowed in our Zoning Ordinance.

Barb Dupras - 177 East Main Street - asked if clarification from last property owner in the proposed development could be obtained that there would not be access off East Main Street.

Bob Cambensy, Engineer - said the last property line is

approximately 20 feet.

Possibly a fence could be put up.

Dave Weeks - 5 Grove Street - concern on drainage. Spoke towards the selection of drainage schemes and the significance of difference of opinion with the drain commissioner at the County and what is the preferred method to litigate storm water construction runoff.

Ileane Renfrew - 234 Riverside Road - Recreation and aesthetics are beautiful and wanted to know if the developer is providing any protection for the environment. She was also concerned about buffer zones, marinas and dogs.

Alan Rose - 174 Riverside Road - Concern that at present he felt there were too many homes by the river. Why do we want to build the river up any more?

Davis W. Reynolds - 175 East Main Street - Concern what happens at the end of the road if the lots do not sell for five or six years and who would monitor the motorized vehicles getting through? It was stated that possibly a barrier at the end of the development to established so there wouldn't be any through traffic.

Also was concerned about when/if the proposed private road was approved, where would the building of the road start, would it start off M 28 East or would it start at East Main Street?

Don Balmer - 101 Forest Road - concern on description of building or developing in a flood plain and would like to see restrictions and to make sure that if it is the DNR's problem the Army Corps of Engineers doesn't come along and say it is a flood plain so what build on it anyway.

Jude Catallo - 190 Lakewood Lane - would like to urge that this be issued under a Conditional Use Permit.

Sedimentation problem was also a concern that may get worse and cost the Township more money.

She also felt that the Comprehensive Plan should be followed.

Mike Farrell, Director of Planning & Research explained setbacks.

Elsa Clement - 198 Riverside - concern about cutting trees, setbacks and construction concern.

Philip La Combe - 202 Riverside Road - Concern regarding river bank is falling, flow of water and loosing front part of home. What is the developer going to do regarding unanswered questions.

Another resident from East Main Street - How far along has the project been approved, what do we have to say about the approval?

Duane Carlson - 206 Riverside Road - concern about the private road becoming public roads. Jacobson Subdivision was given as an example.

Bill Sanders, Chairperson stated after the Planning Commission it will go to the Township Board for their approval or denial.

Howard Harding - 169 E Main Street - Concern regarding the winter time and the ice freeze build up. When Lake Superior starts to ice down, river may start to back up. Gave the example of Bayou Road in 1985 and had to use dynamite to open the river.

Rich Vivian - 125 Bayou Road - He was subject to the ice conditions and they were not only caused by the rain, but when the dam broke at Lake LeVasseur.

As far as a private road, he lives on a private road and pays no

less taxes than someone being on a private road.

We have a need to improve the river itself.

Nobody wants to assume the responsibility such as the DNR, Army Corps of Engineers and the Township Board.

John Renfrew - 234 Riverside Road - Chocolay Comprehensive Plan - areas of concern. Protection of rivers and streams for benefit of all. Township Board to do environmental assessments and investigate past record of developer.

Resident from 270 Riverside Road stated it may seem emotional but the trees not be moved out because of the view. That may be a problem with our forest and no one cares.

Elsa Clement - 190 Riverside Road - Concern on the embankment and how it would be protected.

Matt Calcaterra - 170 E Main Street - Slope becomes very sandy acceptable for erosion. Look more closely at the end of E Main Street.

Jim Murdy - 274 Riverside Road - unanswered questions on the impact the road and development is going to have.

Bill Sanders, Chairperson asked if there were any further public comments regarding Private Road Request #3 O'Dovero.

There being no further comments regarding Private Road Request #3 - O'Dovero, Bill Sanders, Chairperson closed the public hearing regarding Private Road Request #3 - O'Dovero.

CONDITIONAL USE PERMIT #29 - GIBBS - GOLF COURSE PERMIT AMENDMENT:

Mike Farrell, Director of Planning & Research explained that the applicant, Chocolay Downs Golf Course, has requested that the Chocolay Township Planning Commission consider granting an amendment to allow the construction of facilities to house golf carts as part of the existing conditional use permit. This would be a building with a roof to protect carts that people would want to keep at the Golf Course.

There were no public comments made regarding the Chocolay Downs Golf Course, Bill Sanders Chairperson closed the public hearing session regarding the Conditional Use Permit #29 - Gibbs Golf Course Permit Application.

There being no further public hearings, Bill Sanders, Chairperson closed the public hearing session of the meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 8:30 p.m.

ROLL CALL:

Roll call was taken with Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe, Dave Wurster and Scott Emerson present.

Don Wickstrom was absent.

APPROVAL OF MINUTES OF MARCH 23, 1993:

Max Engle moved, Mike LaPointe second that the minutes of March 23, 1993 be approved as presented.

Motion Carried 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Scott Emerson moved, Bill Sanders second that New Business be moved up on the agenda before Old Business.

Motion Carried 6-0.

PUBLIC COMMENT:

Cathy DeVooght - 6341 U S 41 South distributed information regarding her item on the agenda for review when the Planning Commission considers her request.

John Renfrew - 234 Riverside Road stated that notices were delivered late regarding the hearing not within 5-15 days prior to the hearing. Some notices were distributed yesterday or the day before. Some people not given ample time to give a written opinion or voice one.

Mike Farrell, Director of Planning & Research stated that there were no notices from the Township delivered in person and he was not aware of any other notices being delivered.

Steve Blondeau - requested that when single structure per lot was going to be discussed he would like to be informed.

Bill Sanders, Chairperson asked if there were any further public comment. There were none. The Public Comment section was closed.

Bill Sanders, Chairperson called a five (5) minute recess.

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 8:45 p.m.

NEW BUSINESS:

Private Road Request - O'Dovero:

Estelle DeVooght, Planning Commission Secretary read letters from Mr. & Mrs. Davis Reynolds and Mr. Burt Sparhawk that were received at the Township Office today regarding the Private Road Request - O'Dovero.

There was also a letter that received from Darryl Sundberg that was sent to Mr. Cambensy basically saying that he supports the option that would drain the water directly to the river and not require detention.

Bill Sanders, Chairperson stated what the intent for the Planning Commission was to review the application for a private road.

Mike Farrell, Director of Planning & Research stated that there is very little that we can do regarding the types of houses, etc.

We have a definition in our Zoning Ordinance that pertains to what a condominium unit is and that is to reflect to minimum standards set on a platted residential lot. Basically that is the only requirement we have. The review of condominiums is dealt with on the County and State levels.

After much discussion and various comments that were already presented at the public hearing regarding the buffer, policing of the area at the end of E. Main Street, bridge, drainage, permits, it was asked if Mr. O'Dovero would bring in the final plans for residents to look at?

Mr. O'Dovero had no problem in doing this with the final plans.

There were concerns regarding where the majority of the construction for the road would take place. Would it be off M 28 East or E. Main Street.

Mr. O'Dovero stated that the majority of the work would be done off M 28, but some of the equipment may have to be hauled through East

Main Street, but this would be tried to be kept at a minimal.

There were no problems with the road name being Chocolay River Trail, but consideration will have to be given to naming part of the road with an East due to the short section of road that services lots, three, four, and five.

Mike La Pointe moved, Bill Sanders second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road application and plans be approved, as submitted, and amended, with the following conditions:

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deeds identifying the private road status and the responsibility for road maintenance, right-of-way maintenance, and drainage maintenance and also noted that the private road will not be maintained at public expense.
3. That open access to the private road be maintained for essential public services.
4. The proposed roads be named Chocolay River Trail and East Chocolay River Trail as shown and added to the plans submitted.
5. That applicant comply with all requirements of the Michigan Department of Transportation for access to U.S 41 Highway.
6. That the applicant obtain all the necessary permits from Local, State, and Federal agencies that are required for the development of the road. These may include Soil Erosion Permit, Inland Lakes and Streams Permit, Floodplain Regulatory Authority review, as well as any others that may be required for the proposed road.
7. Measures be taken to eliminate ORV traffic from East Main Street onto the proposed road and a 6 foot high burn vegetation barrier be included.
8. All construction related activities gain access to the property off M-28 Highway and no construction activities on East Main Street for access except where necessity requires access of East Main for bridge construction.
9. Drainage Scheme A as submitted be used.

Motion Carried 6-0.

CONSIDER CONDITIONAL USE #29 - GIBBS:

Max Engle moved, Estelle DeVooght seconded that Conditional Use #29 be moved after the request from Cathy & John DeVooght - Waive Rezoning.

Motion Carried 6-0.

REQUEST FROM CATHY & JOHN DEVOOGHT - WAIVE REZONING FEE:

Cathy DeVooght read a letter that she presented to the Township Planning Commission that was not included in their packet. She also presented a copy to the Marquette County Planning Commission, Dave Gillis-CUPPAD, Chocolay Township Clerk and copies to the public.

She asked what the normal amount of days for a rezoning request.

Mike Farrell, Director of Planning & Research stated it was

anywhere from 60 to 120 days.

Mike Farrell stated that no other fees were waived for any individual cases. The Planning Commission or Township Board was the petitioner.

Our Ordinance does not provide to waive a fee.

There was a question regarding the lot split of 9 1/2 acres in March 1977 RP changed to RR-2.

It was stated that the issue for the Planning Commission to discuss was the waiver of the fee, not the rezoning.

Bill Sanders moved, Mike LaPointe second that the waiver of the Rezoning Fee be denied.

Motion Carried: Ayes: 6 Nays: 0 Abstain: 1

CONSIDER CONDITIONAL USE #29 - GIBBS:

Bill Sanders moved, Max Engle support that the Condition Use Permit #29 - Gibbs be tabled until the May Meeting.

Motion Carried 6-0.

REZONING #67 - TEXT AMENDMENT - FEES, NOTIFICATION, PUBLICATION, DEFINITION, AND PARKING:

Mike Farrell, Director of Planning & Research went through the proposed changes regarding:

- Section 101 - Definitions
- Section 105 - Administrative Standards & Procedures
- Section 500 - Off-street parking requirements
- Section 702 - Fees

Bill Sanders moved, Scott Emerson second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendments to the Chocolay Township Zoning Ordinance be approved.

AMENDMENT

Section 101 of the Zoning Ordinance of the Charter Township of Chocolay shall be, and the same hereby is amended by the addition thereto of the following language:

PRINCIPAL STRUCTURE, The main structure or building to which the premises is devoted.

REPEALER AND AMENDMENT

That portion of Section 105 of the Charter Township of Chocolay Zoning Ordinance entitled "ADMINISTRATIVE STANDARDS AND PROCEDURES" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be, and the same hereby is amended by the addition thereto of the language, which is underlined:

SECTION 105: ADMINISTRATIVE STANDARDS AND PROCEDURES

- (A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- (B) Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning

Commission shall:

- (1) Base their decision upon facts presented at a public hearing preceded by notice in a newspaper of general circulation in the Township of at least 5, but not more than 15 days. A rezoning or amendment shall be preceded by two notices, the first not less than 20 but not more than 30 days prior to the hearing and the second not more than eight days prior to the meeting.
 - (2) Notify, by personal service or by mail, the applicant, all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly affected by a zoning decision.
 - (3) Set forth in all notifications, the time, place, and nature of the meeting, the geographic area included in the zoning proposal, and where and when written comments will be received.
 - (4) Permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration.
 - (5) Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions.
 - (6) Set forth in writing and in detail, any denial, approval, conditional approval, or order and the facts supporting such decision.
 - (7) File the record, written testimony or documents submitted with regard to the hearing, and the decision with the Township Clerk to be open to public inspection.
 - (8) Comply with all other requirements under law.
- (C) Where a public meeting of the Zoning Board of Appeals is required in the administration of this Ordinance, the Zoning Board of Appeals shall:
- (1) Place a notice of the meeting in a newspaper of general circulation in the Township of at least 5 days prior to the meeting.
 - (2) Notify, at least 5 days prior to the meeting, by personal service or by mail, the applicant, all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly affected by a zoning decision.
 - (3) Set forth in all notifications, the time, place, and nature of the meeting, the geographic area included in the zoning proposal, and where and when written comments will be received.
 - (4) Permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration.
 - (5) Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions.
 - (6) Set forth in writing and in detail, any denial, approval, conditional approval, or order and the facts supporting such decision.
 - (7) File the record, written testimony or documents submitted with regard to the hearing, and the decision with the Township Clerk to be open to public inspection.

(8) Comply with all other requirements under law.

(D) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

REPEALER AND AMENDMENT

That portion of Section 500 of the Charter Township of Chocolay Zoning Ordinance entitled "OFF-STREET PARKING REQUIREMENTS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be, and the same hereby is amended by the repeal of the following language contained within brackets [], and amended by the addition thereto of the language, which is underlined:

Fast food take-out establishments and drive in restaurants	[.10 times floor area in square feet] <u>1.5</u> <u>per 100 sq. ft. of</u> <u>floor area</u>
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REPEALER

Section 702 and all sub paragraphs thereof of the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977 and any and all Amendments thereto of said Section 702 of the Charter Township of Chocolay Zoning Ordinance adopted SUBSEQUENT to May 9, 1977, shall be, and the same hereby are, repealed. This repeal shall be effective as of the date of the following Amendment.

AMENDMENT

Section 702 of the Zoning Ordinance of the Charter Township of Chocolay shall be, and the same hereby is, amended to read as follows:

SECTION 702 FEES.

Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any of the following until there is first paid a fee.

- (A) Planned Unit Development;
- (B) Conditional Use Permit;
- (C) Variance Application;
- (D) Zoning Amendment;
- (E) Non-conforming Use Permit;
- (F) Home Occupation;
- (G) Zoning Appeal;

The Township Board, by resolution, shall set the fees for the above matters. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate.

Motion Carried 6-0.

DISCUSS SEASONAL ROADS, ZONING COMPLIANCE, AND PRIVATE ROADS:

Mike Farrell, Director of Planning & Research read a memo written by Larry Gould, Supervisor of Department of Public Works regarding seasonal roads.

1. Whereas the Marquette County Road Commission has established a

system of seasonal county roads and whereas several county roads in the Township have been included in the seasonal system and whereas the Township does not wish to incur the expenses of the improving or reconstructing these roads to change the road status, therefore the Board adopt a policy of not cost sharing in any improvements to a seasonal county road and that if that a season county road is reclassified by the Marquette County Road Commission to year round status that it must be updated by others to the current road standards of a new county road before the Township will consider it for future improvements.

2. I move that the issue of seasonal county roads and issuance of zoning compliance permits for residential structures on seasonal county road be referred to the Township Planning Commission to prepare appropriate wording for incorporation into the Zoning Ordinance and that the Planning Commission also review the current standards for private roads to determine if changes in the Ordinance are warranted.

It was stated that seasonal roads are not plowed by the County Road Commission.

Mike Farrell said the Township Board would like the Township Planning Commission to back up the County Road Commission and to put language into the Zoning Ordinance regarding this.

Mike Farrell suggested that he and Mark Maki, Zoning Administrator sit down and come up with language that would pertain to this and bring this back to the Planning Commission at their May meeting. This language would consist of slopes, curves, grades, paving, gravel etc.

This would be for roads in the future, not the ones that are in existence.

Bill Sanders moved Scott Emerson second to support the language regarding the seasonal roads to come back to the Planning Commission at their May meeting.

Motion Carried 6-0.

Bill Sanders moved, Max Engle second to table items under Old Business:

A. Dwelling Definitions/General Regulations and

B. Recreation Planning.

Motion defeated.

Scott Emerson moved, Estelle DeVooght second to table item A - Dwelling Definitions/General Regulations.

Motion Carried 6-0.

RECREATION PLANNING:

Mike Farrell gave a report on the various types of trails.

Don Elzinga is the local person to get in contact with dealing with the North Country Trail. It was suggested that possibly Don Elzinga attend a Planning Commission Meeting in the near future to give a presentation and discuss this trail through Chocolay Township.

Scott Emerson suggested that the survey be used for the kinds of trails.

Mike Farrell also suggested that possibly a recreation ad hoc committee be set up regarding recreation.

Mike LaPointe asked about the joint meeting between the Planning Commission and the Township Board,

PLANNING DIRECTOR'S REPORT:

Mike Farrell, Director of Planning & Research said the Township Board at their April 19th meeting didn't want to have a Special Meeting, but would be willing to have a joint meeting on May 3, 1993.

It was a consensus of the Planning Commission to have a joint meeting of the Township Board and the Planning Commission and to be the first item on the agenda.

Some of topics for the joint meeting could be as follows:

1. Recreation
2. Private Roads
3. Principal Structures
4. Language - Condominiums
5. Aesthetics - Landscaping
6. General Planning
7. Ad Hoc Committee
8. Lighting

Bill Sanders, Chairperson asked when the road ranking would be taking place?

Mike Farrell, Director of Planning said as soon as the frost is out of the ground.

PUBLIC COMMENT:

Max Engle suggested that something needs to be done to make the 9 1/2 acres of Cathy & John DeVooght's property useable.

It was felt it may be the Township's responsibility to do something to make this a buildable lot.

It was felt by some of the Planning Commission members no matter what the history of the property, something needs to be done.

The Planning Commission members commended Bill Sanders, Chairperson for a job well done in chairing the meeting.

Mark Maki, Director of Assessing & Zoning had a question regarding Rezoning #67. He also felt that high standards are necessary in the approval of private roads and commented about clearcutting of forest lands with the possible need to control this activity.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

There were no informational items or correspondence.

ADJOURNMENT:

There being no further business, Bill Sanders moved, Max Engle second to adjourn. The Planning Commission Meeting was adjourned at 11:20 p.m.

Motion Carried 6-0.

Jeanette R. Collick
Jeanette R. Collick
Recording Secretary

Estelle DeVooght
Estelle DeVooght
Planning Commission Secretary

CHOCOLAY TOWNSHIP

PLANNING COMMISSION

TUESDAY - MAY 25, 1993

PRESENT: Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe, Dave Wurster, Scott Emerson, Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research

PUBLIC PRESENT: Wm Dorrow, John Clark, K. Schmidt, J.W. Hlinak, Gary Haput, Mike Bungo, Norma Bugno, Alan Pierce, George Schmidt, Mark Leist, Pat Leist

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m.

REZONING #68 - R-2 TO R-4:

Mike Farrell, Director of Planning & Research gave a brief explanation what the applicant was planning on rezoning parcel 1-6 from R-2 to R-4.

George Schmidt - 232 Silver Creek Road (Applicant) said he would like the property changed from R-2 to R-4 to complete the construction of the Mobile Home Park.

John Hlinak - 234 Silver Creek Road (former owner of Bide A Wile Mobile Home Park) - No objections on lot 4 which he owns. Lots 1-4 already zoned R-4 is what was started 10-12 years ago and Mr. Schmidt is now at the point for construction in that area. There were mobiles on those lots in the past.

Patricia Leist - Willow Road - about a year ago it was brought up that Willow Road was in bad condition and it is now being maintained on a volunteer basis by members of the road. Father Gauthier and members of the church did asphalt part of Willow road up to the creek.

Her main concern was that the trailer park would be accessing off Willow Road. Her understanding at the last meeting when this was discussed this was not suppose to access off Willow Road and it has. There are permanent mailboxes and a light pole there.

Mark Leist - 730 Willow Road - His objection to this was if this is passed, the traffic on Willow Road even go higher and the bridge on the road cannot take this traffic. He felt if it is passed then another access should be off the road for fire protection, ambulance service, etc. and people have access coming in and out of there and we do not have that now.

John Clark - 750 Willow Road - Concern on the extra traffic on Willow Road.

William Dorrow - 740 Willow Road - Why change from R2 to R-4 Zoning?

Al Pierce - County Road 456 - Little Lake - When this was discussed at the Planning Commission at a past meeting - he was engaged to represent Mr. Schmidt and present his case for rezoning to the Planning Commission. Since that time there has been several changes in improvements in the mobile home park. Some changes involve the land that Mr. Schmidt has regarding frontage of Willow Road, as well as an agreement that he has obtained additional parcels. Another major change since the last time this was

presented was that Mr. Schmidt does have some legal access to Silver Creek Road via easement.

The road way itself has been improved from the condition that it was in the last time.

Mr. Schmidt has demonstrated a desire to meet the requirements of the Township sewer utilities. The expansion, if approved will continue to add to the Township's Sewer Utility fund.

The Master Plan that the Township has adopted identifies the need for the diversity of housing types within Chocolay Township. There are relatively few areas within the Township where mobile homes can be placed. Without expansion of the mobile home park this would be certainly one area where this diversity could be encouraged.

One of his observations as these lots are developed and are made for occupancy, they would be immediately filled, as there is definite need throughout the County for this type of development.

One of the major issues that came up the last time this was discussed involved Willow Road. Willow Road has been a problem for the Township for many years and the problem will probably continue for sometime in the future.

It is his observation that Mr. Schmidt is developing the Mobile Home Park would be maintaining the road for the benefit of his renters and whatever damage occurred he would have to be in a position for maintaining and keeping up because simply his renters need to drive out on a relatively smooth road.

In closing he wanted to add his voice that hopefully the Planning Commission would consider recommending approval to the Township Board for this revision of the Zoning District and that it would bring its districts to include performance for existing patterns of land ownership and to allow for the development of the improved park land.

Patricia Leist - inquired if there are plans to asphalt from the drive out to the other drive to the other asphalt section to Willow Road.

Resident also talked to Father Gauthier because the church put in the asphalt portion of Willow Road and he had a concern because of the heavy trucks and trailers going over that asphalt and there were already wear and tear. She felt there should be some kind of joint action for the maintenance and repaving, etc.

William Dorrow concern about 16' proper road right of way.

Bill Sanders, Chairperson asked if there any further public comments regarding Rezoning #68 - R-2 to R-4.

There being no further public hearings, Bill Sanders, Chairperson closed the public hearing session of the meeting.

REGULAR MEETING CALLED TO ORDER:

ROLL CALL:

Roll call was taken with Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe, Dave Wurster, Scott Emerson and Don Wickstrom present.

APPROVAL OF THE MINUTES OF APRIL 27, 1993:

Mike LaPointe correction on page 9 - the motion read Bill Sanders moved, Mike LaPointe second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road application and plans be approved, as submitted, and amended, with the following conditions.

Correction to read that Mike LaPointe moved, Bill Sanders second the motion.

Bill Sanders - page 3 - 3rd paragraph last sentence it should say but the area would then percolate towards the area.

Bill Sanders - page 1 - 3rd sentence from the bottom - Mike Farrell introduction. This would be the main structure.

Bill Sanders, Chairperson asked if there any other corrections regarding the minutes of the April 27, 1993?

There were no further corrections.

Max Engle moved, Mike LaPointe second that the minutes of April 27, 1993 be approved as corrected.

Motion Carried 7-0.

APPROVAL OF MINUTES FROM MAY 3, 1993 SPECIAL MEETING THE TOWNSHIP BOARD:

Mike LaPointe stated that the minutes were awfully abbreviated.

Estelle DeVooght didn't take any minutes at all at that meeting and wasn't requested to do so.

Item #1 - Single Structure per lot read from the minutes.

Mike Farrell, Director of Planning & Research stated that these were minutes that were excerpts of the Township Board minutes. Identical to the Board minutes and there was no Secretary at the meeting.

Bill Sanders, Chairperson asked if there were any further amendments to the May 3, 1993 Special Meeting?

Scott Emerson - Recreation - on the 4th line (add hiking trails development.)

Scott Emerson - #7 Lighting Regulations - he suggested that we utilize regulations existing in certain cities of the West such as Tucson, Denver utilized for glare of the commercial zones that was a suggestion. He felt this was something that should be pursued.

Bill Sanders, Chairperson asked if there any other questions and/or comments of the minutes of May 3, 1993.

Bill Sanders moved, Don Wickstrom second that the Special Planning Commission Meeting Minutes of May 3, 1993 be approved as amended.

Motion Carried 7-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders, Chairperson asked if there any other additions to be added to the agenda?

Mike Farrell - request that under New Business Item A under New Business be moved to Item A under Old Business.

Bill Sanders, Chairperson asked if anyone was opposed to that request? Nobody was opposed.

Bill Sanders asked if there were any other changes for the agenda? There were none.

Max Engle moved, Scott Emerson second to approve the Agenda as corrected.

Motion Carried 7-0.

PUBLIC COMMENT:

No Public Comment - Bill Sanders, Chairperson closed the first Public Comment Section of the meeting.

NEW BUSINESS:**CONSIDERATION OF REZONING #68 - R-2 TO R-4:**

Bill Sanders, Chairperson said now is the time if you had questions regarding Rezoning #68 - R-2 to R-4.

Bill Sanders, Chairperson had a question for Al Pierce that we said there is now legal access to Silver Creek Road and asked if it showed up on the map. It did not.

Al Pierce stated that with one of the property acquisitions that Mr. Schmidt had obtained from Mr. LeBeouf he had received an access easement directly to Silver Creek Road. Those rights were also extended by the document to the Schmidts.

Mr. LeBeouf had an easement - he also transferred those rights along with ownership of the land to Mr. Schmidt that would access to Silver Creek Road so there is a legal access from the stream up to Silver Creek Road.

Dave Wurster - question on the viability of the bridge. How is it constructed and how sound is it, etc.

There are two or three culverts.

Resident said if a new bridge be put in, it could be a big difference. When the old one was washed out, we did have access to the South side which we don't have anymore.

Mike Farrell - a couple of things that may be added that in reviewing the Comprehensive Plan - the statements that were made that low income and low cost housing in general are not available in the Township that still holds true at this time. The most recent census of 1990 shows that we have 2,340 structured homes in the Township.

2,001 - Single Family
120 - Multi-Family
219 - Mobile Homes

That brings mobile homes up to 9.3 percent. Down from 1980 percent of mobile homes which was 10 percent.

Mike Farrell has been approached by numerous people where can mobile homes be put in the Township? At this point we are limited to the two mobile home parks and Brookfield Subdivision.

Mobile home parks in the Township make up about four hundredths of the total land owners of the Township.

It was stated the people are renting the lots, but own their own trailers.

Scott Emerson asked what kind of residential development we should encourage? What do people want?

Estelle DeVooght - Single Family.

Scott Emerson - What is the projected growth for the next 10 years? What percentage of our projected growth and need for housing is this going to represent?

We should develop parcels as Single Family homes like the majority of the Township wants to do.

Bill Sanders, Chairperson - parcel are proposed to be rezoned.

Three of the six lots have mobile homes on them now. One of the parcels in between also has a mobile home, two parcels are vacant.

Max Engle - the additional lots we are looking at on the parcel that Mr. Schmidt is talking about rezoning are less than 1/2 of what he was talking about putting in the first place.

It looks like approximately 14 additional lots.

After much discussion, Bill Sanders, Chairperson said he had no problems with that being rezoned to R-4. The only problem he had was the access to Willow Road.

Mike Farrell, stated Willow Road is a private road. There was a Willow Road issue and it was suggested in the past that the residents on Willow Road try to establish an association so that road could be maintained. It was attempted a number of times by Willow Road residents and Mr. Clark contested to that.

Mike Farrell said he went out to look at the road where the Church and Mr. LeBeouf has taken great stride in maintaining the road up to his apartments structure.

The road has been improved up to County Standards with gravel and going to ditch the sides for drainage.

Question is Willow Road an approved private road?

Mike Farrell stated that was in existence prior to our Zoning Ordinance so that is grandfathered in as a private road.

Max Engle - His concern before was the road. Mr. Schmidt has shown good faith on what he has done on the road and far as upgrading the road, it is in considerably better shape than it used to be.

Dave Wurster asked why was it changed to R-2 in the first place?

Mike Farrell stated the previous owner requested the change.

John Hlinak (previous owner) - the reason was if the mobile home was pulled off lot 1 - the blank lot 4 or 5 he was unable to replace it under R-4 because the lots did not meet mobile home specs so he requested it be changed back to R-2 so that if a customer came in he could obtain them as tenants. At this point, Mr. Schmidt is now doing what he had planned to and started to develop South of Silver Creek Road. At this point it does meet specs of mobile home parks.

Bill Sanders asked if anyone from the audience had any other questions or comments.

William Dorrow stated the road can be given a one shot in the arm to make it look good. Drive it in the rough season when he tried to maintain and upgrade the road and it was in terrible shape.

His concern was that the Township is saying that they won't drive a fire truck across it.

John Hlinak said they did put the fire truck on the bridge that he built when his house burnt a year and half ago.

When Mr. LeBeouf owned that property he had to change it because he still under easement that is South of the creek. If it goes out again the land owner is going to have to replace it.

Bill Sanders - the Planning Commission doesn't want this to turn into a Willow Road discussion.

Max Engle said if there is going to be some added traffic it would seem to get the culvert replaced if he has the mobile park there and a number of trailers that have to be serviced by the road. It would seem that there would be a better chance to have the culvert

replaced if it does go out than if it wasn't there and if he didn't have access to Willow Road. Granted there may be some added traffic that would maybe cause a slight deterioration factor, but then you would have a better change of getting the culvert replaced with Mr. Schmidt there than without him there.

Bill Sanders said since this was last brought up in front of the Planning Commission we know that the applicants have upgraded a section of the road, the church has upgraded their section adjacent to Silver Creek Road and even some of the neighbors have. Has anyone else made any attempt to upgrade?

The road is upgraded and in better shape than it was a couple of years ago.

There was a comment regarding added traffic going out of Silver Creek with regards to the apartments, two churches, the school and new development around the area. Something the Township needs to do is that we need a stop light before someone gets killed.

Bill Sanders felt that in addition to the reasons given in the staff report the applicant has shown good faith to attempt to upgrade Willow Road from his development to North.

Bill Sanders moved, Max Engle second that the Chocoyay Township Planning Commission recommend to the Chocoyay Township Board that the following parcels be rezoned from R-2 to R-4 as requested in Rezoning #68; Section 7 T47N, R24W

Parcel #1 - The N. 100' of the S. 426' of the W. 300' of the NE 1/4 of the NW 1/4

Parcel #2 - That part of the S. 400' of the NW 1/4 of the NW 1/4 adjoining E. of Willow Road.

Parcel #3 - N 1/4 of the NW 1/4 of the SE 1/4 of the NW 1/4.

Parcel #4 - N. 100' of the S. 226' of the W. 150' of the SW 1/4 of the NW 1/4 of the NW 1/4.

Parcel #5 - S. 100' of the W. 150' of the SW 1/4 of the NE 1/4 of the NW 1/4.

Parcel #6 - E. 150' of the W. 300' of the S. 100' of the NE 1/4 of the NW 1/4.

for the following reasons:

1. The rezoning request meets the Township Comprehensive Plan guidelines.
2. It will provide housing opportunity for present and future residents.
3. It should meet the needs of individuals searching for lower income housing.

Discussion:

Scott Emerson was concerned about a buffer in regards to R-4 Zoning adjacent to other property.

Max Engle - doesn't think the Planning Commission can stipulate that.

Mike Farrell, referred to the Plan that was submitted.

Scott Emerson asked about adjacent to Silver Creek?

Bill Sanders asked are there any State Guidelines for mobile home park buffers?

Mike Farrell said Mr. Schmidt plans were approved prior to the new regulations for trailer parks. It does comply with older regulations.

Bill Sanders - the request is to approve the rezoning, not the plans.

There were no other discussion.

Motion Carried 6-1.

CONSIDER USE #29 - GIBBS:

Mike Farrell explained the cart storage facilities. Since opening the golf course this year Mr. Gibbs perceived the need for a building for carts owned by the golf course.

Mike recommended approval be granted for the developing of the cart structure.

Joe Gibbs said the building will be built part way in the hillside where part of it is exposed and part of it will be concrete block.

The object is to keep the carts in the cart structure when not being used so that the dew and frost, etc. won't get on them. This is approximately for 12 rental carts.

Scott Emerson moved, Max Engle second that the Chocoday Township Planning Commission approve the addition to the existing conditional use, as portrayed on the plans submitted with the following conditions:

1. That Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator prior to start of construction.
2. That the necessary permits as required by Federal, State, and Local Agencies be acquired prior to project commencement.

Motion Carried 7-0.

Mike Farrell noted that the Chocoday Downs Plat was approved by the Chocoday Township Board and was not at the County.

DISCUSS AND REVIEW TEXT CHANGES FOR ZONING ORDINANCE - PRIVATE ROADS, MOBILE HOMES, SINGLE PRINCIPAL STRUCTURES, DENSITY REQUIREMENTS, SETBACKS, ACCESSORY STRUCTURES:

MOBILE HOMES:

Mike Farrell went over the language for developing and establishing living space and general standards in the township.

This would allow for most types of homes in residential areas, but would eliminate single wide mobile homes.

He is uncomfortable with language that would require the Zoning Administrator to use his judgement on the compatibility with the residents of the areas.

The Commission discussed camps in Rural Districts.

Mike Farrell said the township has two individuals that have gone and built. The Zoning Administrator has come upon them and notified them that they are not in compliance and are illegal.

More discussion on camps continued:

Scott Emerson said we need to insure some sort of quality.

Bill Sanders said it was stated that the Planning Commission couldn't do that. If someone doesn't care what their yard looks

like, you can have as many laws as you want and they still wouldn't care.

Scott Emerson said that is so, but you could write language that would not be overly discriminating but at least require some minimum standards.

Mike Farrell stated it gets into enforcement. At this point we do not enforce building codes, that is handled by the County.

Bill Sanders stated if somebody builds a camp they also have to obtain a building permit.

Scott Emerson asked do you need a building permit for a mobile home?

Bill Sanders said there is a permit. It is not a general building permit. It may be issued by the Department of Transportation or Department of Commerce.

Mike Farrell will try to put together some information dealing with the options that were discussed.

Scott Emerson suggested that Mike contact Planning Societies out of the State concerning hunting camps.

It was asked if we were a member of CUPPAD. The Township hasn't been a member of CUPPAD for a couple of years.

PRIVATE ROADS:

Mike Farrell went over the language on private roads.

Mike Farrell went over the table presented in the Planning Commission's packet regarding R-1, R-2, and R-3 districts are residential areas. Districts that are currently being built up - most of the lots are close to what our minimum lot size are. He is suggesting that those areas because of residential development occurring at least a pavement of 20 feet. That is an asphalt surface - 2" of asphalt with 5" of gravel and 2 foot shoulders.

Mike explained the County Standards.

R-4 Districts - are mobile home districts. Those requirements and necessary codes have to be met in the Mobile Home Code. We do not have to deal with the issues on private roads in mobile home parks.

Mike also suggested that road be wider in commercial districts, 30 feet of 2" Bituminous base, 5" gravel base, 4" gravel shoulder. The reason he is suggesting that it be wider is because if a private road has been developed for commercial uses, you have deliveries that have to be made, large trucks and customers use of the road. This is for safety standards, etc. it is necessary for wider roads.

One of the other items that were brought up and was circulated to the staff was maybe C-1, C-2, C-3 districts we may want to require that those roads be brought up to County Standards to all season roads. Possibly in C-3 district because that is more an industrial type of business and may have more heavier types vehicles going on. Will have to do more research and will find out exactly what all season standards are.

Max Engle asked what the difference between a private road and driveway.

Mike Farrell said a private road is for public use and driveway if for private land owners use.

Bill Sanders stated if you were going to develop a parcel that didn't have access to a road and you have an easement across the neighbor's property to get to that house that would be a private

One of the other items that were brought up and was circulated to the staff was maybe C-1, C-2, C-3 districts we may want to require that those roads be brought up to County Standards to all season roads. Possibly in C-3 district because that is more an industrial type of business and may have more heavier types vehicles going on. Will have to do more research and will find out exactly what all season standards are.

Max Engle asked what the difference between a private road and driveway.

Mike Farrell said a private road is for public use and driveway if for private land owners use.

Bill Sanders stated if you were going to develop a parcel that didn't have access to a road and you have an easement across the neighbor's property to get to that house that would be a private road across that easement.

Mike Farrell said nobody can develop property in the Township unless it has access to public or private road.

Max Engle - concern him - not necessarily the asphalt and the gravel in the residential area and understands there was dust problems on Karen Road and that was a public road. C-2 and C-3 concern - it basically a road being used for business of their own deliveries why should we require a 30' lift with a base. A lot of businesses aren't for a public use. It may be used for just their vehicles that may be just dropping off things and their workers and employees. A 30' paved road is a little excessive.

Mike Farrell - just putting out information to the Planning Commission to get their ideas and input.

After discussion it was felt that it needs some quality standards.

SETBACK/ACCESSORY BUILDING:

Mike Farrell - present Zoning Ordinance states that an attached accessory doesn't exceed 14' in height and not exceed 720 square feet be located within 6' of side lot lines and 20 feet of rear lot lines.

Mike gave an example of one individual that was less than 720 square feet came in and wanted to put an addition on that structure that would increase it up to 1,000 square feet and had to deny him. He then requested another Zoning Compliance Permit to put another structure exactly next door to it which had to be granted.

Mike will do more research on this.

PUD:

Mike Farrell recommended to the Planning Commission to change PUD minimum acreage.

Discussion on 2 acres, 5 acres or 10 acres for both residential and commercial.

Scott Emerson would support 5 acres for both commercial and residential PUD. More flexibility within a commercial zone will be better looking.

Max Engle - example of Blondeau's - it is not a PUD but on a 2 acre parcel and is a nice looking project.

Bill Sanders agrees residential should be more.

Mike Farrell explained what some advantages of a PUD are.

Bill Sanders said we need to look into the commercial size for PUD in conjunction with Permitted Principal Use.

Scott Emerson suggested Mike get some ordinances from other townships to see how we can improve the greenery, the expansion, tree ordinances protection for our natural beauty.

He suggested a time frame be set up for each meeting for uses that were brought to the Board.

Bill Sanders said the Planning Commission should plug away at these and do the best they can.

Max Engle and Estelle DeVooght felt Side Condos need to be top priority at the moment.

Mike Farrell stated he and Mark Maki are going over a site condo ordinance compared to the Zoning Ordinance and subdivision control ordinance. Mike has discussed this with the township attorney.

Language may be available for a public hearing in June.

PLANNING DIRECTOR'S REPORT:

Mike Farrell informed the Commission about the North Country Trail.

Scott Emerson inquired about private funds availability for trail development.

Mike Farrell stated private funding doesn't realistic foresee meeting the needs development of trails, etc. Trails means acquisition of land and land doesn't come cheap.

The Commission discussed the creation of an Ad Hoc Recreation Committee.

Max Engle felt 5-7 members was not enough members and you don't want an unruly committee, but you are limiting the participation of the public. Maybe a number should be more in the neighborhood of 25 members.

The Board will decide on the number on the Committee and responsibilities of the committee.

Mike showed a proposed amendment to the O'Dovero P.U.D. that will be considered at the next Board meeting. The Planning Commission felt that there would be no problem in granting the requested amendment.

PUBLIC COMMENT:

Bill Sanders asked if there was any way to deal with numerous documents given to the Planning Commission by the public at meetings?

Mike Farrell said he would look into this problem.

Scott Emerson want to work on some of the top priority items addressed by the Board and the Planning Commission.

No other public comment, the meeting was adjourned at 10:45 p.m.

Estelle DeVooght

Estelle DeVooght
Planning Commission Secretary

CHOCOLAY TOWNSHIP

PLANNING COMMISSION

TUESDAY - JUNE 22, 1993

PRESENT: Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe,
Dave Wurster, Don Wickstrom

ABSENT: Scott Emerson

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Mark Maki, Director of Assessing & Zoning

PUBLIC PRESENT: Ray Hosking, Dan DiLoreto, John Sutton, Lee
Ruehle, John DeVooght, Cathy DeVooght, Clyde D. Vadnais,
Joan Olson, Terry Huffman

PUBLIC HEARING:

Bill Sanders, Chairperson call the Public Hearing to order at 7:30
p.m.

REZONING #69 - RP TO RR-2:

Mike Farrell, Director of Planning & Research gave a brief
explanation what this pertained to.

Cathy & John DeVooght have requested the Planning Commission
consider rezoning property described as:

Section 28 T47N, R24 W

That part of the Southwest Quarter of the Northwest
Quarter lying west of Little Lake Road

They are requesting that this be rezoned from RP to RR-2.

Estelle DeVooght, Planning Commission Secretary read a letter into
the record from Joe Wietek - dated June 19, 1993 and Cathy DeVooght
- dated June 21, 1993 which were not received in time for the
delivery of the Planning Commission's packet.

Cathy DeVooght - 6341 U S 41 South (Applicant) read a letter from
herself dated June 16, 1993, which was included in the Planning
Commission's agenda packet regarding Lucille Scotti's letter of
June 14, 1993.

Cathy DeVooght also referred to the Intent of RR-2 zoning on page
18 of the Chocolay Township Ordinance dated May 1977.

Cathy also stated that this land was unsuited for Forest Production
and farm land.

Clyde Vadnais - 1912 West Ridge - interested in buying this
property and building a home on the property. It is a nice piece
of property.

Bill Sanders asked if there were any further public comments
regarding the public hearing on Rezoning #69 - RP to RR-2.

There being no further public comments Bill Sanders closed the
public hearing session regarding Rezoning #69 - RP to RR2.

REZONING #71 - TEXT AMENDMENT:

Mike Farrell, Director of Planning & Research stated this was
concerning proposed language regarding Section 101 definitions for
single family, two family and multi family dwellings. Section 401

General Regulations and Section 506 - Uses Permitted, Minimum Size and Fees (B) Minimum Planned Unit Development Size.

It was also stated that a PUD is meant to be flexible.

Mike Farrell is suggesting - 5 acres for commercial PUD and 10 acres for residential PUD.

Mark Maki is in support of a change for residential PUD. Two acres is not a large enough parcel for Residential PUD. Making a district larger allows for site planning.

Bill Sanders asked if there were any public comment on Rezoning #71 regarding Text Amendment?

There being no further public comments Bill Sanders closed the public hearing session regarding Rezoning #71.

PRIVATE ROAD APPROVAL - HOSKING:

Section 18, T 47 N, R 24 W

Beginning at the Northwest Corner of Lot 46 of Woodvale No.3; Thence North 0°23'54" East, 142.86 feet along the West line of Lot 45, Woodvale No.3; Thence North 19°41'03" East, 68.15 feet along the West line of Outlot I and including Outlot I of Woodvale No.3; Thence North 5°10'33" West, 150.00 feet along the West Line of Lot 44 of Woodvale No.3; Thence North 78°09'49" West, 150 feet along the South line of Lot 42 of Woodvale No.3; Thence South 82°39'34" West, 435.31 feet, Thence South 6°45'32" East 300.00 feet to the Northwest corner of Lot B; Thence South 87°39'52" East 532.18 feet to the northwest corner of Lot 46 of Woodvale No.3, to the point of beginning.

Cathy DeVooght asked what the property was rezoned as.

It was stated the property is rezoned R-1.

Bill Sanders asked if there were any more public comment regarding Private Road Request - Hosking.

There being no further public comments Bill Sanders closed the public comment session regarding the private Road Request - Hosking.

There being no further Public Hearings, Bill Sanders closed the Public Hearing session of the meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 8:00 p.m.

ROLL CALL:

Roll call was taken with Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe, Dave Wurster and Don Wickstrom present.

Scott Emerson was absent.

APPROVAL OF MINUTES OF MAY 25, 1993:

Bill Sanders asked if there were any additions or corrections to the minutes of May 25, 1993. There were none.

Estelle DeVooght moved, Don Wickstrom supported that the minutes of the May 25, 1993 Planning Commission be approved as presented.

Motion Carried 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders, Chairperson asked if there were any additions or changes for the agenda. There were none.

Bill Sanders moved, Max Engle supported to approve the agenda items as presented.

Motion Carried 6-0.

PUBLIC COMMENT:

Cathy DeVooght reserved comment for New Business - A - Consider Rezoning Request #69 - RP to RR-2.

Dan DiLoreto - 301 West Main - requested that under Old Business - Consider Lot Split - DiLoreto to be tabled. He wants time to review written responses from Mike Farrell and Mark Maki. Mr. DiLoreto just found out at 4:40 p.m. today that this item was being placed on the Planning Commission Agenda tonight.

Mark Maki - comment on One Structure Per Lot. This item has been discussed since January 1992. No disposition had been made.

There being no further Public comment, Bill Sanders closed the first Public Comment session of the Planning Commission Meeting.

OLD BUSINESS:

CONSIDER LOT SPLIT - DILORETO:

Bill Sanders stated that Mr. DiLoreto has requested that the Planning Commission table this until he had the time to respond to written comments from Mike Farrell and Mark Maki.

Mike LaPointe moved, Estelle DeVooght supported that item under Old Business - Consider Lot Split - DiLoreto be tabled until the July Meeting.

Motion Carried 6-0.

NEW BUSINESS:

Consider Rezoning #69 RP to RR-2:

Don Wickstrom asked if this circuit court decision - is this the same issue.

Mike Farrell stated this was the same parcel.

After discussion on this it was stated that the Planning Commission is not dealing with the back history on this land.

Cathy DeVooght said the pre trial is set for August 23, 1993 for the current law suit.

Mike Farrell gave the history of the adoption of the Zoning Ordinance.

Clyde Vadnais - why doesn't the Planning Commission want to rezone the property?

Cathy DeVooght stated they have requested this to be rezoned three different times.

Max Engle asked if documentation of notification is on file when properties were changed from RP to RR-2.

It was stated property owner Notification isn't given when the whole zoning ordinance is being considered for final adoption.

Mark Maki stated the Township adopted an Ordinance in August 1976. At that time the property was zoned RR-2 as well as Little Lake Road to DeVooght's house and Karen Road beyond Engle's house. That

Ordinance was then voted out and County Ordinance - January 1977 was used. County used the same maps as the Township had because CUPPAD had developed them and when the County adopted the ordinance, they adopted the same maps as Chocolay. As the Township started working on the ordinance they got rid of the open space land because that was one of the objectives they expanded some of the commercial and some other change. On March 30, 1977 they held a public hearing on the proposed new ordinance. At that time the map showed the areas on Little Lake Road and Karen Road as RR-2. On March 31, 1977 the Planning Commission held another meeting and at that meeting the 840 acres were changed to RP.

Bill Sanders inquired if in 1976 this parcel along with a considerable amount of land was RR-2?

Mark Maki said this was correct.

Bill Sanders inquired when that Ordinance was voted out and when the 1977 ordinance was adopted, was this parcel zoned RP? He also inquired if this parcel was always zoned RP in the new Ordinance.

Mark said yes this was correct.

John DeVooght - March 31, 1977 he received the news paper in New Orleans and it showed what the property was going to be.

Bill Sanders thanked Mark Maki for information pertaining to the Zoning Ordinance.

Max Engle - as he stated before - he didn't know if this was the place to change it, at this point looking at the way the RP District is now changing 28.5 acres in that area basically puts it in the middle of RP except for the one side of the 28.5 acres.

Cathy DeVooght stated it didn't. It abuts RR-2 and will not be a spot zoning.

Max Engle stated it abuts RR-2 on one side.

Cathy DeVooght stated this is correct, but should be changed back to the way it was. She paid \$100 for this rezoning request, she didn't pay to get any other problems fixed. She paid for her problem to get fixed.

Max Engle said he understands what she is saying, but he also sits on the Planning Commission about rezoning and he is trying to make a statement and he also feels that under the circumstances that a variance probably should be granted, but he doesn't sit on that board.

Cathy DeVooght - stated she has been bounced back and forth from the Zoning Board of Appeals, Board and the County. A stand has to be taken on this. Either you are for or against it, you can't be in between.

Bill Sanders stated the Planning Commission will make a decision tonight.

Cathy DeVooght - stated Lucille Scotti, Joe Wietek, Estelle DeVooght and Rene DeVooght all whole heartedly supported the RR-2 District when it suited them. After Cathy & Johnny bought the property, they didn't want the RR-2 for them, so they changed the whole area. This is history between them and Cathy and John, but it proves that every time they try to get their property rezoned that they cannot obtain it.

Estelle DeVooght - this is not true - she is speaking for herself (Estelle DeVooght) - Cathy was living in New Orleans and didn't even live here when the property went to David DeVooght, it didn't have anything to do with her and Johnny - so she doesn't see why Cathy is bringing up old stuff, when they went around with the petition. The petition was circulated in a straight line.

Bill Sanders stated this was not part of the 1977 Zoning Ordinance. The 1977 Zoning Ordinance as adopted, this parcel was RP period. It makes sense to either rezone that parcel to RR-2 or it doesn't.

Anything happening prior to the 1977 Zoning ordinance being adopted is removed. The ordinance is what it is.

Cathy DeVooght - in the Zoning Ordinance it states what provisions for rezoning and appeals are and included as part of the ordinance. She has applied three times now for rezoning, when is she going to get provided with a rezoning?

Mike Farrell stated just because someone submits an application for a rezoning, doesn't mean that the rezoning will be issued.

Cathy DeVooght read two letters that were provided in the Planning Commission agenda packet from the following:

Chuck Schwennen - regarding soil samples
dated May 29, 1991

Mike LaPointe - USDA Soil Conservation Services regarding the
parcel & soil
- date wasn't clear, but approximately 1991

Mike LaPointe - comment on the letter that was sent to Cathy DeVooght and the recommendation from Mike Farrell regarding #4. It reads:

"The Comprehensive Plan encourages the preservation of prime agricultural and forest production areas from more intense types of land use."

This parcel is not a prime agricultural soil and forest production area. He would have a hard time including that as part of the recommendation to approve or deny the rezoning.

Based on the soil conservation study, it does clarify that the soil is not prime agricultural and forest production. He did go on site and looked at the parcel.

Bill Sanders stated that in planning to rezone property when a parcel can be used for what it is zoned and doesn't see anything that precludes using that parcel for RP and agrees with Mike LaPointe that the soil is not prime agricultural land, maybe you can't use it to grow a lot of crops, but Township does not have a lot of land in RP or open space that is prime agricultural land, but it is used what it is rezoned as.

Cathy DeVooght stated it is 10 acres of unbuildable property and cannot be used for nothing.

Bill Sanders stated the zoning goes with the land, not the people. Maybe the applicant doesn't see any value of that land as RP to grow Christmas trees or whatever, but the fact is it is RP land and can be used for a permitted use in that district. He supports the recommendation on that basis.

Dave Wurster inquired if we know the total number of nonconforming properties in the Township?

Mike Farrell stated there is a number of them that are grandfathered in prior to the adoption of the present Zoning Ordinance.

If they were a lot of record prior to the adoption of the present Zoning Ordinance they are buildable as a parcel in that Zoning District.

Bill Sanders stated there may not be a lot of legal parcels that are less than a 20 acre minimum required in RP, but that does not have any bearing on that land is zoned RP to drive planning in that

direction. If there are parcels there that are too small to conform with a 20 acre minimum that there is no basis or reason to zone everything RR-2,

Dave Wurster stated there is alot of basically RR-2 construction out in that particular area.

He compared it to when Bide-A-Wile was rezoned. One of the reasons the Planning Commission used for rezoning that area was that it was basically the zoning was R-4 all the way around it. The RR-2 property that existed in that particular area had mobile homes sitting on them already. IT made sense to the majority of the Planning Commission at that time that it was being used for mobile homes, it is primarily to put in housing in that area and would like to keep mobile homes in that area, R-2 in the middle of R-4.

Maybe we should be looking at particular areas being considered for rezoning from RP to RR-2. In this area it was at one time zoned RR-2, up until the adoption of the present Zoning Ordinance in 1977. At one particular time somebody said this was a good place for housing. Didn't know the reason why it was said and that now is not a good place for housing. Now we want it rezoned to have it RP.

Should we not take a look at this. There are 20 parcels out in this particular area that are in affect in RR-2. There are parcels that are five acres, four acres, or three acres or whatever and are dotted all over the place. Do we take a look at this and maybe this whole area should be rezoned back to RR-2. Is that an appropriate use for that particular area at this particular time? Do we then basically make any nonconforming use of the property out there conforming?

Maybe we should be looking at more than this particular parcel. In doing this one, it may be called spot zoning. Taking the whole section and say for all practical purposes this is already zoned RR-2 property.

We as a board of the township board should be looking at the whole area and have in fact an RR-2 out there already. Unless it can be shown a compelling reason why it was changed to RP in the first place and why it should stay that way.

Bill Sanders stated that is not the issue tonight, we are here looking at one parcel of land.

Reference to Bide-A-Wile Mobile Home Park project, the configuration of that is initially different than what we are looking at presently.

Mike Farrell stated present zoning is preservation for agricultural lands. As more land gets developed and encroaches on the agricultural land, the higher demand for land is in that area, more pressure is put on the farmers, using the open space land subdividing. We need to use zoning as a protection to control the cost of service to the Township. If we would allow the expansion of the RR-2 in that location, it could eventually allow more expansion there, then you are encroaching on family farms and those types of things that have been there for a long period of time.

Cathy DeVooght - concerning - Laurich - to say you cannot take a little corner and make it RR-2 is ridiculous. Because that is exactly what they did nor Laurich. It is stuck out there in the middle of RP. It is what was done for Laurich.

Don Wickstrom inquired when Mike Farrell explained the area there was a line which went from Townsend's property across and below that was the RP.

Mike Farrell said yes this was so.

Don Wickstrom inquired has any of the 840 acres been rezoned to RR-

2? As he looks at the map, the Laurich property is North of the line.

Mark Maki stated that the 840 acres that was rezoned and changed on the tentative maps on March 31, 1977 all still remain in RP.

Don Wickstrom asked if the little sliver of property that is being discussed in his opinion would this be a spot zoning.

Mark Maki stated it abuts the RR-2 on both sides.

Don Wickstrom stated as Max Engle pointed out earlier it abuts only on one side.

Max Engle wanted to comment on the R-4 - basically when the Planning Commission rezone the R-4, we did that and eliminated some spot zoning that was there in the past.

He then stated there are at least 10 lots on Karen Road that are in the RP District and they are non-conforming.

Approximately another 5-10 lots along Little Lake Road at least they are scattered throughout the whole area, they are not all in one spot. There is section along Karen Road - six in a row, Poplar Trail and there is some more up there. There is no pattern where you can take a section out and say they are already small lots, they will make a RR-2 area.

Estelle - doesn't think there is any small parcels from the line to the end of the Chocolay line on Little lake Road. The only one may be Mrs. Hansen's. Doesn't think there are any other properties where there are houses. Is this true?

Max Engle inquired where is the end of the Township line on Little Lake Road?

Estelle DeVooght - Dupras house is the last property just pass their house. Dupras camp and they own 150-160 acres. Close to 8,000 acres that are zoned RP in that block.

Bill Sanders stated the fact that you cannot build on a parcel doesn't make a parcel valueless.

Cathy DeVooght wanted to inform everyone that out of approximately 5,000 people in the township, there are no more than approximately five farms in the whole township. Doesn't know who we are protecting this farm land for. Everyone who moves to this Township doesn't want a farm, they want to live here because it's pretty and five acres to build a house is more than enough for a person to maintain.

She read the petition to void the petition that was provided for in the agenda packet that pertained to the voiding of the petition that was circulated by Rene DeVooght that the zoning remain as presented at the public hearing on March 30, 1977.

Bill Sanders inquired what the date on the petition was?

Cathy DeVooght stated the date was April 28, 1977, was presented to the Board on May 9, 1977 and specifically asked to void the petition that was circulated by Rene DeVooght.

Max Engle commented that he hasn't changed his mine on the petition. If we were talking about the whole 800 acres, he might consider that. When we are talking about 28.5 acres in an area of approximately 5,000 acres that is another matter.

Cathy DeVooght is requesting that be changed. Mr. Wurster said he thinks it should be changed to RR-2. She stated Max supported the fact that it should be rezoned RR-2 back in 1977.

Max stated about 800 acres he did.

Cathy DeVooght - all that got changed by that petition - whatever got changed should be back to the way it was.

She asked Mike LaPointe what his opinion was?

Bill Sanders moved, Don Wickstrom supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that Rezoning Request #69 to rezone that part of the Southwest Quarter of the Northwest Quarter lying west of Little Lake Road, Section 28, T47N, R24W, from RP to RR-2 be denied for the following reasons:

1. There are numerous buildable lots presently in the RR-2 zoning district.
2. Past and present policies of the Township have been to restrict development into areas that have been identified by the Comprehensive Plan as areas of particular concern.
3. The owner of the north portion of the property requested for rezoning is strenuously opposed to the rezoning.
4. The Comprehensive Plan encourages the preservation of lands for agricultural & forestry production from more intense types of land use.

Motion Carried 5-1

Cathy DeVooght asked when this would go to the Marquette county Planning Commission?

Mike Farrell stated as soon as the minutes have been prepared, he will take them to the County Planning Commission. From there it goes back to the Township Board.

CONSIDER PRIVATE ROAD APPROVAL - HOSKING:

Mike Farrell gave a brief explanation on the proposed Private Road Request - Hosking.

Private road would be built to township specifications - 18' width and meets the Marquette County Road Commission's specifications for 18' wide gravel road. It has a 66' right of way. It is provided for drainage. There is a cross section looking to put in 1' ditches on each side - 18' of improved surface, 2" gravel. The end of the road will be developed as a cul-de-sac per County Specifications.

Mike sent this up to the County Road Commission for their review and has not heard back from the County at this point. On face value they didn't have any problems with the connection to Woodvale.

In his suggested recommendation he would have Mr. Hosking meet all County Road Commission requirements.

Estelle inquired how many acres does this consist of?

Mike Farrell stated the lot is approximately 4.3 acres.

Water would drain towards Woodvale.

Ray Hosking explained the drainage.

Ray Hosking stated he went to the County to obtain a building permit. He then came to the Township and talked with Mike Farrell and Mike recommended him to apply for a rezoning.

Bill Sanders stated when this was discussed at the Zoning Board of

Appeals Meeting, he didn't think the people were opposed to the project, but they were opposed that he wouldn't have to go through the Private Road Request approval and most of the members gave their support if he would go through the Planning Commission's process.

Ray Hosking stated the road will be worked into the natural terrain of the area. One house will be developed.

Mike Farrell stated that a Soil Erosion Permit be obtained if the private road request is approved.

Mike Farrell stated he would like to see two addition items added to the recommended motion, which would be:

7. All ditches be seeded and mulched.
8. Ditch the donut hole in cul-de-sac to eliminate runoff to property.

Mike LaPointe moved, Bill Sanders supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road application and plans be approved, as amended:

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deed identifying the private road status and the responsibility for road maintenance, right-of-way maintenance, and drainage maintenance.
3. That open access to the private road be maintained for essential public services.
4. The proposed road be named Norway Trail.
5. That applicant comply with all requirements of the Marquette County Road Commission for connection to the county road system.
6. That the applicant obtain all the necessary permits from Local, State, and Federal agencies that are required for the development of the road.
7. All ditches be seeded and mulched.
8. Ditch the donut hole in cul-de-sac to eliminate runoff to property.

Motion Carried 6-0.

A ten minutes recess was taken.

REZONING #71 - TEXT AMENDMENT:

Mike stated the proposed language in Section 101 - definitions submitted remain in tact.

Under Section 401 - General Regulations language concerning the building code (storage areas in a home, etc.) wasn't deemed necessary in our Zoning Ordinance. This was omitted.

Max Engle suggested item number (F) submitted in the agenda packet be amended to read:

The dwelling has not less than two exterior doors with the second door being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door area or to porches connected to said door area where a difference in

elevation requires the same.

Section 506 Uses Permitted, Minimum Size and Fees:

Reason to create a PUD is to provide adequate planning in the development process with the ability to relax in zoning regulations, if appropriate. Larger parcel is needed.

Able to put in place some new planning concerns.

The PUD process was explained.

We have two (2) Planned Unit Developments (PUD) in the Township. O'Dovero's and the Angel Home.

Estelle DeVooght moved, Bill Sanders supported that we waive the reading and that the Chocolay Township Planning Commission recommend the Chocolay Township Board approve the following text amendments with changes as discussed.

(replace Sec. 101 Definitions with)

SECTION 101 DEFINITIONS

(add definitions to Sec. 101 Definitions and delete Multiple Dwelling, Single-family Dwelling, and Two-family Dwelling definitions)

DWELLING, SINGLE-FAMILY, a structure containing not more than one dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 401.

DWELLING, TWO-FAMILY, a structure containing not more than two separate dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 401.

DWELLING, MULTI-FAMILY, a structure containing three more dwelling unit designed for residential use, with or without separate kitchens or dining facilities, and conforming in all respects to the standards set forth in Section 401. These may include apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types, but not including hotels, motels, hospitals, or nursing homes.

(Replace Sec. 401 General Regulations with)

SECTION 401 GENERAL REGULATIONS

Every single-family dwelling, two-family dwelling, and multi-family dwelling shall have a minimum floor area of 800 square feet, and every dwelling unit in a multi-family dwelling shall have a minimum floor area of 600 square feet, provided:

(A) If computing the required floor area not more than 50 percent of the minimum floor area in the structure shall be below the average level of the finished ground surface adjacent to the exterior walls of the dwelling.

(B) It has a minimum width across any front, side or rear elevation of 18 feet and complies in all respects with the Marquette County Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Marquette County Building Code, then and in that event such federal or state standards or

regulations shall apply.

- (C) It is firmly attached to a permanent foundation constructed on a site in accordance with the Marquette County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- (D) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and under carriage removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
- (E) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (F) The dwelling has either a roof over-hang of not less than six inches on all sides, or alternatively with windows sills and roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second door being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- (G) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (H) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (I) The foregoing shall not apply to mobile homes located in a licensed mobile home park or zoning district R-2 except to the extent required by state or federal laws or otherwise specifically required in the ordinance of the Township pertaining to such parks and zoning district.

(replace the language in Section 506 Uses Permitted, Minimum Size and Fee, B. with the following)

The Planned Unit Development District shall not be less than ⁵⁰ ~~five~~ ^{two} (2) acres in actual lot size for a commercial or light industrial development and ten (10) acres in actual lot size for any residential development and shall be capable of being planned and developed as one integral unit. The minimum lot width of a parcel zoned PUD shall be not less than 200 feet.

Motion Carried 6-0.

PLANNING DIRECTOR'S REPORT:

Mike Farrell said he would try to have a representative from the North Country Trails attend the July Planning Commission Meeting.

He has not obtained permission from the Township Board to place the ad for the Ad Hoc Committee for Recreation.

PUBLIC COMMENT:

Estelle DeVooght inquired about the new companies that have taken over in Harvey on U.S. 41.

Mike Farrell stated since the adoption of the present Zoning Ordinance, it is zoned commercial and contractors are purchasing residences in that area for businesses. They are strictly businesses, nobody is living in them. A building permit (change) is required.

Don Wickstrom inquired about M 28 & Kawbawgam Road - building of Leo Glass.

Mike Farrell stated he does have a zoning compliance to build an office building. There has been a stop work order placed on the structure on the rezoning because he wasn't meeting the requirements.

Bill Sanders stated the rezoning has been tabled. He thinks there may be a six (6) month period if you have a building permit and you don't do anything, it elapses.

Mike Farrell stated he talked to Harley Andrews about the paper work being brought into the meeting and handed out at the meeting. We can't limit public input, but recourse would be to table the item.

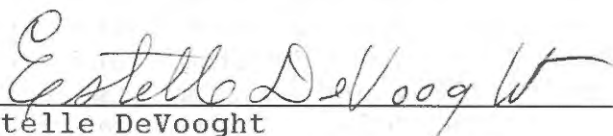
There being no further public comment, Bill Sanders closed the last public comment section of the agenda.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

Chocolay Township Board Minutes - April and May.

ADJOURNMENT:

There being no further business the Planning Commission Meeting was adjourned at 10:00 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP

PLANNING COMMISSION

TUESDAY - JULY, 27 1993

PRESENT: Estelle DeVooght, Max Engle, Mike LaPointe, Scott Emerson

ABSENT: Bill Sanders, Dave Wurster, Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Mark Maki, Director of Assessing & Zoning

PUBLIC PRESENT: Susan Wirtanen, Gary Gorsalitz, Diane Mankee, Mike Cauley, Lee Stuer, Rick Heikkila, Donna J. Heikkila, Mark A. Heikkila, Kerri S. Heikkila, Dale W. Berquist.

PUBLIC HEARING:

Max Engle, Vice Chairperson called the Public Hearing to order at 7:35 p.m.

PRIVATE ROAD REQUEST - HEIKKILA:

Mike Farrell, Director of Planning & Research gave a brief explanation what this pertained to.

This private road request would be about 1/4 mile long off Timberlane.

Mark Heikkila - 268 Timberlane - Petitioner said he was in attendance to try to get Private Road approval so he can get a Zoning Permit.

Lee Stuer - Rumely - Needs access to his property which is beyond Mark Heikkila's property. At the time he bought his property it was suppose to become a County Road. The road was suppose to be open.

Mike Farrell - stated a petition was signed to have the County abandon the seasonal road. He also stated at the present time there are two processes:

1. Private Road process to have access and
2. Go back to the County to have them petition to have the road put back in.

The petition that was signed was to abandon that road. The property owners asked for that and the County Road Commission concurred with that and abandon it, and in that process you gave up access to that property.

Mark Heikkila asked if that allows for an easement?

Mike Farrell stated he would have to get easement from the private land owners prior to getting access.

Dale Berquist - 420 West Park Street asked if his son signed the petition? It was stated yes he did.

He also asked if the proposed road was going to end at Mark Heikkila's property? His son owns property after Mark Heikkila's property.

Mike Farrell stated the proposed road will go all the way to the section line.

Donna Heikkila - 244 Shot Point - Thinks there is a

misunderstanding regarding the petition. The road was made seasonal and was a County road to start. It was put in the paper and if you had any comments regarding the road being seasonal that you were suppose to appear. When it was put in as a legal description nobody was aware and didn't notice it in the paper. That was when the road was made seasonal, which meant nobody could get a zoning permit to build unless it was made a private road or a county road. They met with Mr. Beerling and Mike Farrell and they suggested the only way to do this is to put a paved County Road or an approved private road and people had to sign the petition to abandon it. She doesn't think it was their intent to abandon the County Road if the County was going to take care of it.

It was asked if this seasonal road gave access to the two property owners.

It was stated this was not paved. County gave up all rights when this was abandoned. There is no road.

A resident asked if the proposed private road would give access to the two property owners beyond the Heikkila's property.

According to the petition that was signed by the property owners the County was under the impression that they didn't want access.

Mike Farrell suggested that the property owners need to go to the County Road Commission regarding the petition that was signed.

Joe Gibbs - Eagle Pass Trail - When it was abandoned wasn't everything abandoned in Section 10 except 800' so the property owner could get into his property? Wasn't there an exception to that?

Mike Farrell stated that is something he would have to look into, but the general practice when the County abandoned the road, they abandoned all of it, otherwise it would end up with a county road with access only across a private road. Ultimately, the only other way you can get to the other segment is to use a private road that doesn't belong to the County or the public.

Mike Farrell said he has been in contact with the County and the County wasn't aware that they still own the land. County Road Commission has to take action on this. He advised the property owners to contact the Road Commission to see what action could be taken.

Mark Heikkila - petitioner - not looking into putting in a fancy road, just wants access to get to the property.

Mike Farrell stated the proposed private road would need to be extended approximately 800' to access to two parcels in Section 10.

Scott Emerson commented this was a two rut road.

Bob Johnson - stated he has built a kennel and has approximately 50 dogs. Hope there won't be any complaints made to Chocolay Township regarding the dogs and the kennel.

Some of the property owners that were in attendance stated he would probably get complaints because of the barking at various times during the night.

Donna Heikkila - 244 Shot Point - this is not going to be a different road. The road is there. Cannot obtain a building permit without private road approval.

Estelle DeVooght asked a question regarding the standards of the road.

Mike Farrell stated the proposed road doesn't meet the township Standards

There being no further public comments Max Engle closed the public comment session regarding the Private Road Request - Heikkila.

There being no further public hearings, Max Engle closed the Public Hearing session of the meeting.

REGULAR MEETING CALLED TO ORDER:

Max Engle, Vice Chairperson called the Regular Meeting of the Planning Commission to order at 7:50 p.m.

ROLL CALL:

Roll call was taken with Estelle DeVooght, Max Engle, Mike LaPointe, and Scott Emerson present.

Don Wickstrom, Bill Sanders, and Dave Wurster were absent.

APPROVAL OF MINUTES OF JUNE 22, 1993:

Max Engle asked if there were any additions or corrections to the minutes of June 22, 1993. There were none.

Estelle DeVooght moved, Max Engle supported that the minutes of the June 22, 1993 Planning Commission be approved as presented.

Motion Carried 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Max Engle, Chairperson asked if there were any additions or changes for the agenda.

It was requested that under New Business (A) - Presentation - North Country Trail - Gene Elzinga be moved up after the approval of the Agenda.

Mike LaPointe moved, Scott Emerson supported to approve the agenda with the change of the presentation of the North County Trails be approved.

Motion Carried 4-0.

PRESENTATION - NORTH COUNTRY TRAIL - GENE ELZINGA:

Gene Elzinga gave a presentation on the North Country Trails and its history.

They would like to bring the North Country Trails to Chocolay Township.

He presented the proposed routes.

North Country Trails is one of eight National scenic trails. When completed it will stretch across seven states, with a section running through the U.P. When completed it will be 3200 miles long and pass through seven states. (New York, Pennsylvania, Ohio, Michigan, Wisconsin, North Dakota.) Approximately 850 miles of the trail is in Michigan, with approximately 350 miles in the U.P.

Overall coordination for the trail is provided by the National Park Service. They provide planning assistance and some funds for trail construction. However, no money has been allocated for land acquisition.

The North Country Trail Association works closely with the National Park Service to administer nationwide trail activities. Except for a paid executive director it is a volunteer organization representing the various local chapters along the route.

The North Country Trail Hikers (NCTH) is a chapter of the Association and is responsible for the U.P. segment of the trail

where it passes over private land. The trail on public land is administered by the responsible agency such as the DNR, and the National Forest and Park Services. They work closely with these agencies and in some cases have assumed responsibility for building and maintaining the trail within their jurisdiction.

The major task of the NCTH is planning the trail route and contacting landowners for permission to cross their land.

Another major task of the NCTH is to organize volunteer efforts for trail construction and maintenance.

This trail would be for non-motorized vehicles.

Scott Emerson suggested that possibly the trail could go through Hotel Place, W Main Street - 41 & 28 a more aesthetic route would be created.

Max Engle thanked Gene Elzinga for the presentation.

Scott Emerson moved, Mike LaPointe supported that the Planning Commission supports the concept of the North Country Trail being made through Chocolay Township and we would like to see the trail being consistent and being dove tailed in with our Recreation Plan.

MOTION CARRIED 4-0.

PUBLIC COMMENT:

Joe Gibbs - 125 Eagle Pass Trail he commented on the following:

- (1) Signs - Eagle Pass Trail & M 28 E - Temporary Status.

Would like to see this as a permanent sign.

Sign regarding the opening of the golf course. Would like the Planning Commission include in the Zoning Ordinance allowing temporary status. This sign will probably be down in November.

- (2) Parking area - gravel now.

He said according to the Zoning Ordinance he is required to have a green area. There are two rows of parking.

If he would have a small green area, it could be neglected because maintenance for that would be a low priority. Also the maintenance when snow plowing could be a hazard.

Scott Emerson stated that green area could be made attractive with trees, etc. It would also be shade for parked cars.

Max Engle asked how many parking spaces are there? There is approximately 60-70. Green area required every 50 or more. Eighteen square feet within.

Mike Farrell stated that maybe the golf course is an unique situation. He would look into the planting for parking area. It may be different than a commercial because of the golf course being mainly green area.

This was approved as a Conditional Use, not a PUD. We accepted the plan under a Conditional Use. Parking lots & greenery requirements were in that Conditional Use.

Scott Emerson asked if Mr. Gibbs was made aware of this when the plans were submitted. It was stated yes he was made aware of this.

Another suggestion was that it could be made attractive by putting in some greenery and a couple of picnic tables.

Mike Farrell stated that we may need to expand to allow trees to

grow.

Mark Maki responded to the following:

(1) Signs - Advertising the Golf Course. There is no provisions in the R-1 District for signs. Thirty-two square feet is allowed for Churches, schools. There are 2 thirty-two foot signs presently for the Golf Course.

Normally signs have to be on the property. Golf Course does not have frontage on the property that the signs are on.

May have to obtain a variance from the Zoning Ordinance or the County Road Commission permission to have the sign advertising the golf course.

Gentz's have the same problem when they open the golf course.

Mark also gave Jack's and Snyders. They both have green areas on them.

The Zoning Board of Appeals is dealing with a variance now regarding parking lot and greenery.

There being no further Public Comments, Max Engle closed the first Public Comment session of the Planning Commission Meeting.

OLD BUSINESS:

A. CONSIDER LOT SPLIT - DILORETO:

Mike Farrell stated he received a call from Dan Diloreto that he was out of town and couldn't make the Planning Commission Meeting and would like this tabled until August.

Moved by Scott Emerson, supported by Estelle DeVooght to table the Lot Split Request for Mr. Diloreto until August.

MOTION CARRIED 4-0.

NEW BUSINESS:

B. CONSIDER ROAD NAME CHANGE - WILLOW ROAD:

Mike Farrell explained there is a section of Willow Road with access from Ortman Road that is owned by one land owner who is requesting the name change.

Presently there are two roads named Willow Road. You cannot drive through.

It could be a life and death situation for emergency services such as fire trucks, police, and other emergency personnel.

The owner is requesting the name be changed to Donna. The other suggested name was Besola Trail. These names are in the honor of her mother.

There is a conflict with the street being named Donna. There is a road in the Township called Dana Lane and some emergency personnel could get confused.

The Township Board has the final decision on the road name.

Mike Farrell said there were seven (7) property owners who live on that end of Willow Road were contacted.

Gary Gorsalitz - 915 Willow Road - said this could be an inconvenience with changing of the name because of all the documents the property owners may have, such as: insurance agents, employers, banks, friends, relatives, post office, credit card companies, utilities, etc.

Scott Emerson commented it could mean a life & death inconvenience if emergency personnel heard the wrong information.

Gary Gorsalitz stated he has lived on Willow Road for approximately 22 years and if the road name change be granted, it would be an unnecessary name change. There may be some legalities in this change.

Sue Wirtanen - 975 Willow Road - against the name change. She works 40 hours a week and feels spending time with her children is more priority than changing addresses on all of the necessary documents that would have to be changed. When she has to use directions to get to her address she says entrance is off Ortman Road. We now have a new landmark and people could say entrance by Cherry Creek School.

Mark Maki stated name is difficult. There is no sense having two roads called Willow Road. Granted it may be an inconvenience for property owners on that end of Willow Road now, but somewhere in the future the Township may be held liable if a life or death situation would arise in the future and the road name has been discussed and emergency situations were discussed and the name wasn't changed.

Mike Cauley - 945 Willow Road - He has lived on this end of Willow Road for approximately 21 years and feels that there may be some legalities in changing the name of this street.

Mike Farrell stated that the petitioner owns the land and the road.

Estelle DeVooght asked if the petitioner owns the land, could they shut off the access to the road.

Mike Farrell stated he would like to look into the legal issues pertaining to this. He would like to request this to be tabled until he can obtain information from the township attorney on the legal precedents of this change.

Gary Gorsalitz - 915 Willow Road suggested if the road name be changed, to possibly change it to South Willow Road.

Mike Cauley - 945 Willow Road - stated that the statement regarding emergency personnel getting to the correct end of the road, he has had to use the fire department and they had no trouble responding to his address. If a road name change is necessary, he would support South Willow Road.

Scott Emerson stated that the request by the petitioner is to change the name of the road, not to compromise.

Diane Mankee - 935 Willow Road - the woman making the request hasn't lived there and neither has the petitioner's mom.

Mike Cauley asked who has control over road names? It was stated that the Chocolay Township Board has the final say.

Scott Emerson moved, Estelle DeVooght supported that the Planning Commission table the changing the name of Willow Road until the legalities precedents are obtained.

MOTION CARRIED 4-0.

C. CONSIDER PRIVATE ROAD APPROVAL - HEIKKILA:

Mike Farrell stated we have run into a couple of snags:

1. Road layout - site plan incorporating the cross section of the cul-de-sac.
2. He stated he received a response from one property owner that hasn't agreed to be a part of the road.

Mike stated that there are two recommendations, which are (1) deny the private road or (2) table the until we can come up to an agreement.

He received land contracts and nobody was aware that the County still owned property where the road was abandoned.

After discussion and comments that were made during the public hearing, it was felt by the property owners were misinformed by the petition that the signed.

Mike Farrell stated there was no recommendation by the Township to abandoned this road when the petition was presented at a meeting with the land owners, township personnel and county.

Mark Maki stated that if the road was seasonal that land owners could obtain a zoning permit.

Estelle DeVooght gave an example of when the end of Karen Road was abandoned.

Max Engle stated that this would either have to be denied or tabled until Mike Farrell could obtain the information requested. Planning Commission cannot approve property that isn't owned by them.

Max Engle moved, Scott Emerson supported that the Private Road Approval for Heikkila be tabled until Mike Farrell can get a legal opinion information back to the Planning Commission with maintenance agreement.

MOTION CARRIED 4-0.

D. CONSIDER BUDGET:

Mike Farrell stated he presented the Planning Commission the proposed budget. He stated he is proposing the per diem for the Planning Commission Members remain the same and he is also proposing to keep the recording secretary for the Planning Commission.

He stated that in the 1993 budget he purchased the overhead projector and this has shown potential for the meetings.

It was suggested that a Cam Corder be purchased. Mike Farrell and Mark Maki thought maybe this could come from the Planning and Zoning Department's budget under Capital Improvements.

PLANNING DIRECTOR'S REPORT:

Mike Farrell gave a brief explanation on what happened with the DeVooght's Rezoning at the Township Board Meeting on July 19, 1993. It was voted 4-2 to deny the rezoning. It was also suggested by the Township Board that the Planning Commission look into rezoning that property all the way down to Karen Road. Mike Farrell stated he would do research on this and get the information back to the Planning Commission in the Fall.

Estelle DeVooght had a question regarding the clay being moved from property on Little Lake Road and if a Soil Erosion permit was obtained.

Max Engle asked if this would be in violation of our Mining & Mineral Extraction Permit.

It was stated the owner could say this was site preparation for building houses and sand necessary for septic, etc.

Mike La Pointe stated Soil Erosion Permits are more or less for Lakes and Streams Sedimentation.

It was suggested that possibly a local ordinance be made to deal

with blowing, etc.

It was also stated that the Mining & Mineral Extraction Ordinance does not deal with the typical site plan preparation.

It was suggested that the Mining & Mineral Extraction Ordinance be amended to deal with top soil.

It was also suggested that the ordinance maybe amended to say that no topsoil be removed off residential property.

Mike Farrell will research this and come back to the Planning Commission with language pertaining to this.

PUBLIC COMMENT:

Mark Maki commented on his memo to the Planning Commission regarding one principal structure per lot. He also demonstrated the reason for having one principal structure per lot.

Reason were:

- (1) Traffic -
- (2) Setbacks improper
- (3) Parking inadequate
- (4) Landscaping abandoned for parking lot
- (5) Access insufficient.

It was suggested that the Planning Commission send back to the board and require some minimum language for frontage be set.

Mike Farrell stated he would have to talk to Harley Andrews regarding fees.

Mike Farrell stated he would try to have some language regarding principal structure per lot for the August or September meeting.

Estelle DeVooght suggested that possibly the buildings could be connected.

It was stated that the problem is that nothing is spelled out regarding landscaping.

Scott Emerson stated he contacted the Michigan Municipal Planning League and received an ordinance regarding the Big Tree Ordinance and would like the Planning Commission to look into this language for an ordinance for Chocolay Township.

Mike LaPointe asked if a Recreation Sub-Committee has been formed. At the joint meeting of the Planning Commission and the Township Board permission was granted to have the Recreation Sub-Committee formed. It was stated that at that time three members board was being considered.

Mike Farrell stated he would like Township Board approval for the ad to be put in the paper requesting people to serve on the Recreation Ad Hoc Committee.

Mike Farrell also explained how this committee would work and how the grants for recreation were obtained through the DNR.

Scott Emerson inquired if the township was aware that there are acquisitions for land for recreation and parks.


Mike LaPointe would like to see the Recreation Ad Hoc Committee up and running. He stated he would be willing to help out on this committee.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

A. Memo from Mark Maki, Director of Assessing & Zoning.

ADJOURNMENT:

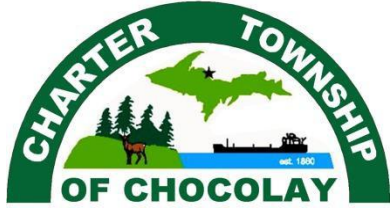
There being no further business, the meeting was adjourned at 10:20 p.m.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting in October, 1993.

There was no meeting scheduled.

CHOCOLAY TOWNSHIP

PLANNING COMMISSION

TUESDAY, SEPTEMBER 28, 1993

AS CORRECTED

PRESENT: Bill Sanders, Dave Wurster, Mike LaPointe, Estelle DeVooght, Scott Emerson, Max Engle

ABSENT: Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary

PUBLIC PRESENT: Wells Chapin, Karen Chapin, Joe Gibbs, Dan Trotochaud, Mike Bonanni

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:35 p.m.

REZONING #72 R-1 TO PUD:

Mike Farrell, Director of Planning & Research gave a brief explanation.

Gibbs Energy Ltd (Dan Trotochaud-developer) has petitioned the Planning Commission to rezone a parcel of property located in the South 1/2 of Section 10, T47N R24W, from the current zoning classification of R-1 to PUD.

Thirty-three (33) condos are being proposed, which would be duplexes, triplexes and fourplexes. These would be completed in three (3) separate phases.

The steps in obtaining a rezoning to PUD include going to the Planning Commission for approval of the preliminary plans and then after getting approval from the Planning Commission, the Township Board then approves the preliminary plans.

The developer has one year to finalize plans as specified in their preliminary approval and receive final approval from the Township.

Dan Trotochaud - 26 Specker Circle gave a brief explanation regarding the golf course joint venture.

Wells Chapin - 1777 M 28 E stated the golf course is very nice looking and very well maintained. Also felt Dan Trotochaud would do a good job in developing the condos at the golf course and thought the project would be a good idea.

There being no further comments, Bill Sanders closed the public hearing regarding Rezoning #72.

REZONING #73 TEXT AMENDMENT - FEES:

Mike Farrell stated the Planning Commission had a public hearing on April 27, 1993 and went through the process for approval. There was a sentence that should have been added which states [except that such fee shall not be required where the township or any official body thereof is the moving parts.]

There being no further public comment, Bill Sanders closed the public hearing session regarding Rezoning #73.

There being no further public hearings, Bill Sanders closed the Public Hearing session of the meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:50 p.m.

ROLL CALL:

Roll Call was taken with Bill Sanders, Estelle DeVooght, Mike La Pointe and Dave Wurster present.

Don Wickstrom, Max Engle, and Scott Emerson were absent.

APPROVAL OF THE MINUTES OF JULY 27, 1993:

Bill Sanders asked if there were any additions or corrections to the minutes of July 27, 1993. There were none.

Dave Wurster moved, Mike La Pointe supported that the minutes of the July 27, 1993 Planning Commission be approved.

MOTION CARRIED: 4-0

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

Mike Farrell requested an addition be made under New Business, which will pertain to a letter to be written to the Zoning Board of Appeals regarding landscaping.

Bill Sanders moved, Estelle DeVooght supported to approve the agenda with the addition of the letter to the Zoning Board of Appeals regarding the landscaping.

MOTION CARRIED: 4-0

PUBLIC COMMENT:

Mike Bonanni - 116 Alderbrook - voiced his concern regarding Whitty's Auto Body located at 6568 U.S. 41 south in Beaver Grove pertaining to junk cars and would like to request that something be done.

He stated he has property adjacent to the Auto Body Shop. He is concerned with his well and possible drainage of oil, battery acid, anti-freeze, etc. draining into the soil.

Mike Farrell stated he has spoken with Mr. Ruzinski and he does have a conditional use permit and is in a C-3 Zoning District.

He also requested well protection information, but has not received any information at present.

Mike Farrell also stated that Mr. Ruzinski commented that when he obtains the vehicles, he pulls out the oil pan, drains the radiator, etc.

Mike also explained that Mr. Ruzinski uses junk cars for his business to obtain parts and he feels he gets them hauled out in a timely fashion. He has to get 15 cars for a company to come and get them.

Mike Bonanni stated he didn't have a problem with the vehicles that are being fixed. He has a problem with the ones that are smashed. He also stated that the painting and sandblasting are being done outside.

Mike Farrell stated the Planning Commission doesn't have any jurisdiction, but will see what has been done and will give Mr. Bonanni a call.

OLD BUSINESS:

There were none.

NEW BUSINESS:**CONSIDER REZONING #72 R-1 TO PUD:**

Dan Trotochaud - 26 Specker Circle (developer - Gibbs Energy, Ltd.)

for the condominiums gave a presentation of what he planned on doing. The condos would mix well with the golf course.

The development of condominium projects in Michigan is closely regulated by statute. Act 59 of the Michigan Public Acts of 1978, as amended, by Act 538 of Acts the Michigan Public Acts commonly referred to as the Condominium Act, for the most part constitute the regulatory provisions of the laws of this State. They are enforced and supervised by the Condominium section of Commerce located in Lansing, Michigan.

The proposed plan includes 33 residential condominium units, all of which are planned as residential units. Phase One would include 11 of those units, Phase Two would include 11, and Phase Three would include 11 units. The time frame would be construction of Phase One - Spring of 1994, Phase Two - Spring of 1995, and Phase Three - Spring of 1996.

The land, shared utility systems, and most structural elements of the building will be general common elements to be used and maintained in common by all co-owners of units. The common elements will be maintained by Chocloy Downs Condominiums Association on behalf of all co-owners.

The private road running within the project is for the use of the co-owners and their guests. Chocloy Downs, A CONDOMINIUM, is served by mail, septic, gas, electric, telephone and cable service.

There are approximately (13.3) acres of land which is also located in the expandable area which may eventually become accessible to the Condominium co-owners.

We are proposing 33 condos vs. 20 single family lots. The wells and septic for this project will be adjacent to each complex, complexes will range from 2 to 4 units, each building will have two drain fields with the site for a third if necessary.

With two bedroom condos you have 66 bedrooms on this 13.3 acre parcel. The density of this condo project is 15,180 square feet per unit, or 123 x 123 feet per unit.

There will be more than adequate space for green areas and recreational opportunities within the plan as shown in the plot.

It is the intent of the developer to establish an escrow account that would be available to cover the cost of maintenance and replacement of each units well and septic system. An initial amount will be deposited at the time of first occupancy and a percentage of each units maintenance fee will be deposited until this escrow account is deemed adequate to cover any cost related to the system.

Grass, ground shrubs will be in the final plans.

With the Condominium Act you are required to form an Association. They basically control the whole project.

Rules and maintenance fee from the Association will follow. Rules and regulations must be put in the association.

Condos must be maintained by the Association.

The lighting will be aesthetically pleasing and each building will be clearly identified for emergencies.

It was stated forming an Association is very costly. Would like approval of the Preliminary Plans before going through the expense.

He stated that this a joint partnership and he has the time to obtain the permits, check on the legalities, etc. that is why he is the developer.

The following is a list of questions/concerns that were asked by the Planning Commission and answered by Dan Trotochaud.

Estelle DeVooght - once the building is bought, who is responsible

for the exterior/interior maintenance of the condos?

Dan Trotochaud - the Association would be the responsible for the exterior maintenance. The interior maintenance is the responsibility of the person living in the condo.

He plans to be a member of the Association and he intends to continue to be actively involved once the condo project is completed. He will assure that the maintenance, etc. is being done immediately.

There was a concern on the Master Deed of how maintenance would be provided?

Dan Trotochaud stated he would be looking at professional services available in the area and the community. When something needs to be done, he wants to be assured that it would get done and by hiring a professional, it would get done right away.

Mike Farrell - Concern on the density for the Ordinance for private roads and sanitation pickup. Certain density must be met.

Discussion on garbage pickup. Home owners put out garbage to street or a dumpster to be used.

Dan Trotochaud stated that he felt a dumpster would not be used.

Planning Commission members stated they liked the idea of the garage on the end of the condos, the maintenance agreement and the natural vegetation.

Mike Farrell - because we are working with a PUD as a requirement, we could require the Master of Deed would be filed at the County Clerk's Office.

There are deadlines for certain phases of a PUD.

It was asked who sets up the Association Rules and Regulations. it is set up by the Association.

It was stated maintenance fees taken in must be spend by the Association for maintenance. Developer can't spend it elsewhere.

There was a concern for the roof line. Mike Farrell stated he spoke with some members of the fire department and they inquired if fire breakers would be used.

Dan Trotochaud stated fire breakers would be used.

A question concerning the septic systems was asked.

There is a clause in a state act that says that if a developer of the Association ever failed to maintain their wastewater system that it becomes the responsibility of the local unit of government to maintain it.

The officers has discussed this before and the conclusion was that the developer set aside a certain amount of land and escrow account for usage so if there is a failure of the wastewater system, it wouldn't be a burden of the township to replace that system.

Scott Emerson arrived at the Planning Commission Meeting at 8:20 p.m.

It was stated 12 spaces are reserved for septic system, 8 of which will be developed.

It was a consensus by the Planning Commission that a more detailed site plan be presented before approval of the preliminary plans by the Planning Commission. They requested that the site plan show more graphics for density, septic system location, wells, condo placements, type of road. The Planning Commission likes the concept, but wants to see a more detailed plan layout.

Estelle DeVooght inquired if these were the same 38 lots as before when approval was given.

Mike Farrell stated this was a different development.

Mike Farrell stated we need something more concrete before preliminary approval can be given, even with conditions.

Dan Trotochaud - inquired that a more detailed sketch for Phase 1 for preliminary approval be presented and as a condition Phase 2 and Phase 3 will be evenly spaced.

Max Engle arrived at 8:30 p.m.

It was suggested a more detailed preliminary approval for Phase 1 be done and Phase 2 and Phase 3 would be comparable to Phase 1.

Mike Farrell stated in a PUD you are allowed a percentage of flexibility.

He also stated when preliminary approval would be granted that one of the conditions would be to request a letter from the DNR stating exactly what is required.

Bill Sanders stated the Township could request a public hearing.

After much discussion on questions and comments that were asked and answered, Dan Trotochaud stated he had no problem with submitted the plan, but doesn't want to tie himself in and spend a lot of money and possibly not obtain approval.

Mike Farrell stated he would meet with Dan Trotochaud and go over what he plans on presenting to the Planning Commission for their next meeting.

Estelle Devooght moved, Bill Sanders supported that the Planning Commission table approval of the preliminary plans for the condo project until more detailed information is obtained for the next Planning Commission.

MOTION CARRIED: 6-0

Mike Farrell concern about the future development of the golf course. There may be a possibility that a lagoon system may be required. it was suggested that maybe some land may be set aside for a lagoon system.

Joe Gibbs stated possibly 1/3 of the lots couldn't be developed because one side faces the Varvil Center and is unbecoming. It was suggested that maybe a buffer be put, the density wouldn't be there.

Dan Trotochaud thanked the Planning Commission for their time and consideration and would have the more detailed plans at the next Planning Commission.

It was stated that a decision would be made within 45 days.

CONSIDER REZONING #73 - TEXT AMENDMENT - FEES:

As discussed in the Public Hearing the sentence [except that such fee shall not be required where the township or any official body thereof is the moving party] be added.

Bill Sanders moved, Mike La Pointe supported that the Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

AMENDMENT

Section 702 of the Zoning Ordinance of the Charter Township of Chocolay shall be, and the same hereby is, amended to read as follows:

SECTION 702 FEES.

Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee

as required below, except that such fee shall not be required where the township of any official body thereof is the moving party.

- (A) Planned Unit Development;
- (B) Conditional Use Permit;
- (C) Variance Application;
- (D) Zoning Amendment;
- (E) Non-conforming Use Permit;
- (F) Home Occupation;
- (G) Zoning Appeal;

The Township Board, by resolution, shall set the fees for the above matters. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate.

MOTION CARRIED: 6-0

LANDSCAPING ORDINANCE:

Parking Lot Areas. Bill Sanders said this was the item that was added to the agenda. At the last Zoning Board of Appeals meeting one of the items that were requested by Steve Blondeau that he wouldn't have to comply with Section 513 of the Zoning Ordinance requiring 51 or more parking spaced to meet zoning, the zoning requirements for green space. He doesn't want to do that. It has been to the Zoning Board of Appeals three times. You are required 3 votes one way or the other to take action. Each time it has been 2-2, 2-1, or whatever. Three members have to vote to give a variance. Two not to give variance.

As he sees it there has been no hardship or practical difficulty presented and he feels the Planning Commission should send a letter to the Zoning Board of Appeals in support of 513 and request a variance not be granted.

Scott Emerson moved, Estelle DeVooght supported that a letter be drafted to the Zoning Board of Appeals that the Planning Commission is in favor of green space being provided in Section 513 of the Zoning Ordinance.

MOTION CARRIED: 6-0

PLANNING DIRECTORS REPORT:

Mike Farrell stated he has a student intern from NMU that has knowledge or ordinances and is going through different ordinances and information regarding landscaping (green areas) and will be in attendance at the next Planning Commission Meeting and give a report.

Mike Farrell felt that at the present time with budget constraints and staff time, the Township could not hire additional staff to enforce a landscape ordinance. It probably should be an amendment to the Zoning Ordinance and enforced by the Zoning Administrator.

Mike also stated at the next Planning Commission meeting he would give his recommendation and the intern student would give his. The Planning Commission would also voice how they feel it should be done.

Mike La Pointe asked if the landscape ordinance amendment would be commercial only or would it pertain to residential also?

It was a consensus of the Planning Commission that this would be dealt with on a commercial basis only.

Mike Farrell pointed out in the June 22, 1993 minutes regarding language in Section 506 regarding PUD the minutes read "The Planned Unit Development District shall not be less than five (5) acres in actual lot size for a commercial or light industrial development

and ten (1) acres in lot size for any residential development and shall be capable of being planned and developed as one integral unit. The minimum lot width of a parcel zoned PUD shall not be less than 200 feet." The five (5) should be corrected to read two (2) for a commercial PUD.

Scott Emerson moved, Max Engle supported that the minutes of June 22, 1993 be corrected as pointed out.

MOTION CARRIED: 6-0

Mike Farrell also stated the single structure per lot amendment would be going to the Township Board and he inquired if it was the consensus of the Planning Commission that if there is an existing project in place, are they to be considered grandfathered in? It was stated yes, this is correct.

It was agreed that the next Planning Commission Meeting would be Thursday, November 4, 1993.

Mike Farrell stated there would be a lot of items being dealt with at the next Planning Commission meeting. Some of the issues are as follows:

1. Diloretto Case
2. Willow Road Name change
3. Gibbs Energy Ltd. PUD - Preliminary Approval
4. Landscaping Amendment - Intern.

PUBLIC COMMENT:

Estelle DeVooght inquired if anything could be done to get ABC True Value to clean up their property?

It was suggested that she write a letter to the Zoning Administrator to request that something be done.

Mike Farrell stated that the Chocolay Watershed Council will be receiving a grant. Mike La Pointe stated it was called Adopt a Stream.

There being no further Public Comment, Bill Sanders closed the last Public Comment section of the agenda.

INFORMATION ITEMS AND CORRESPONDENCE:

Correspondence to Marquette County Road Commission - School Crossing.

Mike Farrell stated that a concerned resident from the Bide-A-Wile Mobile Home Park has requested that the Township have a crossing guard for the children to cross from the mobile home park and cross Silver Creek Road to the School.

He stated he has done research on this, and yes the Township has the responsibility if the County Road Commission deems it necessary. If after the County Road Commission does the survey and deems it necessary.

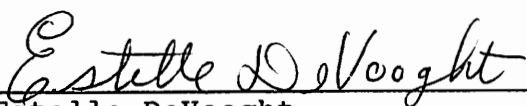
ADJOURNMENT:

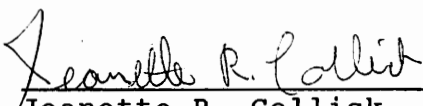
There being no further business, Bill Sanders asked that a motion be made to adjourn the meeting.

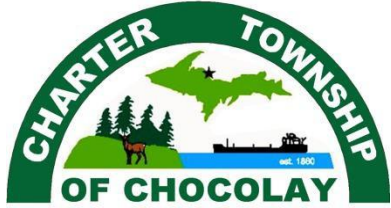
Mike La Pointe moved, Estelle DeVooght supported to adjourn the Planning Commission Meeting.

MOTION CARRIED: 6-0.

The Planning Commission Meeting was adjourned at 9:35 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting in August, 1993.

There was no meeting scheduled.

CHOCOLAY TOWNSHIP PLANNING COMMISSION

THURSDAY, NOVEMBER 4, 1993

PRESENT: Bill Sanders, Dave Wurster, Mike La Pointe, Estelle DeVooght, Max Engle, Don Wickstrom

ABSENT: Scott Emerson

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Jay Rithel, Student Intern

PUBLIC PRESENT: Bob La Jeunesse, Dorothy La Jeunesse, Lori La Jeunesse, Bobbi Sue Pecotte, Bob Pecotte, Anne Pecotte, Mike Donnelly, Bob Cambensy, Carol Hicks, Joe Gibbs

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m.

PRIVATE ROAD #7 - La JEUNESSE:

Mike Farrell, Director of Planning & Research gave a brief explanation.

The applicant is requesting private road approval for a road located in Section 28 and Section 29 T47N R24W with access off of County Road Little Lake Road. The purpose of the road approval is to construct a single family dwelling on a 5 acre parcel in Section 29 T47N R24W.

The proposed road will have an 18 foot wide gravel base and a 66 foot right of way. Easement for a cul-de-sac will be provided. The applicant would like to request permission not to have the actual cul-de-sac be developed because the road will only serve one house at this time. The private road is necessary because the lot does not contain the necessary 300 feet of frontage on Little Lake Road.

Bob La Jeunesse stated there is only one house being proposed to be built. About 50 years ago there was a driveway, now an apple orchard is there.

There being no further comments, Bill Sanders closed the public hearing regarding Private Road #7 - La Jeunesse.

There being no further public hearings, Bill Sanders closed the Public Hearing session of the meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:30 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle DeVooght, Dave Wurster, Mike La Pointe, Max Engle, and Don Wickstrom present.

Scott Emerson was absent.

APPROVAL OF THE MINUTES OF SEPTEMBER 28, 1993:

Bill Sanders asked if there were any additions or corrections to the minutes of September 28, 1993?

Bill Sanders noted that on page 5 the third paragraph from the bottom reads The officers has discussed this before and the

conclusion was that the developer set aside a certain amount of land for usage so if there was a failure of the wastewater system, it wouldn't be a burden of the township to replace that system.

It should be corrected to say The officers had discussed this before and the conclusion was that the developer set aside a certain amount of land and escrow account for usage so if there was a failure of the wastewater system, it wouldn't be a burden of the township to replace that system.

He also noted that on page 6 4th paragraph reads Mike Farrell stated we need something more concrete before preliminary plat approval can be given, even with conditions.

It should be corrected to read Mike Farrell stated we need something more concrete before preliminary approval can be given, even with conditions.

Max Engle moved, Dave Wurster supported that the minutes of the September 28, 1993 Planning Commission be approved as corrected.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Anne Pecotte - 197 Old Kiln Road wanted to reserve comment when Road Ranking is discussed on the agenda.

Mike Donnelly - 150 Old Kiln Road also wanted to reserve comment when Road Ranking is being discussed on the agenda.

There being no further public comment, Bill Sanders closed the first public comment session of the Planning Commission.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

Bill Sanders would like approval for the item under Old Business, Item C. pertaining to the discussion of Landscape Language for Zoning ordinance be moved to New Business, item C.

Bill Sanders moved, Don Wickstrom supported to approve the agenda with the change of the discussion of the Landscape Language for Zoning Ordinance be moved to New Business item C.

MOTION CARRIED: 6-0.

OLD BUSINESS:

A. Discuss Zoning Ordinance Language dealing with:

1. PUD
2. General Standards for houses

Mike Farrell stated he took the language to the Township Board concerning the above issues:

Regarding general standards for houses - The sentence "and shall have a wall of the same perimeter dimensions of the dwelling". The Board felt this eliminated the ability to put a house on a foundation using a cantilever design.

The Board would like the Planning Commission to consider taking "and shall have a wall of the same perimeter dimension of the dwelling".

He would like the consensus of the Planning Commission to send the language pertaining to the General Standards for house with "and shall have a wall of the same perimeter dimension of the dwelling" removed.

Bill Sanders moved, Max Engle supported language for General Standards for house to eliminate the sentence as was discussed above.

Language regarding PUD

Language stating "ten (10) acres in actual lot size for any residential development."

It was the consensus of the Planning Commission to have five (5) acres for a commercial PUD and ten (10) acres for a residential PUD.

The rationale why the Planning Commission wanted to have a minimum of ten (10) acres for a residential PUD was stated in the Planning Commission minutes from the meetings of May 25, 1993 and June 22, 1993.

Mike Farrell stated the PUD process creation and why units of government offer a PUD. Advantages of a PUD provides more opportunity to create quality and innovative development in the Township.

Mike La Pointe inquired what the Board thought on the language for the PUD?

Mike Farrell stated that they were concerned there was a number of smaller parcels in the Township and would be tying their hands if they wanted to build through a PUD process.

After much discussion and comments by the Planning Commission members it was agreed that Mike would present his comments to the Board.

The following motion was made by the Planning Commission for the Township Board's concern on the language "ten (10) acres in actual lot size for any residential development".

Estelle DeVooght moved, Don Wickstrom supported that Mike Farrell go back to the Township Board and state that the Planning Commission has reviewed the language concerning the PUD and wants to leave the language in regarding ten (10) acres in actual lot size for a residential development.

MOTION CARRIED: 6-0.

B. CONSIDER REZONING #72 - PUD:

Mike Farrell stated that Dan Trotochaud was out of town, but Joe Gibbs, Bob Cambensy and Carol Hicks were present to answer questions that may come up.

Mike Farrell was in contact with the DNR pertaining to the sewage/wastewater disposal and the DNR doesn't have any problems with the individual septic tanks and drain field concept. What they do need is that if preliminary approval was granted, then the developer could sit down and put together plans so they can determine what the water flow would be so they can tell them what would be required for those drain fields. That is one of the conditions that is in the recommended motion for approval.

Bills Sanders inquired on the Act 98 process.

The Township really does not have the option to accept the responsibility that they go to that system.

Mike Farrell stated this is an option in the suggested motion under B. 2. d. Wording for the establishment of an escrow account in the Township's name for the possible maintenance and or replacement of the wastewater system should the developer/association fail to continually operate the system."

Mike Farrell stated this was discussed with the developer and he had no problems with the above option.

Estelle DeVooght - does the DNR keep a handle on these things?

Mike Farrell stated yes they do.

Estelle DeVooght - if the DNR is voted out next year, what then?

Mike Farrell - somebody will be regulating the sewage disposal.

May fall back on the County Health Department and the County Health Department has been working right along with the developer, the DNR and Mike Farrell and what the criteria are and they are meeting the criteria.

Bill Sanders inquired how phase 2 and 3 would work on the entry drive? Would they access off Brewer?

Carol Hicks stated yes they would all access off Brewer. Phase 2 would be North continuing East for Phase 3.

Mike Farrell stated one of his concerns and he discussed this with Dan Trotochaud was the siting of the structure. As shown on the plans the building is within 25 feet of the County road right-of-way. In zoning R-1 we require a 35' rear set back. As part of the condition, he is suggesting that buildings be adjusted to set back 35 feet. Dan told Mike that wouldn't be a problem.

Based on the number of rooms per unit obtained estimates of 200 sq. feet of drain field per family. 1600 square feet of drain field and that is what was showing on the plans presented.

Mike Farrell also stated that Mr. Trotochaud suggested that additional land be set aside that cannot be developed on or built on for a replacement, should one be necessary.

In the process of the field being put in, Mr. Trotochaud is considering putting in a system that has an oversized tank or two (2) tanks put in series so that you get more settling of the waste in essence you can get longevity of the field. He is also proposing to set up a three (3) field dosing system, where you hold back wastes until you get a volume then you dose one field so that the entire field gets saturated instead of a typical residential field.

Mike Farrell stated in one of the suggested conditions is that he lays out specifically how he plans to deal with the wastewater.

Mike Farrell stated he would like in writing from Mr. Trotochaud the concepts he proposed to use. If he is proposing dosing, he put it in writing so we are approving that in his PUD. If he isn't proposing dosing then don't put it in writing, but he has talked about this.

Bill Sanders inquired regarding the setback.

Mike stated that is presented in the suggested motion under General Conditions #5 "Structure location shall comply with setbacks from property lines as established in the zoning ordinance for the R-1 Zoning District."

After various comments and discussion pertaining to Rezone #72 to PUD the following recommendation was made.

Mike LaPointe moved, Bill Sanders supported that the PUD for the Condo be approved with conditions.

There were some discussions concerning the preliminary approval before seeing the Condo plans in its entirety.

They had no problem with the plan, but would like to see it in its entirety.

It was suggested that the preliminary approval be tabled until the Planning Commission meeting on November 23.

Mike La Pointe moved, Bill Sanders moved to rescind the above motion regarding the preliminary approval with conditions.

MOTION CARRIED: 6-0.

Mike La Pointe moved, Max Engle supported that preliminary approval for the PUD #72 be tabled until the Planning Commission meeting to be held on November 23, 1993 when the plan would be sketched in its entirety.

MOTION CARRIED: 6-0.

NEW BUSINESS:

CONSIDER PRIVATE ROAD REQUEST - LA JEUNESSE:

Bill Sanders inquired if there was a conflict with the name of the proposed private road.

There was no conflict of the name being Anna's Trail.

Estelle DeVooght asked if this was a lot of record?

Bob La Jeunesse stated that this was in an abstract that was changed before the Zoning Ordinance went into affect.

Mike Farrell pointed the proposed land on the map and stated this was not always a lot of record.

Max Engle inquired how many acres is this parcel?

Mike Farrell stated this would be a five (5) acre parcel.

Max Engle - if it is not a twenty (20) acre parcel why is it in that zoning district any way?

Mike Farrell stated the parcel is in a RR-2 zoning district.

Don Wickstrom inquired on the easement - cul-de-sac not be required. He was thinking about the private road approval and conditions required for Mr. Hosking's private road approval. Would the recommendation be the same?

Mike Farrell stated not at this point, but if the one of the conditions regarding the cul-de-sac be approved he would contact mr. Hosking and also take this condition back to the Township Board to amend the requirement for the cul-de-sac. The easement would still remain.

After much discussion and comments, the following motion was made:

Max Engle moved, Bill Sanders supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road #7 application and plans presented by Robert LaJeunesse be approved, as submitted, with the following conditions.

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deed identifying the private road status and the responsibility for road maintenance, right-of-way maintenance, and drainage maintenance.
3. That open access to the private road be maintained for essential public services.
4. The proposed road be named Anna's Trail.
5. That applicant comply with all requirements of the Marquette County Road Commission for connection to the county road system.
6. That the applicant obtain all the necessary permits from Local, State, and Federal agencies that are required for the development of the road.
7. Easement for the cul-de-sac be established, but the construction of the cul-de-sac not be required at this time, although should any additional use of the private road other than the proposed one single family residence be requested, the construction of the cul-de-sac must be completed prior to any zoning compliance being granted.
8. The easements for the private road including the cul-de-sac be recorded with the County Register of Deeds and a copy the recorded easement provided to the Township prior to any zoning compliance being granted.

MOTION CARRIED: 6-0.

Max Engle suggested that Mike Farrell go to the Board on December 6 regarding the number of private roads in Chocolay Township.

It was suggested that one way to deal with the private road issue would be when getting approval of a zoning compliance permit.

CONSIDER ROAD RANKING:

Mike Farrell gave a brief summary on how the road ranking was done.

He stated that if the road ranking came under maintenance, the Road Commission pays 100%, if the ranking came under construction, the cost is split 50% Road Commission and 50% Township.

Below is a list of road rankings:

Maintenance:

1. BAA (Mangum)
2. BH (Greenfield)
3. BH (Green Garden)
4. BLB (Country Lane)
5. Reservoir
6. CRBC (Little lake Road)

Gravel Roads recommended to be paved:

1. Old Kiln Road
2. Gentz Road

Mike Farrell stated that according to Chocolay Township Comprehensive Plan criteria for road ranking are locations, zoning districts, density, etc.

As far as recommendations from staff, we feel that Reservoir Street has had problems for a number of years, intersection is in bad shape.

Mangum Road - Has been brought up to quality standard from U S 41 back to Greenfield Road.

Greenfield and Country Lane - the last time Country Lane was ranked high and the residents on that road commented they didn't want the road paved.

One of the residents from Country Lane stated there were only three residences on that road the County goes through there with the grader once or twice and feels that is sufficient.

Mike Farrell stated then there is Old Kiln Road and Gentz Road as projects for paving a gravel road.

The staff recommends that Old Kiln Road be given substantial priority over Gentz Road. At this point there are only three residents that have access on Gentz Road.

In the future more use of Gentz Road is anticipated, but as a commercial use for a golf course and it is the staff's perception that the Township shouldn't put a large investment in a road if ultimately a commercial operation would be benefiting from the improvement.

It is the staff's recommendation that Old Kiln Road be paved before Gentz Road as this pertains to resident's use more than commercial use.

Anne Pecotte - 197 Old Kiln Road - the section of the road she would like to see pave is 3/10 of a mile, which is just beyond the houses on Old Kiln Road where people are living. There are six (6) homes in this area and at some times there are twenty (20) children and this does include a teaching family home. The population does fluctuate up and down.

Residents have been waiting approximately 18 years and has been ranked number 1 for 18 years. During this time one other road was ranked number 1 with Old Kiln. Residents on this road have been waiting a long time. More homes have been put in and feels that

this is more reason to have the road paved.

She has been in contact with John Beerling from the Road Commission. When the staff drove down Old Kiln Road it probably wasn't after a rain storm or not in the Spring of the year because it probably wouldn't be rated as it is. Right now the road is so bad that if you go more than 10 miles per hour you would damage your vehicle. Basically whenever there is a rain storm, there is an environmental concern because half of the road washes into Cedar Creek.

The road is in such poor deteriorating condition that the buses for the Marquette Area Public School systems have refused to drive the buses down this year and the children have to walk down to the paved corner of Cherry Creek Road. There is also a dust problem. Basically very muddy and would like to have the staff reconsider paving Old Kiln Road.

Inquired how long did the people on Mangum Road wait.

Estelle DeVooght stated they waited longer than 18 years and did more complaining.

Mike Farrell stated 1 1/2 miles of paving was being considered for Mangum Road.

Anne Pecotte stated the residents on Old Kiln Road is requesting 3/10 of a mile of paving.

Mike Donnelly - 150 Old Kiln Road - Glad Old Kiln is ranked #1 again. Two years ago when the ranking was done there wasn't a differential between paved and gravel roads. Both Old Kiln Road and Mangun Road were on the list. Mangum Road was ranked as number 1, Old Kiln was number 2. There was a cost analysis done by the Township and the County Road Commission as far as what the cost would be. The costs are probably listed in the past minutes.

There has been some other paving done, including some sections of Lakewood Lane had been resurfaced and part of Cherry Creek Road and put ahead of some of the other roads that were on the list. It seems like a never ending battled of getting up there on the list for paving, but then seems like going backwards. Now there is a differential between repaving and paving.

Mike Farrell stated that the list was combined a couple of years ago.

Mike Donnelly stated gravel road are the lowest on the totem pole. It is getting to a point that when you come around the curve there is a foot and half (1 1/2) ravine and when it rains, the side of the road washes out and go on the black top and it makes it very harry coming around that part of Cherry Creek Road that is all blacktopped because all the gravel washes on its and makes it just like an ice rink in the middle of Summer time because somebody puts on their brakes and slides across the gravel and slides onto the black top. It does wash down right into the creek time after time. He would hope that some of the roads that are not in residential areas that you are looking at, that Old Kiln Road being zoned residential that they be given priority over some of the roads that are zoned agricultural.

Estelle DeVooght feels that Little Lake Road should be removed from the road ranking list because from Shimon Court to Fassbender Road that they are they only ones that live there except possibly one other person that lives within that section.

Mike Farrell stated that the road ranking was broken into two (2) categories, that doesn't mean that the paved roads be upgraded before the gravel roads would be paved.

After discussion on the road ranking priority, Bill Sanders stated that the Planning Commission should look into the total points and come up road ranking.

Mike Farrell gave a perception where things stands as far as revenue sharing for the units of government. Ultimately the State may pull revenue sharing dollars away from us. We possibly may have to go out and pass millages for these types of things. The

Township commits itself to road construction projects and we sign a contract with the Marquette County Road Commission that is generally paid off over a four-five year period. The township commits itself to a number of dollars every year for that. As he perceives this, the Planning Commission will make their recommendation on the road ranking, then it will go to the Township Board who will take a look at those recommendations and would direct Larry Gould and myself to back to the Road Commission for costs on the top three if they concur with the recommendation of the Planning Commission. They could change the priority ranking.

Estelle DeVooght asked what happened to Fassbender Road? Did Chocolay have to kick in money or did the County pay for that?

Mike Farrell indicated that was all maintenance. That was completely covered by the Road Commission. The Road Commission determines if it is maintenance or construction.

Moved Bill Sanders, Estelle DeVooght supported that the Planning Commission recommend the following list for road ranking approval to be considered by the Township Board.

1. Reservoir
2. Old Kiln Road
3. Mangum Road
4. Greenfield Road
5. Green Garden Road
6. Little Lake Road
7. Gentz Road
8. Country Lane

MOTION CARRIED: 6-0.

Mike Farrell stated the Road Ranking List will be on the agenda for the Township Board for December 6, 1993.

DISCUSS LANDSCAPE LANGUAGE FOR ZONING ORDINANCE:

Mike Farrell introduced Jay Rithel, Intern that has been working on a presentation for the Landscape Ordinance.

Jay Rithel gave a presentation on the landscape ordinance.

It was suggested that the landscape ordinance be enforced for commercial businesses and multi family.

One of the suggestions were that it may be reviewed when obtaining a zoning compliance permit.

It was asked how long would it take for a landscape ordinance to be put together.

Mike Farrell said it could be possible to have a landscape ordinance in about six months.

It was also suggested that instead of having green space for every 18 parking spaces, maybe it could be a larger green area incorporated.

After much discussion on the landscape ordinance it was suggested that get the feeling what direction the Township Board wants on the landscape ordinance before the Planning Commission puts alot of work into and then nothing more is done on it.

Mike Farrell stated he would ask the Supervisor if the Landscape Ordinance could be put on the Township Board Agenda for the meeting on December 6, 1993 for discussion. He would like a couple of the members from the Planning Commission to attend also.

The Planning Commission thanked Jay Rithel for the fine presentation he gave regarding a Landscape Ordinance.

PLANNING DIRECTOR'S REPORT:

Mike Farrell stated that the Zoning Ordinance has been bought up to date through April 1993 (amendment 34 iii) and presented the Planning Commission members with a copy. Since then there are amendments 34 jjj, kkk, and lll to in the Zoning Ordinance. He

would like to update the Zoning Ordinance on every two years.

At the last Board meeting there was a discussion on creating an Ad Hoc Committee consisting of residents from the township to review our Zoning Ordinance on an annual basis with the Planning Commission for changes in the ordinance. He perceives this as a roll of the Planning Commission and also what he should be doing and whole heartedly accept help with it. If the Board is going to move ahead with this he would like to make recommendation to the Board that Ad Hoc Committee consists of a cross section of the residents of the Township. It is not just a group of business people that perceives that certain changes would be made. The Board has decided to look into this a little farther at the next Board meeting.

Recreation Ad Hoc Committee - Mike Farrell hopes to have an ad in the newspaper towards the end of November asking for applicants for the Recreation Ad Hoc Committee.

PUBLIC COMMENT:

Dave Wurster - concern on the access of business onto the highway very close to intersection and very hard to get in and out, right now the type of developments we have around here is not to bad and the amount of traffic that we have is not to bad. We already put one traffic light on Silver Creek and U.S. 41 intersection because the development has gotten so heavy and people couldn't get in and out of there. Thinks it may get worse with the development of Cherry Creek School, but Jack's entrance is very close to the intersection and traffic is backed up sometimes that you can't turn left into Jacks. Now that the new school is there traffic is only going to get heavier at times. We may want to think that down the road we do something about some of the things regarding access roads, traffic light or making sure that there is a stipulation that there is a certain distance from major intersections that driveway, etc. come in.

Mike Farrell stated that the Ad Hoc Committee to review the zoning ordinance could perceive as one of their recommendations to recommend some of the commercial and residential properties be changed.

Estelle DeVooght inquired if the person at the end of Little Lake Road and U.S. 41 was starting a used car lot. There are approximately six (6) vehicles that are advertised for sale.

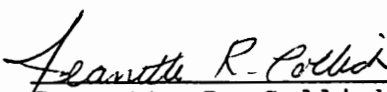
Mike Farrell stated he would talk to Mark Maki about it.

There being no further public comment, Bill Sanders closed the second public comment section of the Planning Commission.

ADJOURNMENT:

There being no further business the Planning Commission Meeting was closed at 10:10 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, NOVEMBER 23, 1993

PRESENT: Bill Sanders, Dave Wurster, Mike La Pointe, Estelle DeVooght, Max Engle,

ABSENT: Scott Emerson, Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary

PUBLIC PRESENT: Dan Trotochaud, Joe Gibbs

PUBLIC HEARING:

There were no public hearing.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:30 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle DeVooght, Dave Wurster, Mike La Pointe, and Max Engle present.

Scott Emerson and Don Wickstrom absent.

APPROVAL OF THE MINUTES OF NOVEMBER 4, 1993:

Bill Sanders asked if there were any additions or corrections to the minutes of November 23rd 1993? There were no additions or corrections.

Max Engle moved, Estelle DeVooght supported that the minutes of the November 23rd 1993 Planning Commission be approved as presented.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

Mike Farrell stated he would like to add under New Business, item B. Private Roads.

Bill Sanders moved, Max Engle supported to approve the agenda with the addition of the discussion of private roads under item b.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Bill Sanders asked if there were any public comments. There were none. The first Public Comment section of the Planning Commission was closed.

OLD BUSINESS:

A. CONSIDER REZONING #72 - PUD:

Dan Trotochaud stated that the only addition to the memo dated November 16, 1993 that was provided in the Planning Commission's agenda packets was concerning Item B. concerning quantitative data regarding density and ratios for Phase I. Phase II and III will be similar.

Mike Farrell stated he distributed a revised memo as provided by Dan Trotochaud to the Planning Commission before the meeting.

Some of the concerns that were discussed with Dan Trotochaud were solid waste, recycling-DNR, setbacks and noise.

Dan Trotochaud stated that there will be a compost site and a wood chip walking path.

The setback concern will be addressed in the final plans and will be followed as building code department regulations.

The noise concern - the walls will be double insulated for noise and fire proof.

Mike Farrell stated that the final plans will be substantially in compliance.

Estelle DeVooght inquired why the development is going under Gibbs Energy Ltd.

Mike Farrell stated Dan Trotochaud and Joe Gibbs were partners in the PUD. Joe Gibbs is the property owner. The applicant must be the property owner for a PUD.

There was also a concern on who was responsible for the maintenance. Dan Trotochaud stated that the Association will be the responsible for the maintenance.

The escrow account would be to cover the replacement and maintenance of the wastewater system should the developer/association fail to service the system.

After the concerns were discussed on the Rezoning #72 - R-1 to PUD the following motion was made.

Mike LaPointe moved, Bill Sanders supported that the Chocolay Township Planning Commission recommend to the Township Board that the requested rezoning #72 to rezone property from R-1 to PUD be granted preliminary approval based upon the plans and written text submitted with the following conditions:

Provide to the Township prior to Township final approval:

1. Final version of the master deed for the condominium development.
2. Approved Act 98 permit from the DNR.
3. Approved well permits.
4. Site plan showing plans for addressing of the various units.
5. Approved Soil Erosion Permit.
6. Approval for access to County Road System.
7. Final language, acceptable to the Township Board, for the escrow account to cover the replacement and maintenance of the wastewater system should the developer/association fail to service system.
9. Final site Plan.

MOTION CARRIED: 5-0.

LANDSCAPE LANGUAGE FOR ZONING ORDINANCE:

Mike Farrell provided the Planning Commission with material for language that could be considered concerning the landscape portion of the zoning ordinance.

He went over some of the information that was provided regarding green areas for parking lots, snowplowing, etc.

Dave Wurster stated that CABA had inquired about landscaping for U S 41 - Harvey.

It was noted that cannot put anything on the highway right-of-way.

After discussion on some of the information provided, Mike Farrell stated that the possible language for the landscape conversion into the Zoning Ordinance probably would be on the agenda for the

Planning Commission meeting in February.

NEW BUSINESS:

A. RESOURCE CONSERVATION & DEVELOPMENT - REQUEST FOR PROJECTS FOR CONSIDERATION (NO MATERIAL, WILL DISCUSS)

Mike Farrell stated this is an agency that request projects and provide technical support and possible funding.

He presented this to the Township Board, but had no response.

Some of the projects that have been worked on stabilization of banks, Chocolay Watershed Council.

At the present time they are working with the Chocolay Watershed Council on their By-laws and possible grants.

Other projects that may be considered are tourism, recreational opportunities, well capping.

Mike Farrell a possibility may be to doing something with the Township property on Green Garden Road.

There may be a possibility of a joint effort for a project with the Charter Township of Marquette.

Mike stated he wanted to inform the Planning Commission and possibly at their January meeting a list could be obtained for various projects that may be considered by the Resource Conservation & Development.

Mike LaPointe stated that other projects that have been work on are stabilization of Silver Creek, dry fire hydrants, soccerfield, and beach grass project.

PLANNING DIRECTOR'S REPORT:

Mike Farrell stated that there is a concern on the number of private roads and some problems with them.

One of the suggestions was that possibly the driveway versus a private road.

It was stated that maybe requirements for private roads could be changed. Issues concerning private roads may be discussed at a future meeting of the Planning Commission.

PUBLIC COMMENT:

There was none.

ADJOURNMENT:

There being no further business the Planning Commission Meeting was closed at 9:10 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, DECEMBER 28, 1993

AS CORRECTED

PRESENT: Bill Sanders, Mike La Pointe, Estelle De Vooght, Max Engle, Don Wickstrom, Scott Emerson

ABSENT: Dave Wurster

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette R. Collick, Recording Secretary

NO PUBLIC PRESENT:

PUBLIC HEARING:

There were no public hearings.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle DeVooght, Mike La Pointe, Max Engle and Don Wickstrom present.

Scott Emerson and Dave Wurster were absent:

APPROVAL OF THE MINUTES OF NOVEMBER 23, 1993:

Bill Sanders asked if there were any additions or corrections to the minutes of November 23, 1993? There were no additions or corrections.

Mike La Pointe moved, Estelle DeVooght supported that the minutes of November 23, 1993 be approved as presented.

MOTION CARRIED 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

There were none.

Bill Sanders moved, Max Engle supported the approval of the agenda as presented.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

There was none.

OLD BUSINESS:

DISCUSS HOME DEFINITIONS AND GENERAL STANDARDS LANGUAGE:

Mike Farrell stated under home definitions there was a concern on the following:

DWELLING, TWO-FAMILY, a structure containing not more than two separate dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 401.

There was a concern regarding the renting of a room within the dwelling. It was stated that this couldn't be controlled.

It was suggested that the definition of two family be eliminated and be incorporated in multi-family. The definition would also include duplexes.

Another concern the board had was:

SECTION 401 GENERAL REGULATIONS:

(A) If computing the required floor area not more than 50 percent of the minimum floor area in the structure shall be below the average level of the finished ground surface adjacent to the exterior walls of the dwelling.

Mike Farrell informed the Planning Commission that he is talking with a representative from the County Building Codes Department for the proper egress and ingress regulations.

Mike will bring the language back to the Planning Commission in January and then will take the suggested language back to the Township Board in February 1994.

Bill Sanders stated that the Township language is more stringent than the Building Codes. If it wouldn't be a conflict with the Building Codes, possibly "livable space" could be incorporated in the language.

Estelle DeVooght moved, Mike LaPointe supported that this be tabled until the next Planning Commission Meeting when further information can be obtained.

MOTION CARRIED: 5-0.

DISCUSS LANDSCAPE LANGUAGE FOR ZONING ORDINANCE:

Mike Farrell stated that with budget restraints and limited manpower in the Township creating a wood lot/landscape ordinance wouldn't be feasible.

Commercial Landscape - parking lots would be advisable to enforce with our zoning ordinance.

Mike also stated that there are books at the Township Office concerning landscape ordinances that are available for the Planning Commission Members to use.

Scott Emerson arrived at the meeting at 7:50 p.m.

Landscaping - Parking Area Examples:

1. Landscape Strip
2. Perimeter
3. Interior Parking

Commercial/Multi-family:

Must be a through fare - area Right of Way to parking area. Our present ordinance deals with percentage of parking areas.

Setbacks from Right of Way.

Mike gave examples of a landscape ordinance used by Prince George County - East Coast. Requirements are established for three areas: along the public right-of-way, along the parking lot's perimeter, and in the lot's interior.

LANDSCAPED STRIP:
Option 1: - Parking Lot Landscaped Strip:

Minimum 10' - wide landscaped strip - planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of street frontage.

Option 2: - Landscaped Strip:

Earth berm placed with a minimum of one shade tree and five shrubs per 35 linear feet.

Option 3: - Landscaped Strip:

Plant landscaped strip along street frontage with a minimum of one shrub tree and five shrubs per 35 linear feet.

Option 4: - Parking Lot Landscaped Strip:

Plant landscaped strip along street frontage with a minimum of one shade tree per 35 linear feet.

Option 5: - Parking Lot Landscaped Strip:

Existing woodlands:

Option 6: - Parking Lot Perimeter:

10' landscaped strip, maximum tree planting area - within property line.

It was also suggested that maybe we shouldn't be dealing with the number of parking spaces, but deal with the total parking area.

Estelle DeVoght stated that wood chips and rocks shouldn't be considered green space.

Mike suggested maybe it should be incorporated in our zoning ordinance with green space, not just shrubs.

Max Engle stated that the maintenance of this landscaping should be a priority.

Scott Emerson stated it may be better off to put landscaping in for a low maintenance.

Mike Farrell suggested a buffer between two parking area for noise, lights, etc. Shrubs to be groomed.

It was stated we have interior landscaping in our present ordinance. Certain percentage left as green area - commercial.

It was suggested that square footage may be better to go with than the number of spaces.

Scott Emerson stated that there are some ordinances that are more stringent than ours.

Scott Emerson suggested with easy maintenance we need some control on types of species, possibly approval by the Soil Conservation District.

Mike La Pointe - the Soil Conservation does suggest different types of species for different zones that will grow.

Mike Farrell gave the example of what was stated in the Township's Zoning Ordinance of what not to be planted.

Bills Sanders stated we shouldn't be too restrictive on the types of species that should be planted.

Don Wickstrom gave an example of an incident where Poplar trees had cracked.

Scott Emerson suggested that trees that may be bulldozed be replaced by ones that would fit the environment of the area,

Estelle DeVooght commented on the excellent job the Kingdom Hall did on preserving the natural habitat of the area.

Scott Emerson suggested that possibly the County hire a person to oversee landscaping enforcement.

It was suggested that possibly incentive/credits for commercial/multi family to leave certain species of trees, etc.

It was also suggested that possibly an Ad Hoc Committee be set up for encouraging the use of certain species to maintain.

It was also suggested that permits for landscaping to be able to have signs more closer to the edge of the property right-of-way advertising for the business.

NEW BUSINESS:

REVIEW ZONING ORDINANCE FOR POSSIBLY CHANGES:

Mike Farrell stated the township is required by law for the Planning Commission to review the Zoning Ordinance for possible changes.

He also discussed changes with Mark Making as problems and/or changes he perceived.

The following list of suggested changes and/or problems:

1. Camps as recreation structures in RP Districts:

Eight hundred square feet is presently required. A possible change would be to reduce size and establish a larger setback.

2. Commercial Districts - C-1, C-2, C-3:

No minimum lot size/frontage:

Mike Farrell gave the example of the Boy Scout Office has two or three businesses on one lot and wants to split, but there is no minimum size required.

A possibility for new development would be to require a larger lot.

It was also stated that some of the businesses can't meet the minimum parking requirements.

3. Private Roads:

It was stated in our Zoning Ordinance that all private roads must be designated as trails.

This should be changed.

4. Submittal of two names:

It was also stated that when proposing to develop a private road, you are required to submit two names.

There is no conflict with this and may not be necessary.

5. Ordinance more stringent on standards for private roads:

We require an improved gravel base.

A possibility would be to extend driveways so the persons are not required to go through the private road process.

6. Mining Mineral Extraction:

Top soil product to be mined should be more defined.

A possibility would be to require a grading permit for top soil. The permit would put the person removing the top soil on notice. Possible spot checks on the removal of top soil and designate what his top soil.

This would be considered a top priority item to be worked on.

If a grading permit is obtained, a possibility to be exempt if a soil erosion permit is obtained.

The owner of the land has to obtain a permit.

Language for the removal of Top Soil is priority item to be worked on.

7. Parking Spaces Requirement:

Should be revamped for certain types of uses.

8. Zones:

Mike Farrell presented and discussed the various zones and their locations in Chocolay Township.

We had some requests for multi-family, but not located in our sewer district.

C-1 & R-3 - spot zoned.

Kawbawgam Location:

There was a question on a zoning compliance permit for Mrs. Glass's property. It was stated he does have a zoning permit.

Most residents do not want it zoned for commercial.

Brookfield Subdivision:

Brookfield Subdivision - In this subdivision land can be bought and mobiles homes can be placed on the land.

C-2 - (U S 41 S, Mangum Road)- Tire Shop (Perry's Party Store-location), Trudell's, Grover Restaurant, Engle (Nook Gallery, Kassels.

C-3 Superior Trucks:

In this area the township owns a strip of property that was obtained for recreational activities.

There is limitation on the disposition of the land. It was suggested a possible use would be a recreational trail.

The Township presently has two (2) recreational areas (Silver Creek Recreation Area and Beaver Grove Recreation Area) and there are projects that need to be completed as stated in the Comprehensive Plan.

PUD - Angel Home:

Located on Cherry Creek Road. There is presently a three (3) year hold on this project.

RR-4 - Trailer Court - expansion on Willow road.

Commercial Business:

It was stated - Wahlstrom's, Blondeau, and Meister has some parcels to expand in this area.

There hasn't been a large demand for commercial.

It was asked if we want to allow for expansion for commercial on M-28?
 Don Wickstrom inquired when Wahlstrom filled in the property, what was proposed to be built?

Mike Farrell stated it was proposed for multi-family, but a wetlands permit couldn't be obtained.

Scott Emerson stated possibly C-3 could be converted to C-2.

Resource Conservation & Development - request for projects for consideration:

After discussion the following ideas for projects that may be considered were:

1. Bike Path on Cherry Creek Road & Ortman Road.
2. Overpass to Cherry Creek School.
3. Stabilization - Old Kilm Road.
4. Recreation Property - Green Garden Road.

PUBLIC COMMENT:

Mike LaPointe inquired about the Ad Hoc Committee for Recreation.

Mike Farrell stated this was put on hold and would be formed in the near future.

PLANNING DIRECTOR'S REPORT:

Mike Farrell gave a report on the Chocolay Watershed Council.

He stated that approval of the by-laws have come through.

A public notice advertising for a Planner would be advertised in the newspaper.

It was stated a student intern provided information of property owners that the watershed pertained to.

Newsletter and guidelines for council members were established.

The council members will consist of one member from the townships involved, excluding Chocolay Township. Chocolay Township will have two (2) representatives. The reason for the two (2) representatives is that Chocolay Township has taken the lead role.

The other committee members will be from the DNR (2 members), Health Department, Road Commission, Drain Commissioner and five (5) committee members at large.

The Watershed Council will serve as an advisory group for concerns for run-offs, etc. This will be informational, not regulatory.

There will be a demonstration on Karen Road in the Spring of 1994 for sedimentation process.

Mike Farrell also gave an update on the well water contamination in the Harvey area. He stated that the number of contaminated wells have increased from six (6) to twelve (12). Those residents are on bottled water. He stated that the DNR, Health Department and the Township is trying to see what water system would be best. Either a public water system or a new well to be driven.

It was asked if the source of the contamination problem has been obtained. No it hasn't.

The bottled water is being provided under Act 307.

Remediation has been taken for about six (6) to eight (8) months.

The DNR decides what way is best.

It was asked that Mike Farrell obtain what impact the Township has on the water system and bring the information back to the Planning Commission.

It was stated that when the Kawbawgam area wells were having problems that they were monitored on a quarterly basis.

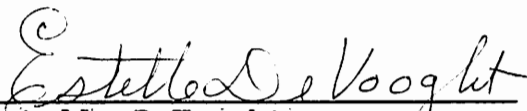
It was also stated that Gentz's and Gibb's wells were both monitored.

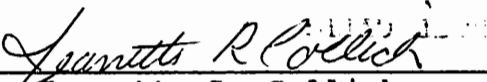
PUBLIC COMMENT:

There was none.

ADJOURNMENT:

There being no further business, the Planning Commission Meeting was adjourned at 10:25 p.m.


Estelle DeVooght
Planning Commission Secretary


Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, JANUARY 25, 1994

AS CORRECTED

PRESENT: Bill Sanders, Dave Wurster, Estelle DeVooght, Max Engle,

ABSENT: Scott Emerson, Don Wickstrom & Mike La Pointe

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary

PUBLIC PRESENT: Cathy DeVooght, John DeVooght, Sharon M. Burns

PUBLIC HEARING:

There were no public hearings.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:33 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle DeVooght, Dave Wurster, and Max Engle present.

Scott Emerson, Mike La Pointe and Don Wickstrom were absent.

APPROVAL OF THE MINUTES OF DECEMBER 28, 1993:

Bill Sanders asked if there were any additions or corrections to the minutes of December 28, 1993

Estelle DeVooght noted that there was a grammar error on page 4 - third paragraph it reads: Estelle DeVooght stated that wood chips and rocks doesn't seem it should be considered green space.

It should be corrected to read: Estelle DeVooght stated that wood chips and rocks shouldn't be considered green space.

Bill Sanders stated that on page 4, paragraph 11 it states: Bill Sanders suggested by using a minimum landscaping it would give developers more flexibility.

Paragraph 11 should be deleted from the minutes.

Bill Sanders asked if there were any more correction or additions to the minutes of December 28, 1993. There were none.

Estelle DeVooght moved, Max Engle supported that the minutes of December 28, 1993 be approved as corrected.

Motion Carried: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

Cathy DeVooght - 6341 U S 41 S - stated she distributed information to the Planning Commission members regarding rezoning #69 regarding the Marquette County Planning Commission's recommendation and would like to request that the Chocolay Township Planning Commission consider the item at the meeting tonight or the Planning Commission Meeting in February.

The Planning Commission stated they would consider hearing the information regarding Rezoning #69 tonight.

Max Engle moved, Bill Sanders supported that an addition to the agenda under New Business A - Consider Rezoning #69 be added to the agenda and be considered before Old Business.

Motion Carried 4-0.

Bill Sanders moved, Max Engle supported the approval of the agenda with the addition of New Business A - Consider Rezoning #69 as discussed.

Motion Carried 4-0.

PUBLIC COMMENT:

Bill Sanders asked if any of the public had any comments or wanted to reserve time during any particular agenda item?

Cathy DeVooght stated she would like to reserve time under New Business, A - Consider Rezoning #69.

Bill Sanders asked if there were any further comments under the first Public Comment section. There were none. They first Public Comment section was closed.

NEW BUSINESS:

CONSIDER REZONING #69:

Mike Farrell stated that the Chocolay Township Board requested the Township Planning Commission to review the Rezoning #69 based on the recommendations made by the Marquette County Planning Commission and bring back comments to the Township Board after the Planning Commission has reviewed the Marquette County Planning Commission's recommendations.

Mike Farrell presented an overlay of Section 28. He is recommending to the Planning Commission not to rezone #69 based on the same reasons that was stated in the June 23, 1993 Planning Commission Meeting minutes.

Estelle DeVooght inquired if the Township Planning Commission or the Township Board would make the final decision.

Mike Farrell stated that rezoning #69 is dead. This is a whole new process.

Bill Sanders stated we either agree with the County Planning Commission's recommendations or stick to the Township Planning Commission's recommendations as stated in the June 22, 1993 minutes.

Cathy DeVooght read the letter dated January 15, 1994 that she delivered to all the Planning Commission Members and went over the history and information pertaining to rezoning #69. She feels that what she is requesting is reasonable and RR-2 and RB are compatible with each other. The land is not prime farm or forest land.

She also stated that before the present Zoning Ordinance was adopted, the Wieteks made approximately six (6) property splits.

Scott Emerson arrived at the meeting at 7:55 p.m.

Cathy DeVooght also stated that basically there are 1-5 acre lots and 10 acre lots. She stated there are two (2) farms in the RR-2 District, which are the Reader Farm on Greenfield Road and the Heitman Farm off U S 41 South.

John DeVooght stated the land pertaining to this rezoning is not good farm land.

The Planning Commission Members discussed various issues regarding Section 28 and pertaining to rezoning #69 including the following:

Extend public services, the 1977 Zoning Ordinance and map, spot zoning, the Comprehensive Plan and the ability to utilize land.

Bill Sanders moved, Scott Emerson supported that the Planning Commission recommend to the Chocolay Township Board not to consider

rezoning Section 28 (rezoning #69) as recommended by the Marquette County Planning Commission on July 9, 1994, but for the reasons stated at the Chocolay Township Planning Commission Meeting of June 22, 1993.

Motion Carried: 3-2

OLD BUSINESS:

A. Discuss Home Definitions and General Standards Language:

Mike Farrell stated that the language for Home Definitions and General Standards as discussed at a previous Planning Commission went to the Township Board for their review and discussion for approval. They referred it back to the Township Planning Commission for more review and changes.

After discussion and comments by the Planning Commission the following motion was made:

Scott Emerson moved, Bills Sanders supported that language pertaining to Home Definitions and General Standards be approved as discussed and referred back to the Chocolay Board for approval.

DWELLING, SINGLE-FAMILY, a structure containing not more than one dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 401.

DWELLING, MULTI-FAMILY, a structure containing two more dwelling units designed for residential use, with or without separate kitchens or dining facilities, and conforming in all respects to the standards set forth in Section 401. These may include apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types, but not including hotels, motels, hospitals, or nursing homes.

(Replace Sec. 401 General Regulations with)

SECTION 401 GENERAL REGULATIONS

Every single-family dwelling and multi-family dwelling shall have a minimum floor area of 800 square feet, and every dwelling unit in a multi-family dwelling shall have a minimum floor area of 600 square feet, provided:

(A) It has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the Marquette County Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Marquette County Building Code, then and in that event such federal or state standards or regulations shall apply.

(B) It is firmly attached to a permanent foundation constructed on a site in accordance with the Marquette County Building Code and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

(C) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and under carriage removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.

(D) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

(E) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(F) The foregoing shall not apply to mobile homes located in a licensed mobile home park or zoning district R-2 except to the extent required by state or federal laws or otherwise specifically required in the ordinance of the Township pertaining to such parks and zoning district.

Motion Carried: 5-0.

B. Discuss Landscape Language for Zoning Ordinances:

Mike Farrell provided the Planning Commission Members with material on various types of landscape information pertaining to a landscape ordinance.

After discussion on the landscape issue it was stated that landscape language is a high priority item and be considered for an agenda item for the February Planning Commission Meeting.

Some of the comments and concerns were:

1. More green space in parking areas.
2. Landscape be considered part of the Zoning Ordinance.
3. Enforcement may be a problem.
4. Preservation of wood lot areas.
5. Information be distributed when a Zoning Compliance Permit is obtained.
6. Alternative for enforcement may be able to be on a cost sharing basis with other townships in the area.

Mike Farrell stated Chocolay Township is a member of the Marquette County Townships Association (MCTA) and would inquire if there is any interest from other townships concerning the cost sharing of enforcing a landscape ordinance.

It was also requested that the survey that was done within the last couple of years be distributed to the Planning Commission Members.

C. Zoning Ordinance Changes - Sign Regulations.

Mike Farrell distributed suggested language to the Planning Commission members pertaining to signs. There was a general discussion on the following:

SEC. 809 TOURIST DIRECTIONAL SIGNS.

In addition to the signs permitted in Section 802, 803, and 804, off-premises signs directing motorists to facilities within the township required by tourists, hunters, and fishermen shall be permitted upon permit granted by the Zoning Board of Appeals upon finding that substantial number of motorists who might seek the advertised establishments pass the proposed location; that such establishment has no other sign visible from the same road; that consent of the property owner has been obtained; and that placement of the sign will not cause any hazard or significant obstruction of any scenic view; provided, however, no such sign shall have any area exceeding 100 square feet or a height in excess of 10 feet.

Tourist directional signs located in any R-1 or R-2 District shall not exceed 32 square feet or a height in excess of 10 feet. Signs permitted by this section must not be located within any state highway, county road or private road right of way or easement.

Mike Farrell commented that some tourists, hunters, fishermen, etc find locations of golf courses, recreational areas, etc. hard to find without some type of sign information.

SEC. 811 SIGNS PERMITTED IN RR-2 AND RP IN CONJUNCTION WITH CONDITIONAL USES:

Signs permitted in RR-2 and RP in conjunction with conditional uses shall not exceed 60 square feet and a height not exceeding 10 feet is permitted. Signs permitted by this section must not be located within any state highway, county road or private road right of way or easement. [shall be subject to the height and setback requirements of Sec. 300.]

At present tourist signs are not permitted in the R-1 or R-2 district. Off premise signs are needed for Chocolay Downs Golf Course and Gentz Golf Course.

SEC. 812 SIGNS PERMITTED FOR GOLF COURSES

One sign identifying each golf course, having an area not exceeding 60 square feet and a height not exceeding 10 feet is permitted. Signs permitted by this section must not be located within any state highway, county road or private road right of way or easement.

Mike Farrell commented Chocolay Downs Golf Course is non-conforming advertising in a subdivision. Permit was good for two (2) years advertising the located of the Golf Course. Permit expired January 1, 1994.

Must obtain permission from adjacent property owners. Property owners has to be off the right-of-way.

No lighted signs.

Sign would be on private property.

State Highway Department doesn't foresee the sign as a problem.

Waiting word from the County Road Commission.

Present sign is less than 32 square feet.

Planning Commission members doesn't foresee Chocolay Downs Golf Course as a problem.

Estelle DeVooght inquired when Gentz's Golf Course would be opening?

Mike Farrell stated possibly three (3) holes in the Summer of 1994.

Mark Maki's Memo - Regarding Suggested Zoning Amendments

Mike Farrell stated some of the issues address in the memo from Mark were discussed at a previous Planning Commission Meeting.

Section 212: RP District:

- * Remove campgrounds, day camps, winter sports facilities, kennels, trails from permitted to Conditional Uses on 20 acres. This will insure that these uses are compatible and lot sizes adequate.

Max Engle stated that possibly kennels could become a problem.

- * Add camps (recreational structures) to RP with setbacks.

Comment was made regarding the possibility of reducing the minimum square footage, but restrict to certain zoning districts.

Estelle DeVooght inquire about day camps.

Mike Farrell stated that in the present Zoning Ordinance there is no definition of day camps.

Currently no provision for camps in Zoning Ordinance.

Section 300:

*1. Put minimum lot sizes for C-1, C-2, C-3 areas. This will provide for adequate frontage for useable lots and unnecessary driveway culverts.

Comment was made that there is a need for minimum lot size for C-2, C-3 areas.

2. Spell out height for detached accessory buildings (14 feet).

Comment was made that the Township Board in the past was not in favor of height requirements.

3. Increase green areas in Commercial areas from 10 to 15%.

The Planning Commission members agreed that this is a priority item and should be considered in the Zoning Ordinance.

4. Make it illegal to create lots which do not meet the minimum set forth in each district. The Township has spent 1,000's of dollars in court fighting over these unbuildable lots. It's better to stop it right away.

It was suggested a way to avoid this would be possibly at the Register of Deeds Office in that they wouldn't accept any non-conforming lots if it didn't fall within the township's zoning.

It was also stated that when a person enters into a land contract it is not required to record them at the Register of Deeds Office.

Section 402 Frontage Requirements (Private Roads):

Change requirement of two names to one.

The Planning Commission members felt one (1) name was sufficient.

Change private road designation requiring "trails" name (delete) as this no longer realistic. private roads are being developed in residential areas now.

The Planning Commission Members agreed that for future requirements for private roads that either blvd. or lane be used, not trails.

More restrictive road requirements in R-1 such as paving versus gravel.

The Planning Commission Members agreed with Mark's suggestion regarding restrictive road requirements, such as paving versus gravel.

Section 403 Waterfront Setback:

Require setback for all waterfront lots.

30' setback to preserve natural area should be changed and required to protect the waterfront, flood way, etc. on all lots.

It was suggested that we may want to require setbacks pertaining to waterfront.

Scott Emerson suggested that possibly the Chocoy Watershed Council to go over the scientific criteria for the Chocoy River.

Parking:

Increase parking spaces for offices 1 per 300 square feet to 1 per 200 square feet.

Scott Emerson suggested that this could possibly be considered in the landscape ordinance.

Mike Farrell stated he would look in the Planning Magazine dealing with parking areas over the next couple of months regarding stalls, large to small and the pros and cons.

Mining Text:

Eliminate topsoil from requiring a mining permit. It makes no sense to have a two month permit process for a 1 week removal process.

It was suggested that possibly a grading permit process be obtained for the removal of top soil.

PLANNING DIRECTOR'S REPORT:

Mike Farrell discussed the following issues during the Planning Director's Report:

Faith Assembly of God Church will be coming back to the Planning Commission for consideration of the final approval of the Conditional Use Permit.

At the February Planning Commission meeting zoning issues and the map should be an item of priority.

Mike stated that the Annual Report of the Planning Commission were distributed. Urged the Planning Commission members to review it and be prepared to add or delete items for the February Planning Commission Meeting to put in the final report.

He stated he attended a MTA conference down state and one of the issues he brought up was to have more workshops for continuing education of Planning Commissions. It was felt that the lack of attendance on previous workshops were not well attended and the nearest one would probably be in the area of Gaylord. Some of the Township Planning Commission members felt that the workshops were well attended when they were in Marquette.

Mike stated he would continue to provide the Planning Commission with handouts on landscaping information. He also stated there are other booklets in the office that the Planning Commission Members could check out.

Mike stated that the Planning Commission members discuss concepts of planning at a regular meeting.

Another topic on the February Planning Commission Meeting will be the renaming of Willow Road.

Mike checked with the township attorney on the precedent of the renaming of the road. There are no precedent in the renaming of any road.

The applicant has submitted a new name which is Riverd Rivard Trail.

Mike stated safety issues should be a priority in this case. Mike will try to have someone from emergency personnel from the various emergency services to provide information regarding the response on locating the correct entrance on Willow Road when various emergency situations have occurred.

Prioritized zoning issues should be done at a Planning Commission meeting.

A calendar on the various schedule of events that will be taken up at the Planning Commission Meetings will be prepared.

Hotel Place - It was stated that the deed excludes the road.

Leo Glass's property on Kawbawgam Road. It was stated that it is no-conforming.

It was also asked if anything has been requested on the Wahlstrom's property. Not at this point.

PUBLIC COMMENT:

There was none.

ADJOURNMENT:

There being no further business the Planning Commission Meeting was closed at 10:15 p.m.

Estelle DeVooght
Estelle DeVooght
Planning Commission Secretary

Jeanette R. Collick
Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, FEBRUARY 22, 1994

AS CORRECTED

PRESENT: Bill Sanders, Dave Wurster, Mike La Pointe, Estelle DeVooght, Don Wickstrom

ABSENT: Scott Emerson & Max Engle

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary

PUBLIC PRESENT: Mark Larson, John Evans, Sharon Burns, Gary Gorsalitz, Christine Gorsalitz

PUBLIC HEARING:

There were no public hearings.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:33 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Dave Wurster, Estelle DeVooght, Mike La Pointe and Don Wickstrom present.

Scott Emerson and Max Engle were absent.

APPROVAL OF THE MINUTES OF JANUARY 25, 1994:

Bill Sanders asked if there were any additions or corrections to the minutes of January 25, 1994?

Mike Farrell noted that on page 7 it read comment was made that there is a need for minimum lot size for C-2, C-2, C-3 areas.

It should read comment was made there is a need for minimum lot size for C-1, C-2, C-3 areas.

Mike Farrell also noted that on page 9 last sentence reads the applicant has submitted a new name which is Rivord Trail.

It should read the applicant has submitted a new name which is Rivard Trail.

Bill Sanders asked if there were any more correction or additions to the minutes of December 28, 1993. There were none.

Bill Sanders moved, Estelle De Vooght supported that the minutes of January 25, 1994 be approved as corrected.

Motion Carried: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

There were none.

Estelle De Vooght moved, Don Wickstrom supported that the Agenda be approved as presented.

Motion Carried 5-0.

PUBLIC COMMENT:

Bill Sanders asked if any of the public had any comments or wanted to reserve time during any particular agenda item?

Gary Gorsalitz - 915 Willow Road requested to reserve time under Old Business A - Consider Request to Change Willow Road Name.

Mark Larson - 333A W. Park requested to reserve time under Old Business B - Consider Assembly of God Church - Conditional Use.

Christine Gorsalitz - 915 Willow Road requested to reserve time under Old Business A - Consider Request to Change Willow Road Name.

Bill Sanders asked if there were any further comments under the first Public Comment section. There were none. The first Public Comment section was closed.

OLD BUSINESS:

A. CONSIDER REQUEST TO CHANGE WILLOW ROAD NAME:

Mike Farrell read previous letters from property owners that were presented at the Planning Commission Meeting held on July 27, 1993. He also went over comments made by property owners made at the July 27, 1993 Planning Commission Meeting.

Scott Emerson arrived at the Planning Commission Meeting at 7:45 p.m.

Estelle De Vooght read letters from Greg Zyburt (Chocolay Township Police Chief), Shirley Murphy Furr, Mike Farrell and Chocolay Township Volunteer Fire Department stating that they are in favor of Willow Road name being changed to Rivard Trail.

Gary Gorsalitz - 915 Willow Road - residing since 1977 commented he feels the road should not be changed for the following reasons:

1. Potential Costs
2. How many wrong access incidents have occurred before the 911 system?
3. How many from South end of Willow Road have occurred?
4. Police Department and Fire Department - knows addresses from above 900 Willow Road can be accessed from Ortman Road.
5. When a 911 phone call is made the address is automatically given.
6. Police Department & Fire Department have maps and are professional enough to find the directions.
7. Expense - professional business - how many incidents have occurred at the North end prior to 922 start up?
8. Inconvenient request - feels the request is being used as a convenience - not as an emergency basis.
9. Taxes are being paid.

Christine Gorsalitz - 915 Willow Road - commented on the following:

1. Residence since 1977.
2. 1979 road was blocked off. Houses were marked.
3. Given assurance by Fire Department personnel and access was very noticeable for access by Ortman Road.
4. Police response before 911 system - response was within 10 minutes. Her daughter called and a police officer responded in sufficient time.
5. Young children have a hard time remembering addresses. Children know their address and if the Road name is changed, they may give the old address and may not remember the new name. Feels this should be considered a safety factor.
6. When emergency calls have been made, they have been responded

to adequately.

Mike Farrell presented the area 900 and above on the overlay.

Bill Sanders inquired how many property owners were for and against the road name previously.

Mike Farrell stated 5 out of 7 property owners were against the road name being changed.

Don Wickstrom inquired why the Police and Fire Department considered the safety concern now? Why wasn't it brought to the Planning Commission before?

He also commented it is an expense to the people that this change would affect.

Dave Wurster inquired if Willow Road would ever go through?

Mike Farrell state - no, Willow Road is a private road.

Gary Gorsalitz - 915 Willow Road stated Willow Road was blocked off in 1979. There was a fence across and could be opened up.

After much discussion on the name change of Willow Road the following questions and comments were given:

Willow Road is a private road and an unusual situation.

Willow Road is not up to public standards.

Not enough right-of-way.

Lots were sold without ownership of the road.

911 calls -- a non-resident may not know the area and address numbering of Willow Road and you may make a mistake on the correct access to use.

According to our township attorney - road is owned by one person and that person is making the request and not precedent not being able to change the name.

Has anything been done by the property owners regarding the legitimate expense. Possibly a date be set to give property owners to change address on checking accounts, savings accounts, letterhead, credit cards, etc.

Willow Road is an old issue and there are new staff on fire department and other emergency services that are not familiar with Willow road.

Does the Planning Commission have the right to deny the road name change?

Property owner wants to change the name in a memorial to her mother.

It was suggested possible a N & S Willow Road for a name change instead of Rivard Trail.

It was noted that the request to change the road name to Rivard Trail and there was no conflict with the proposed name.

It was stated we must rely on the Police and Fire Department regarding their opinion for emergency purposes and changing the name of the Road.

Applicant has went through the application procedures.

It was asked if the applicant had been approached on the costs that would occur to the property owners when/if the road name would be changed.

The applicant has not been approached on this .

Mike Farrell stated he did tell the owner costs would be occurred by the property owners, but did never talked actual dollars and cents.

It was asked when this name change went to the Township Board that a possible time frame in changing the name and addresses to be incorporated with their recommendation such as 6 months to a year.

What is stopping the applicant to change the name in the future again?

Mike Farrell stated the Township Board has rights to name the road in the community.

Mike Farrell stated that in talking with the zoning administrator that if an emergency occurred and the emergency personnel went the wrong way on the road and didn't perceive the road name change and something happened, the township may be liable.

It was felt that if the time was 6 months to 1 year it would just provide more time to spread the cash expense for the property owners that the road name would affect.

Estelle De Vooght moved, Bill Sanders supported that the Planning Commission recommend to have the name of Willow Road with access off Ortman Road to be changed to Rivard Trail and take affect on October 1, 1994.

MOTION CARRIED 4-2.

B. CONSIDER ASSEMBLY OF GOD CHURCH - CONDITIONAL USE:

Mike Farrell stated the applicant, Faith Assembly of God Church, was provided a conditional use permit February 23, 1993 Planning Commission Minutes to build a church at the property on Dana Lane. The Conditional Use Permit was granted for the purchase of the land. One of the conditions was that the final plans be submitted to the Planning Commission for review and final approval for compliance with original plans. Mike stated he has reviewed the final plans and feel they do not constitute a major change from the plans submitted.

Mark Larson - 333A Park Street - Marquette - Applicant for Faith Assembly of God has went over the final plans with Mike Farrell and Mark Maki.

Mark Larson made comments on the following:

1. Landscaping will be done in the Spring. Trees will be planted that will grow in the area.
2. Parking lot paving - The parking lot will not be paved until the money comes in. A reprocessed asphalt will be used until then.
3. Vinyl siding will be used on the two sides not facing the road. The reason for this is that the vinyl siding could be removed if an addition would be built.

The following questions and comments were made by the Planning Commission members.

What action does the Planning Commission have to do to approve the site plan?

Mike Farrell stated that conditions 4 - 8 have to be complied with and may want to include condition #1 - vegetation.

The Planning Commission Members commented on the very nice job that the Faith Assembly of God Church has done to preserve the land and the natural preservations.

Mike La Pointe moved, Bill Sanders supported that the Chocolay Township Planning Commission approve the final plans for the Faith Assembly of God as presented with the conditions listed below:

1. That the applicant consult with the Township Planner and Zoning Administrator on proper vegetative landscaping necessary to screen the proposed development from adjacent properties.
2. All plans be reviewed by the Township Zoning Administrator and conform with all established regulations as stated in the Chocolay Township Zoning Ordinance #34.
3. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to start of construction.
4. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.
5. That non-fulfillment of any of the conditions as set forth in this approval shall constitute a violation of the conditional use permit and may lead to the revocation of the conditional use permit.
6. That the applicant comply with all of the Michigan Department of transportation for access off M 28.
7. Vinyl siding will be placed on the Southeast and Southwest sides of the church.
8. Buffer is 75 feet.

MOTION CARRIED 6-0.

C. DISCUSS LANDSCAPE LANGUAGE FOR ZONING ORDINANCE (ONGOING DISCUSSION):

Mike Farrell stated he would like have the Planning Commission to consider to have a committee of three Planning Commission members to look through the landscape information and present language back to the Planning Commission for consideration of possible enforcement of the Landscape Ordinance.

Scott Emerson and Dave Wurster volunteered to be on the committee to review this information and present it to the Planning Commission for consideration of a landscape ordinance.

Scott Emerson commented on the material provided.

D. ZONING ORDINANCE CHANGES - PRIORITIES (ONGOING DISCUSSION):

Scott Emerson presented the following list he felt would be considered high priority items for the Planning Commission to work with:

1. Landscaping Ordinance
2. Ground Water
3. Re-zoning
4. Private Roads

Under landscaping the following suggestions were made that may be considered:

1. Screen buffer

Do we want to focus on both commercial and residential?

The Village of Harvey was given as an example.

2. Lighting
3. Power - underground
4. Setback - wetlands
5. Woodland - preservations

6. Trees - specific types be planted and preserved.

It was also suggested possibly sub headings under each item be considered such as:

- a. Enforcement
- b. Development
- c. Justification
- d. Addition Information

It was also inquired if the Planning Commission is going to have support from the Board before putting in alot of time and effort in the landscaping issue?

Don Wickstrom thought that the Planning Commission would possibly obtain support from the Board. It was recommended that once the Planning Commission get the priorities set up that we present an outline (preliminary sketch) to the Township Board.

Mike Farrell stated he felt the Board would be receptive to the landscaping ordinance, but cost may be a key factor. The outline approach is a good aspect.

Scott Emerson stated good communication with the Board is another key factor.

The following comments were made under Groundwater Contamination:

Scott Emerson felt the Planning Commission should have input on the Watershed Council.

Scott Emerson inquired about the groundwater contamination in Harvey.

He stated that there was a 1988 survey done by the DNR. It was stated that there were eleven (11) hot spots identified in that report. Harvey Inn was a gas station at one time. It was suggested that the Township try to obtain a copy of the 1988 survey.

Mike Farrell stated he is constantly identifying the sources of contamination. Waiting for the State to take appropriate action.

Mike also stated he is on the GEM Board. Chocolay Watershed is also looking into the matter and probably will be doing an inventory and identifying the trouble spots.

It was also stated that Chocolay Township is being considered a model for the project by Michigan Tech.

Mike Farrell stated a site was chosen for a possible well system. Location will probably be by the Silver Creek Recreation Area.

The following comments were made regarding rezoning:

Mike Farrell presented an overlay regarding the R-1 Zoning District:

The following were suggestions regarding steps for zoning approval:

1. Site Plan View
2. Septic & Well
3. Run-off.

The following were suggestions regarding Zoning Ordinance Changes:

1. Top soil:

It was suggested that consideration be given to not allow the removal of top soil in Agricultural or Residential areas.

2. It was suggested that we need more commercial area. Possible the Village concept.
3. It was suggested possibly the Northeast side - US 41 - M 28 & Cherry Creek Road be considered for commercial expansion.

Mike Farrell stated he would take a look at the zoning district maps and take an inventory on the density in each of the three districts and at a Planning Commission meeting put together re-zoning maps.

Comment on the Old Jack's building:

It was stated just certain it was zoned just for certain types of business because there is a minimal parking area.

Square footage for camps should also be considered for when working on zoning ordinance.

The following comment was made regarding Private Roads:

Scott Emerson stated that when considering private road standards the specifications should comply with the County Road standards.

Mike Farrell stated he would schedule a Planning Commission Executive Committee meeting and present issues to the Planning Commission on specific items and a time period to get them done.

The Planning Commission Executive Board consists of Bill Sanders, Max Engle and Estelle DeVooght.

CONSIDER ANNUAL REPORT:

Dave Wurster inquired about money in continuing education.

Mike Farrell stated this money budgeted for the Planning Commission members and Planning Director to attend training seminars and workshops.

Scott Emerson moved, Don Wickstrom supported to approve the Annual Report as written and present it to the Township Board.

MOTION CARRIED 6-0.

NEW BUSINESS:

REVIEW PLAT - ELDERWOOD SUBDIVISION:

Mike Farrell presented information pertaining to the Elderwood Subdivision.

He stated this would be accessed by sewer.

It also meets the County Road standards.

Mike Farrell showed a portion that would not be able to built on. It was stated that possibly this could be designated for wildlife or recreational use, such as a bike bath.

Mike Farrell stated that we could require that an easement for recreational use be obtained. The Township has ninety (90) days to act on this. It also goes to the Drain Commissioner, Marquette County Road Commission, DNR and the Health Department.

It then comes back for the final approval on lot size, lot configuration and layout.

Larry Gould also has to review it for the sewer concept.

PLANNING DIRECTORS REPORT:

Mike Farrell stated the following workshops are scheduled for the Planning Commission members to attend, if the wish to do so:

1. February 28, 1994 from 6:00 p.m. - 9:00 p.m. - Skandia Community Center - Cost is \$2.00. This workshop is being put

on by CUPPAD.

2. March 9, 1994 from 1:00 p.m. - 5:30 p.m. - Gaylord
3. March 30, 1994 from 8:30 a.m. - 5:00 p.m. - Gaylord.

Dave Wurster stated he would be interested in attending the workshop on March 30, 1994.

Mike Farrell stated that the Chocolay Watershed Council has adopted the By-laws Procedures for the Council.

The Chocolay Watershed Council consists of members from the (Technical) DNR, Marquette Health Department, Soil Conservation Department, Drain Commissioner, Sands Township (1 representative), Chocolay Township (2 representatives), and (non-technical) 5 appointments at large. Technical members can't hold an office.

Grant has been tentatively approved. It is a one (1) year grant. Planning position will provide the inventory and identify the problem spots.

Inventory is micro soft accessible.

MEMORIAL:

Mike Farrell stated a local church wishes to establish a memorial garden to deposit cremations, if members of their congregation wishes to do so.

It was inquired if their were any regulations on this use and operating under a conditional use?

Prince of Peace Lutheran Church is the church inquiring about the memorial.

Mike La Pointe will obtain a set of plans and bring to the March 22, 1994 Planning Commission Meeting.

After discussion on this it was stated that some of the Planning Commission members were in favor of this type of use.

Dave Wurster will get information from his church on this for the March 22, 1994 Planning Commission Meeting.

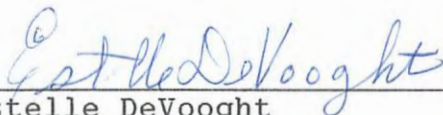
PUBLIC COMMENT:

Bill Sanders inquired if the Planning Commission felt a roll call vote was necessary for the motions in the minutes. After discussion the Planning Commission unanimously agreed if the Chairperson of the Planning Commission felt it necessary to have a roll call vote, then one would be taken. If not the motions will be stated in the minutes as it is being none currently.

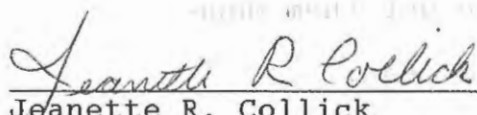
There being no further Public Comment, Bill Sanders closed the second Public Comment section of the Planning Commission meeting.

ADJOURNMENT:

There being no further business the Planning Commission Meeting was closed at 10:00 p.m.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, MARCH 22, 1994

AS CORRECTED

PRESENT: Bill Sanders, Max Engle, Estelle DeVooght, Dave Wurster,
Mike LaPointe

ABSENT: Scott Emerson & Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary

PUBLIC PRESENT: Sam Elder, Bob Cambensy, Dan Trotochaud, Jane
Surrell

PUBLIC HEARING:

There were no public hearings.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:34 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Dave Wurster, Estelle DeVooght, Mike La Pointe and Max Engle present.

Scott Emerson and Don Wickstrom were absent.

APPROVAL OF THE MINUTES OF FEBRUARY 22, 1994:

Bill Sanders asked if there were any additions or corrections to the minutes of February 22, 1994?

On page 5 - Motion regarding Willow Road, it stated Motion Carried 5-0. It should have stated Motion Carried 4-2.

Page 8 - Suggested regarding Zoning Ordinance Changes: It stated:

1. Top Soil

It was suggested that this be incorporated into the Mining Mineral Extraction Ordinance or not even be able to remove top soil or possible rezoning may be given.

It should be changed to read:

1. It was suggested that consideration be given to not allow the removal of top soil in Agricultural or Residential areas.

Page 9 paragraph stating: Mike Farrell stated he would schedule and Planning Commission Executive Committee and to prioritized and present to the Planning Commission on specific items and a time period to get them done.

It should read:

Mike Farrell stated he would schedule a Planning Commission Executive Committee meeting and present issue to the Planning Commission on specific items and a time period to get them done.

Page 10 Paragraph stating: Mike Farrell stated a local church wishes to establish a memorial garden to have deposits cremations, if members of their congregation wishes to do so.

It should read:

Mike Farrell stated a local church wishes to establish a memorial garden to deposit cremations, if members of their congregation wishes to do so.

Bill Sanders asked if there were any further corrections or additions to the minutes of February 22, 1994 minutes. There were none.

Bill Sanders moved, Mike LaPointe supported that the minutes of February, 1994 be approved as corrected.

Motion Carried: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

Mike Farrell requested that under Old Business - Item C - Elderwood Plat Review be added.

Under New Business - Item B - Chocolay Watershed Appointments be added.

Bill Sanders asked if there were any further changes for the agenda. There were none.

Bill Sanders moved, Mike LaPointe supported that the Agenda be approved with additions as discussed.

Motion Carried 5-0.

PUBLIC COMMENT:

Bill Sanders asked if any of the public had any comments or wanted to reserve time during any particular agenda item?

Dan Trotochaud reserved time when the Chocolay Downs PUD was being discussed and Bob Cambensy and Sam Elder reserved time when the Elderwood Plat was being discussed.

Mike Farrell requested that under New Business - item A - Groundwater Education in Michigan (GEM) be moved up on the agenda when Jane Surrell - Marquette County Health Department returned. Bill Sanders asked if there were any further comments under the first Public Comment section. There were none. They first Public Comment section was closed.

OLD BUSINESS:

CHOCOLAY DOWNS PUD - DISCUSSION OF PLANS:

Mike Farrell stated that Dan Trotochaud obtained a market study regarding the types of condos desired by proposed residents.

Dan Trotochaud stated that in the market study that was obtained that prospective buyers wanted detached units or duplexes.

He would like to obtain more flexibility to change the design of the condos from triplexes and fourplexes to detached units or duplexes. He is not proposing to change the intent or the way it is laid out. He is still proposing the three (3) clusters, he would like the Planning Commission to grant permission to change the type of housing.

The information regarding each phase would be put in the Master Deed. There will still be 30' set backs and a space between the units. There will be grass and shrubs and the walking path with each unit. Each unit costs approximately \$129,000 - \$149,000 to build.

Some prospective buyers want a model to be built. They are interested in quality of the condo.

Each phase consists of the following:

1. Seek preliminary approval
2. Reservations
3. Construction

He also stated that each phase would have a Master Deed and One Association. Each phase would have a representative on the association.

There will still be 33 units and 11 in each phase completed.

Mike Farrell stated Mt. Trotochaud would still have to obtain approval from the Fire Department concerning the radius for the curb for fire protection.

He also talked with Mr. Trotochaud regarding the escrow for the replacement of septic system.

Mr. Trotochaud stated he would keep the Planning Commission informed regarding any problems and/or progress of each phase of the project.

It was stated there was very little change of ground coverage. It was less than 2%.

Estelle DeVooght inquired where the garage would be. It was stated the garage would be on the end of each building.

The Planning Commission members had no problem with the concept.

Bill Sanders moved, Estelle DeVooght supported to recommend to the Township Board to allow the Chocoy Downs P.U.D. to construct detached or duplexes as presented and discussed tonight.

Motion Carried 5-0.

NEW BUSINESS:

GROUNDWATER EDUCATION IN MICHIGAN (GEM) PRESENTATION:

Jane Surrell - representative from the Marquette County Health Department gave a presentation on groundwater contamination in Marquette County. She presented information on the overhead and a movie regarding groundwater. GEM stands for Groundwater Education in Michigan.

Marquette County has 122 contaminated wells, and in the top 23% in the State.

ELDERWOOD PLAT:

Sam Elder and Bob Cambensy gave a presentation of the proposed Elderwood Plat:

Mike Farrell gave the planning commission members a copy of a memo from Larry Gould and Mike Farrell addressing a number of concerns that the plat needed to be aware of and/or incorporate into the plat. These concerns identified were:

1. Complete set of plans and specifications for the proposed sewer extension must be submitted to the Township Office for review and approval. A majority of the sewer to service the subdivision was installed with Cherry Creek Road Sanitary Sewer extension, but there is to be extensions off of the existing main as well as the possibility of additional leads to serve additional lots.

2. A question was raised on the availability of municipal sewer for lots 4, 5, and 6. It appears that the sanitary sewer may need to be extended on Juliet Street to service the area and the question was also raised about the availability of gravity sewer for these lots since some of that area is very low. We also discussed lots 18, 19 & 20 that was proposed for on site septic systems if they could be approved by the County Health Department. Since that meeting and subsequently submitted to Bob Cambensy, the Township's Subdivision Control Ordinance requires that all lots of platted subdivision within a quarter mile of the sanitary sewer be serviced.
3. We talked about a variety of easements for the municipal sewer as well as the Township's inquiry about the possibility of a easement from Judy Street to the proposed street which would allow access to Cherry Creek Road and the Cherry Creek School.
4. The pond area or part of the pond area is to be designated as a drainage area and we discussed the possibility of having the entire pond area dedicated and restricted if it is needed for drainage retention for the subdivision and other upstream areas.
5. Also discussed was the possibility of the utility easement from the end of the Township's Sewer on Veda Street Southwesterly to Ortman Road to provide future access for Township Sanitary Sewer Extension to service the area South of Ortman Road.
6. We discussed the possibility for the need of a cul-de-sac at the end of Veda Street for the turn around of vehicles as well as the possibility of needing frontage for the end lot to meet zoning requirements.
7. When the preliminary plat is filed with the township there is mandatory \$200 filing fee.
8. We discussed the availability of the sanitary sewer service for the New Life Church property which is located adjacent to and North of the proposed development. The developer was to check with the representatives to determine if they would like access to the Cherry Creek Road Sanitary Sewer Extension or if they still anticipated making a connection to the sewer at the end of Juliet Street. It appeared to us that it would be more cost effective for them to connect to the sewer in the new Elder development.
9. The proposed cul-de-sac at the end of Juliet Street was shown on property owned by the New Life Church. Sam was to discuss this with the Church.
10. As part of the construction for the new plat the sewer leads for the existing sewer under the proposed road would have to be extended to the lot lines.
11. It appeared that the draft plan had a 125 foot frontage on the lots but it was requested that this be shown on the preliminary plat.

Most of the concerns identified by Larry Gould and Mike Farrell were addressed on the plans provided except for:

1. Wastewater service for lots 18, 19 and 20.
2. Wastewater service for the New Life Church Property.
3. The consent of the New Life Church for the cul-de-sac at the end of Juliet Street.
4. Extension of wastewater leads to lot lines under proposed roads.

These concerns would need to be dealt with prior to submission of the plat for final preliminary approval.

Bill Sanders moved, Max Engle supported that the tentative preliminary approval of the Elderwood Subdivision be granted as submitted and be presented to the Township Board on April 1, 1994.

Motion Carried: 5-0.

ZONING ORDINANCE CHANGES - PRIORITIES:

Mike Farrell stated he would not be in attendance at the April 26, 1994 Planning Commission Meeting.

Mike Farrell stated that the Executive Committee met and came up with a tentative priority list for Planning Issues to be discussed.

After going over the tentative priority list the following comments and concerns were made;

Landscape ordinance:

What does the Township Board want regarding the landscape ordinance?

It was commented that the Board was receptive to the green space regarding landscaping.

It was suggested that the Landscape Committee present an outline form regarding the landscape ordinance to the Planning Commission and to the Township Board.

Parking Requirements:

It was suggested to possibly look at the types of uses, such as compact car, fast foods, etc. versus the amount of spaces.

Groundwater Contamination:

It was suggested that possible Chocoy Township and Sands Township could combine in an effort regarding groundwater protection.

Mike Farrell explained the survey that Chocoy Township is presently conducting concerning the Harvey area.

Budget:

Mike Farrell stated he would like the Planning Commission to have more input regarding their portion of the budget.

Comprehensive Plan:

This should be updated every ten (10) years.

Planning Director's Report:

Mike Farrell stated he would like to have the Executive Committee set the agenda for the next Planning Committee at each of the meetings either before or after the meeting. He also stated that he has to have thirty (30) days notice to put rezonings in the paper.

It was also suggested to consider a possible time for adjourning the meeting would be appropriate.

He also stated he would like to have more educational seminars for the Planning Commission Members to attend.

The Planning Commission members felt that the Executive Committee would meet for approximately ten (10) minutes after each Planning Commission Meeting to set the agenda for the next Planning

Commission Meeting.

Mike Farrell gave the information regarding the Township Board's decision on the abandonment of County Road BU (Joe Gibbs).

Mike Farrell stated that he met with the Zoning Administrator regarding the memorial garden at Prince of Peace Church and both felt it was not necessary to amend the Zoning Ordinance.

Mike Farrell stated two appointments from Chocolay Township for the Watershed Council are Larry Gould and Rod Smith. He will keep the Planning Commission updated on the Chocolay Watershed Council.

PUBLIC COMMENT:

Mike LaPointe stated an ad would be advertised in The Mining Journal regarding the other five (5) appointments for the Chocolay Watershed Council.

Mike Farrell stated that the County Commission and the Drain Commissioner has been working on a Stormwater Ordinance for approximately 2 - 2 1/2 years. It is presently in draft 5 form.

Mike LaPointe commented that there will be a workshop for groundwater on May 4, 1994.

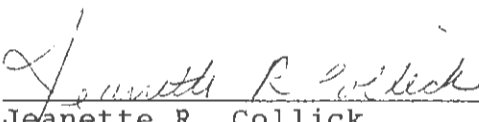
There being no further Public Comment, Bill Sanders closed the second Public Comment section of the Planning Commission meeting.

ADJOURNMENT:

There being no further business the Planning Commission Meeting was closed at 10:00 p.m.



 Estelle DeVooght
 Planning Commission Secretary



 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, APRIL 26, 1994

AS CORRECTED

PRESENT: Bill Sanders, Max Engle, Dave Wurster, Mike LaPointe**ABSENT:** Scott Emerson, Don Wickstrom, and Estelle DeVooght**STAFF PRESENT:** Jeanette Collick, Recording Secretary**PUBLIC PRESENT:** None.**PUBLIC HEARING:**

There were no public hearings.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:34 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Dave Wurster and Mike LaPointe present.

Scott Emerson, Don Wickstrom, and Estelle DeVooght were absent.

APPROVAL OF THE MINUTES OF MARCH 22, 1994:

Bill Sanders asked if there were any additions or corrections to the minutes of March 22, 1994?

Bill Sanders noted that on page 1 regarding top soil it states:

1. It was suggested that consideration be given to not allow the removal of top soil in Commercial or Residential areas.

It should be changed to read:

1. It was suggested that consideration be given to not allow the removal of top soil in Agricultural or Residential areas.

Bill Sanders asked if there were any further corrections or additions to the minutes of March 22, 1994. There were none.

Max Engle moved, Bill Sanders supported that the minutes of March 22, 1994 be approved as corrected.

MOTION CARRIED: 4-0.

Estelle DeVooght arrived at the meeting at 7:36 p.m.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

Bill Sanders requested under New Business B. Presentation of Chocolay Watershed Council be added.

Bill Sanders asked if there were any further changes for the agenda. There were none.

Bill Sanders moved, Dave Wurster supported that the agenda be approved with the addition as discussed.

MOTION CARRIED 5-0.

Scott Emerson arrived at the Planning Commission Meeting at 7:40 p.m.

PUBLIC COMMENT:

No public was in attendance. Bill Sanders closed the first Public Comment section of the meeting.

OLD BUSINESS:**RECREATIONAL STRUCTURES/CAMPS IN RP AND OS DISTRICTS:**

The following comments were made by the Planning Commission members concerning structures/camps in RP and OS Districts:

RR-2 40 acre minimum and granted under a conditional use.

OS not granted under a conditional use.

RP granted under a conditional use with larger setback restrictions. Possibly the building be screened in for ~~from~~ permitted uses. Eight hundred (800) sq. ft. seem too large for a camp. Four hundred (400) sq. ft. more reasonable, also may eliminate small trailers. This may also protect neighbors from a eye sore building.

Conditional Use in RR-2 - not a permanent residential structure. The tepees were given as an example.

It was stated that there are some nice looking small camps.

It was also stated that adequate screening of a building seemed to be more critical than the type of building for a camp. It was also suggested that a possibility of planting trees be considered for a barrier for a building.

It was stated that it doesn't appear to be a huge enforcement problem.

After the above discussion the following were recommendations for Camps and Recreational Structures:

1. Granted under Conditional Use in RR-2.
2. Granted under Permitted Use in RP & OS with conditions.
3. Minimum structure size.
4. Adequate screening.
5. Define temporary/permanent seasonal.

WATERFRONT SETBACKS:

The following comments and inquiries regarding waterfront setbacks were made by the Planning Commission.

The waterfront setbacks of concern were part of Lake Superior - 30' Creeks (Harvey Area) - 100'.

It was stated that the elimination of 902 would not include the existing setbacks.

Vacant lot would be 100'

Occupied would be 30'.

It was stated that having the 100' setback the habitant of the area could be destroyed if filled in. It was inquired if a house would be on the lot presently, would this be grandfathered in? it was stated yes.

It was also stated that if 902 would be eliminated that a public hearing would have to be held. Also notification would have to be published.

It was also stated that for a porch to be added onto the back of a house, a variance would probably be needed.

TOP SOIL REMOVAL:

The following comments were made by the Planning Commission members concerning the removal of top soil.

It felt the grading permit section provided in the packet is more involved, if it could be enforced.

It was stated that possibly if the soil couldn't be used for growing agricultural crops then it may be okay.

It was asked if there was a way to regenerate the top soil once it is removed? Yes there is a way, but it is very time consuming.

It was also asked how can you determine the amount of top soil, when no definition of top soil is stated.

It was suggested that a performance bond be required by the person removing the top soil. It was suggested that a possibility of cost sharing for the enforcement of the top soil ordinance be consolidated with other townships.

It was also suggested that the person wanting to remove top soil would possibly have to go through an improvement process. It was stated that the improving process could take many years to regain the top soil.

It was stated that if the permit part of being able to remove top soil was not followed through, then the performance bond, all or a part of, would be forfeited.

After the above discussions regarding the removal of top soil that the Planning Commission review the grading permit section of the ordinance from Schoolcraft County that was provided at the meeting. It was also suggested to research for more top soil language.

TRAIL DEVELOPMENT:

The following items of concerns regarding recreation/trail development were made by the Planning Commission:

It was stated that a high priority item regarding the trail development would be the forming of the Ad Hoc Recreation Committee.

1. How should we acquire the land?

It was suggested that we purchase the land outright.

It was also suggested discussed that possibly look into the acquiring of land by condemnation. The Board was not in favor of this.

2. Should the easement limit the use of the property?

It was suggested that the use be limited to non-motorized, such as: bike path, skiing, walking.

It was stated that you cannot guarantee the use be limited to non-motorized. It was suggested that the local police department would have to enforce the non-motorized use.

3. How wide should the easement be?

4. What kind of capital needs to be set aside by the Township for a trail development program?

5. What additional work load will trail maintenance put on township resources?

It was suggested that the Planning Commission obtain a detailed copy of the budget of the Township to review reallocation for trail development. Also the greatest number of people that would be benefited by the trail development should be considered.

6. Where do we want the trails to go?

It was unanimously suggested that a means of linking recreation areas, schools and residential areas be considered the top priority. An example of this would be, an easement on Cherry Creek Road for a path.

It was also stated that the township should consider combining with the North Country Trails organization to see what direction they are considering going in.

It was suggested that the Planning Commission obtain a large map of Chocolay Township to determine where trails may be able to be developed.

NEW BUSINESS:

ACCESS CONTROL:

The Planning Commission had the following comments and concerns for access control:

Landscaping may help traffic control.

It was suggested that the business area by True Value, Vet Clinic, etc. possibly have one common access control.

Driveways should be designed for safety reasons.

It was suggested that limit access instead of lot size be considered.

This would possibly be more flexible for a PUD development.

PRESENTATION - CHOCOLAY WATERSHED COUNCIL:

Mike LaPointe gave a slide presentation of the Chocolay Watershed Council on the membership and the goals were.

He stated that the by-laws were formed and voted on by the membership.

A newsletter is going to be used to inform the public involved on what is going on in the council.

The council plans to work with agencies to correct problems that are occurring.

Funding sources have been identified. Grants have been applied for. Project Planner will be working on this part of the plan.

Soil maps that are going to be used have been color coded.

Fred Rydholm will be doing a history of Chocolay Township.

Jane Surrell - Marquette County Health Department - will be educating land owners on groundwater.

The Chocolay Watershed Council is hoping to have a plan put together for the implementation of the program for three (3) years and obtain the funding to get the goals accomplished.

Rules and regulations will involve all local units of government.

Rod Smith and Larry Gould are the representatives from Chocolay Township.

Chocolay Township has been very supportive in providing the meeting place for the Chocolay Watershed Council.

PLANNING DIRECTOR'S REPORT:

Due to Mike Farrell being on vacation and out of town there was n Planning Director's report.

PUBLIC COMMENT:

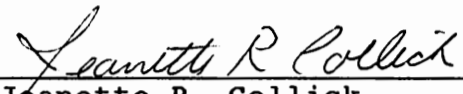
There being no Public Comment, Bill Sanders closed the second Public Comment section of the Planning Commission meeting.

ADJOURNMENT:

There being no further business, the Planning Commission Meeting was closed at 9:40 p.m.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, MAY 24, 1994

PRESENT: Bill Sanders, Max Engle, Estelle DeVooght, Dave Wurster

ABSENT: Scott Emerson, Don Wickstrom & Mike La Pointe

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Mark Maki, Director of Assessing & Zoning
Suzanne Collins - Summer Intern Student

PUBLIC PRESENT: Mike Rucinski, Kay Rucinski, Pat Ferguson, Billy R. Jenkins, Tom Waselesky, Ken Hoog, Gloria Hoog, Dolores Salmi, Sylvia Barclay, Michael Bonanni, Dale G. Pelvit, Gary Baldwin, Nancy Baldwin

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m. He explained the process for public input and comments.

Conditional Use #30 - Mike Rucinski:

Bill Sanders stated Mike Rucinski, applicant has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow the storage of materials that is business related, but not displayed for sale on property that is part of a business within the C-3 Zoning District. The request is being requested for 6570 U S 41 South.

Mike Rucinski - 109 Birchbrook - business located at 6570 U S 41 South.

There are three (3) businesses at the same location, which are: Northern Automotive Electric, Pelco Metal Fab, and Whitty's Auto Body.

Northern Automotive Electric is an auto repair facility.

Pelco Metal Fab builds custom vehicles and does frame-up restorations of classic cars.

Whitty's Auto Body is a body shop.

Mike Rucinski stated that utilizing parts from disabled vehicles is a vital part of their business. He explained that all the disabled vehicles are drained of gasoline, motor oil, transmission fluid, and antifreeze. They are stored behind a 6' high metal fence and are not visible from the highway or adjacent residential property. They have applied for a EPA Federal I D number and the hazardous wastes are picked up by appropriate EPA approved disposal companies.

The items that have to be drained are drained in a double container. There is a shelter put up for sand blasting and a special kind of sand is used and is stored in a special barrel.

Delores Salmi - 111 Alderbrook - concern about what would be done with the shells of the vehicles after parts are taken off.

Mike Rucinski - 109 Birchbrook - stated the business needs to have 8-12 vehicles before anyone from a scrap yard would come and get them. He is not running a junk yard and there is a fence for the storage of these vehicles.

Billy R. Jenkins - 362 S. Big Creek Road - concern on hazardous wastes and security with children.

Mike Bonanni - 116 Alderbrook - has talked to Mark Maki for sometime to get some clean up done on the property and presented

some photographs regarding the property at 6570 U S 41 South. he is also concerned about groundwater contamination, property values, aesthetics value, and consider this to be an eye sore. He requested to go on record of being opposed to the approval of this conditional use.

Gloria Hoog - 108 Alderbrook - agrees with Mr. Bonanni's comments and is also concerned about the fragile aquifer in the area.

Ken Hoog - 108 Alderbrook - concern about the junk yard in the area, ground water, and the property values.

Mike Bonanni - 116 Alderbrook - stated he received a letter from Mark stating that Mr. Rucinski is requesting a conditional use to operate a junk yard.

Scott Emerson arrived at 7:40 p.m.

Dolores Salmi - 111 Alderbrook - inquired as to why some people received one letter and some others received a different letter.

Bill Sanders asked if there were any further public comment regarding Conditional Use #30. There were none.

Bill Sanders closed the public hearing.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the meeting to order at 7:45 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Dave Wurster, Estelle DeVooght, Mike LaPointe and Scott Emerson present.

Don Wickstrom was absent.

APPROVAL OF THE MINUTES OF APRIL 26, 1994:

Bill Sanders asked if there were any additions or corrections to the minutes of April 26, 1993

Bill Sanders noted that on page 2 paragraph stating: RP granted under a conditional use with larger setback restrictions. Possibly the building be screened in for permitted uses. Eight hundred (800 sq. ft. seem to large for a camp. Four hundred (400) sq. ft. more reasonable, also may eliminate small trailers. This may also protect neighbors from a eye sore building.

Should be corrected to read: RP granted under a conditional use with larger setback restrictions. Possibly the building be screened in for ~~from~~ permitted uses. Eight hundred (800 sq. ft. seem to large for a camp. Four hundred (400) sq. ft. more reasonable, also may eliminate small trailers. This may also protect neighbors from a eye sore building.

He also noted that on page 4 paragraph stating: It was also suggested that possibly look into the acquiring of land by condemnation. The Board was not in favor of this.

Should be corrected to read: It was also ~~suggested-~~ ~~discussed~~ that possibly look into the acquiring of land by condemnation. The Board was not in favor of this.

Bill Sanders asked if there were any further corrections or additions to the minutes of April 26, 1994. There were none.

Bill Sanders moved, Scott Emerson supported that the minutes of April 26, 1994 be approved as corrected.

MOTION CARRIED: 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders requested that if there were no objections that under new Business, Item A - Conditional Use #30 - Mike Rucinski be moved before Old Business.

Bill Sanders asked if there were any further changes for the agenda? There were none.

Mike LaPointe moved, Scott Emerson supported that the agenda be approved with change as discussed.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Mark Maki, Director of Assessing & Zoning reported that he sent the Planning Commission a memo dated January 1994 and commented on the following:

Camps & Recreational Structures RP District - based on criteria, minutes states not a big enforcement problem. In most cases the problem is when we find them basically brought Mark's request to the Planning Commission. His impression was that the Ordinance would probably not stand up and not allowing camps/recreational structures in Resource Production Districts.

Minimum lot sizes - C-1, C-2, C-3 - easiest way to control number of driveways on the highway.

Also requests the Planning Commission to make it illegal to create lots that do not meet minimum lot size requirements. Stop the creation of lots that do not meet the requirements.

There have been a number of cases where a number of people create lots that are not buildable and the problem is that it ends up costing the township money if it would have to go to court. The easiest way to solve that problem is to stop the creation of lots that do not apply to the Ordinance. If you put a provision in the Ordinance that somebody can't do it, once they do it, then it can be stopped immediately. It would be a lot less costly to enforce it at that end than past experiences has shown us that those problems do not go away. They end up in court and cost money that is unnecessary. The real issue is that this is not the purpose of for the creation of a lot that doesn't comply with the Ordinance. He would like the Planning Commission to consider that.

C-2 - offices - Parking spaces do not seem to be adequate. Increase number of parking spaces.

Top Soil - Require Mining Mineral Extraction process. It takes approximately three (3) months to secure all the permits, public hearing, Planning Commission and the Township Board submitting detailed plans to remove top soil off 10 acres of property. If the basic intent is not to allow the removal of top soil, that may be another issue. He thinks by having it as a Mining Mineral Extraction operation, it is not going to be realistic for the judge to enforce the ordinance.

Golf Course R-1 zones. Currently the ordinance doesn't provide for golf courses. Should provide some type of signage for golf courses.

Number of business in C-3 district with outdoor storage. Example: Marquette City ordinance doesn't allow outdoor storage, requires all retail storage inside. Suggested that we consider to put a limit of a certain percent on outdoor storage.

Bill Sanders asked if there were any further public comment. There were none. He closed the first public comment section of the regular meeting.

NEW BUSINESS:

CONDITIONAL USE #30 - MIKE RUCINSKI:

Mike Farrell stated he looked at the site, he does have a fence up almost all around the perimeter and would like to recommend that he enclose it completely and provide a gate that can be locked when the business isn't in operation and would eliminate access of kids in the neighboring area in the storage area and also that they deal with vehicles appropriately by draining all the fluids from the vehicles and store these in disposable and appropriate fashion.

It was inquired as how long the business has been in operation. Mike Rucinski stated about 5 years.

Estelle DeVooght read letters from: Trudell Plumbing & Heating Inc. dated May 23, 1994 and also from Dorothy Arnold, Jan Brondyke and Scott Porter dated May 24, 1994.

Oil drained in a double wall container and stored inside of building. 300 gallon capacity.

Gasoline is drained right a way.

15-20 gallons of anti freeze fluid are kept in the shop in 5 gallon pails.

Freon - no method yet - no air conditioning.

Security - willing to put a fence all the way around.

Scott Emerson questioned on how long tires would be stored.

Mike Rucinski stated they are presently stored in a van. Used tire business on U S 41 in Beaver Grove for \$1.00 per tire.

Delores Salmi inquired who would be policing and how often to be sure these fluids, etc. are being disposed of properly?

She also inquired on ground water contamination.

Mike Rucinski stated that fluids are drained from the vehicle inside before the vehicles are outside.

Delores Salmi also had a concern on floor drains and if the fluids go into the septic system.

Mr. Rucinski stated there are no operating floor drains.

Mike Bonanni presented photographs of the yard of the business at 6570 U S 41 South. These photographs were taken approximately 1 - 2 weeks ago.

Mike Rucinski pointed out where the fence would be.

Bill Sanders stated in a C-3 district you have the right to operate a business.

The following comments were made during the discussion pertaining to Conditional Use #30 - Mike Rucinski.

Possibility to do this under a Conditional Use Permit.

Concern on a vegetative screen being place on the outside of those parts of the fence that are facing the residential neighborhood. How would this get done and who would be responsible to make sure this got done.

Question on the number of vehicles - fabricating, trailers, etc.

There was a comment on this and very little material - 10 tons.

How many is there now? It was stated there was approximately 18 - 19.

Mike Bonanni inquire who looks after the policing? Mike Farrell stated the Zoning Administrator would enforce the conditions that are applied to the Conditional Use Permit.

It was asked who maintains the policing of the Quik Lube in Harvey. Would the DNR enforce this or it on a complaint basis? There has been not complaints regarding this.

It was stated that Mr. Rucinski has applied for the EDA license, Social Security No. of business for the environmental purposes and ID requirements. Do they monitor the conditions. It was stated the DNR monitors these conditions in the UP.

There was also concern about the basin sludge that settles in the

bottom of a barrel in an enclosed system. It was stated that there is another filter in another barrel.

It was stated that when gas stations remove tanks it is self reporting through the DNR.

Concern on furniture solvents and degreasing agents.

Mike Rucinski state these solvents used for cleaning the parts. Fluid is pumped out into a barrel and a basin is used and as you wash the parts, the sludge settles into the bottom of the barrel and the whole barrel then gets picked up. It is in an enclosed system.

It was stated that the fire department has a hazardous waste, chemicals, and flammable survey on the businesses of Chocolay and needs to know the location of the solvents and flammable fluids. The chemical survey form for the businesses in Chocolay Township are required to be filled out on an annual basis.

It was stated that the monitoring is difficult to do. You need a specialist on hazardous waste.

Mike Rucinski stated that businesses have to take precautions. If precautions are not taken and not monitored and corrected, the business could loose everything.

It was felt by some of the Planning Commission members that by the various pictures that were presented that the area should be cleaned up more.

Mike Farrell went over the general standards of the Chocolay Township Zoning Ordinance.

It was felt that a new site plan needs to be done on what the property would look like once the proposed items would be done. It was felt there was not enough information to approve the conditional use permit and the applicant should be given an opportunity to have a new site plan on what is being proposed.

There was a concern on the aquifer flow. The ground water contamination should be monitored.

It was also stated that another owner of the business may not be as responsible as what Mr. Rucinski is proposing to do.

Mr. Rucinski stated that the cars are picked up on a timely basis. He also stated that thirty (30) vehicles would be tops for storage for all three (3) businesses combined.

After discussion the following were of concern by the Planning Commission.

It was stated that the request is to store a number of vehicles.

Should have adequate screening and vegetation - vehicle be stored.

There was a concern on the number of tires. It was stated that tires are stored in a van as suggested by the DNR and tires are stored inside. You have to pay to get rid of tires.

Protection of the aquifer is of great concern.

Need a more detailed site plan on what is being proposed.

Tom Waselesky - 361 South Big Creek - Has been dealing with junk cars for approximately thirty (30) years and junk cars aren't worth anything. Also township should look into monitoring the garbage that has been dumped in the woods.

Bill Sanders moved, Max Engle supported that the Conditional Use #30 - Mike Rucinski be tabled until the June 28, 1994 Planning Commission and obtain the following:

1. A more detailed site plan.
2. Shallow well point.

3. Monitoring groundwater
4. Vegetation species.
6. Storage options.
7. Type of Fence.

Also the following conditions be taken into consideration:

1. The area in which vehicles and other materials are to be stored shall be screened from view by a six (6) foot opaque fence.
2. The area in which vehicles and other material are to be stored shall be secured with a gate and locked during the times that the businesses are closed.
3. All fluids and/or parts that could cause possible contamination must be removed from the items being stored within the fenced area. This includes but is not limited to anti-freeze, gasoline, motor oil, transmission fluid, batteries, brake fluid, freon from air conditioners and diesel fuel. These fluids and/or parts shall be removed at a designated location with appropriate flooring material that will not allow the dripping of fluids onto the ground. Storage of the fluids and/or parts removed shall be in an approved containers, that is in a safe location that provides for secondary containment, and shall be disposed of in an environmentally safe and legal method.
4. A vegetative screen be placed on the outside of those parts of the fence that are facing the residential neighborhood. This screen is intended to break up the line of the fence thus giving the adjacent residential area a more aesthetic view. This screen shall consist of trees and bushes of varying heights and anticipated potential heights.
5. There shall be no more than 30 vehicles and 10 tons of scrap stored at this site at any one time. Each vehicle frame with or without its other components shall constitute one vehicle.
6. No items stored within the fenced area shall exceed eight (8) feet in height and no vehicles shall be stacked upon one another.
7. Plans be prepared showing the fence and vegetative plantings and be submitted to the Township Planning Director for approval based upon established conditions for permit approval.
8. All plans be reviewed by the Township Zoning Administrator and conform with all established regulations as stated in the Chocolay Township Zoning Ordinance #34.
9. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to start of construction.
10. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.
11. That non-fulfillment of any of the conditions as set forth in this approval shall constitute a violation of the conditional use permit and may lead to the revocation of the conditional use permit.

MOTION CARRIED 6-0.

The Planning Commission commended Mike Rucinski on the job he is doing.

Mike Farrell stated that the public hearing process of Conditional Use #30 was already taken care of so no public notice will be sent for the June 28, 1994 Planning Commission Meeting.

He also responded to the question that was raised during the public hearing regarding the two (2) different letters that Mr. Bonanni received. One was the public hearing notice concerning the

conditional use and the other letter was a response from Mark Maki regarding questions that Mr. Bonanni had.

OLD BUSINESS:

Mike Farrell requested that the Executive Committee meet after the regular Planning Commission meeting to set the agenda for the June 28, 1994 meeting.

The following items were discussed at the regular Planning Commission Meeting of April 26, 1994 and the minutes reflected the issued discussed:

1. Recreational Structures/Camps in RP & OS Districts
2. Waterfront Setbacks
3. Top Soil Regulations
4. Trail Development
5. Commercial Access Control
6. Landscape Language Update

It was brought to the Planning Commission members' attention that Paul Smith was trying to obtain ten (10) year contracts for the removal of top soil on 2 - 3 acres of land and paying a dollar figure for the tops soil or sod.

It was felt that sod and top soil removal guidelines should be set up.

There was also a question on the legality of getting out of one of these contracts if a person would sign.

There is a big concern on the top soil removal. Mike Farrell has spoken with the township attorney and not removing top soil is really a hard issue to deal with.

Mike will do more research on this and try to obtain more concrete answers.

Mike La Pointe will contact CUPPAD and try to obtain answers for the removal of the tops soil and sod.

It was stated that basically the enforcement of the removal of top soil could be enforced under the grading permit in our Zoning Ordinance.

Basically in Marquette County, the removal of top soil is being regulated through a Soil Erosion Permit. If somebody obtains a Soil Erosion Permit, you do not have to obtain a Grading permit. Mike Farrell will pursue this further and if time allows, he will put some language together and contact the Executive Committee and run it past them and if they feel that they would like to have a public hearing at the next Planning Commission Meeting then he will schedule a public hearing.

Estelle De Vooght - Trail Development - this should be considered a priority item. Mike Farrell will try to obtain more information on trail development and present it to the Planning Commission.

Scott Emerson - Waterfront Setbacks - this should be considered a priority item. Public Hearing should be set as soon as possible.

Scott Emerson - Commercial Access - Mike Farrell stated the rationale Mark has given is legitimate rationale, but may cause commercial area the last few years is to concentrate the commercial in one location and if you create minimal lot size you get away from that approach. Another approach was basically to establish within the township certain distance between accesses to the highway based upon speeds of the roads they are accessing. This would be a more viable approach than limit lot sizes.

Scott Emerson - Landscape Ordinance - Key in the design in the Landscape Ordinance is to eliminate the number of driveway access.

Mike Farrell inquired if the Planning Commission wanted to deal with the access as part of the landscape issue or deal with it as a separate issue.

Dave Wurster felt it would be better to deal with it as part of the Landscape Ordinance before the Landscape ordinance is full blown.

Max Engle commented that the Township Board is looking at businesses in a more concentrated area and not spread out through the township and if minimum lot sizes are used, basically you are going to spread out commercial districts.

NEW BUSINESS:

CONSIDER AMENDMENT TO SIGN REGULATIONS FOR GOLF COURSES:

Mike went over the memo dated May 10, 1994 from Mark Maki that was sent to the Planning Commission regarding Signage for Golf Courses. Language to this extent is very important. Presently none of the golf courses we have can legally have a sign up on their premise.

In addition to this, in the future we will be dealing with off premise signs. Both of the golf courses in the Township are off county roads and state highways. As far as legitimate directions to them for notification for public who may be looking for them an on premise sign will not do the job.

EXAMPLE: Downs Golf Course - an on premise or off premise sign would be back somewhere by the pro shop. Somebody going down the highway wouldn't be able to see the sign.

The same situation would happen to Gentz's Golf Course.

Max Engle - sign for Downs Golf Course? Does Mr. Gibbs own the land on either side of the road?

Mike Farrell stated Joe Gibbs does own the land as you get to the intersection of Brewer Drive and Eagle Pass Drive. That is where his pro shop is. he has a pocket of developed plats and it breaks where his green is and his pro shop is there and another section of plats. There is room by the pro shop to put a sign up.

The problem with both of the golf courses is that the travelled road being County Road 480 and M 28 East, we don't have anything in our ordinance that would allow a sign to be placed on those locations.

Scott Emerson - suggested possible a small sign - directional sign on the order of the Michigan Department of Transportation signs.

Mike Farrell - Example - Gibb's Sign - and that would be the type of sign we would allow for on the highway, which would be 32 square feel (the size of a 4' x 8' sheet of plywood).

He also stated that the State Highway Department is looking at what they can do to allow a sign on M 28.

The language for on premise signs is ultimately good language and what he would like to do would be to advertise and have it as a public hearing for the June Planning Commission Meeting.

The size of the sign would be limited to sixty (60) square feet.

He will do more research on language on signs for the June Planning Commission meeting.

Tourist Directional Signs - not allowed in our R-1 and R-2 district and Downs Golf Course is an R-1 district, that is why a tourist directional sign cannot be placed there.

Tourist Directional Signs are permitted by Zoning Board of Appeals approval. Mike will talk with Mark and see what he thinks about possibly taking the R-2 and R-2 district restrictions of the tourist directional sign.

PLANNING DIRECTOR'S REPORT:

Mike Farrell reported on a workshop that Bill Sanders and he had attended that was held on Wednesday, May 18, 1994 in Escanaba pertaining to planning.

Mike Farrell inquired if the Planning Commission would be willing to have a special planning committee dealing with strategic planning. This would be advertised in advance and have volunteers for ideas and input. The Planning Commission members felt this would be a good idea.

Mike Farrell also stated that in July in Marquette there is going to be a general planning commission workshop. This would be just a basic entry level workshop. Mike will try to arrange to pay for any members of the Planning Commission that may be interested in attending the workshop. Workshop very important since the County no longer has county wide zoning, hopefully there would be a good turnout.

Mike Farrell stated that through the Marquette County Townships Association (MCTA) possible and agenda could be set up for all the Planning Commissions and possible the stormwater ordinance.

Scott Emerson also suggested that possibly a joint meeting with Sands and Chocolay could be set up.

Another suggested agenda item for the Marquette County Townships Association (MCTA) would be a county wide ordinance dealing with the disposal of used tires. A suggestion would be any business selling tires could add a fee on tires taken in. Possibly make it mandatory that tire dealers add the fee in.

Mike Farrell stated that the Planning Commission terms for Bill Sanders, Max Engle and Dave Wurster were expired. All three (3) members responded that they would be willing to serve on the Planning Commission.

Mike Farrell introduced Suzanne Collins - summer intern student who would be working with planning, garbage, etc.

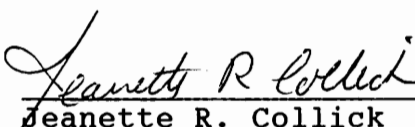
PUBLIC COMMENT:

There being no Public Comment, Bill Sanders closed the second Public Comment section of the Planning Commission meeting.

ADJOURNMENT:

There being no further business, the Planning Commission Meeting was closed at 9:45 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, June 28, 1994

PRESENT: Bill Sanders, Mike La Pointe, Max Engle, Estelle DeVooght, Scott Emerson

ABSENT: Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Suzanne Collins - Summer Intern Student

PUBLIC PRESENT: Several public were in attendance.

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m. He explained the process for public input and comments.

REZONING #74 - TEXT AMENDMENT - WATERFRONT SETBACKS:

Mike Farrell, Director of Planning & Research explained the applicant, Chocolay Township Planning Commission has petitioned the Chocolay Township Board to amend the Chocolay Township Zoning Ordinance with language that will establish waterfront setbacks for that portion of only the Chocolay River located in Section 902 of the Chocolay Township Zoning Ordinance. Section 902 is that part of the Chocolay River NorthM-28 extending all the way to Lake Superior. This would re-establish the 100' setback in this area.

John Renfrew - 234 Riverside Road - would that also put restrictions on cutting trees.

Mike Farrell explained presently the Zoning Ordinance limits any development within 30' of the river and has always been in affect in this area. This would re-establish a 100' setback and no structures could be built within 100' from the river's edge. This would be for new lots. This would mean if there are any new lots that are developed, they would have to meet the 100' setbacks.

John Renfrew - 234 Riverside Road - Very much in favor for increasing protection along the Chocolay Rivers.

Susan Harding - 169 E Main Street - Does it protect cutting down trees?

Mike Farrell indicated you can cut within 30' of the river's edge, but you have to leave them natural 30' from the river.

Nydia Renfrew - 34 Riverside Road - What penalties are there for destroying the setbacks.

Duane Carlson - 206 Riverside Road - Very much in support of the 100' waterfront setback.

Jim Murdey - 274 Riverside Road - Support the 100' setback. Inquired on existing lots, does that include new construction within a 100' range?

Mike Farrell explained if you have an existing house right now and is within 100' of the river, it is considered non-conforming. If this was adopted, this would be non-conforming, you could put an addition on the house. You couldn't put it within 30' of the river.

Scott Emerson - what happens if the house would burn down?

Mike Farrell explained you could replace it in its existing location.

Bill Sanders inquired about penalties.

Mike Farrell stated that it would be in a violation of our Zoning Ordinance at which point an appearance ticket would be issued. There is a standard procedure that is followed:

1. Two (2) appearance tickets are issued.
2. Goes to the Chocolay Township Board to decide whether the Board wants to pursue it through court action or to reverse it or take whatever action the Board feels is appropriate at that point.

Mary Reichel - 270 Riverside Road - How is it established to the Board regarding the destroying of the trees.

Mike Farrell indicated that is a problem with any regulation ordinance. Enforcement is always a problem to a certain extent. We have to rely on the public to keep aware of what is going on. If staff is made aware of it, appropriate action would be taken before it is too late.

Susan Harding - 169 E. Main Street - What steps are taken for the passage of the waterfront setbacks?

Mike Farrell explained:

1. The Planning Commission's recommendation goes to the County Planning Commission.
2. County Planning Commission reviews it and see if the proper procedures were taken in the process in making amendment to our ordinance and will make a recommendation as they feel is appropriate.
3. The recommendation then comes back to the Chocolay Township Board at which time they will review at the input from the Township Planning Commission and the County Planning Commission and will make a decision.
4. If the Township Board approves it, they would have to publish it in the newspaper and at the next meeting they would adopt it in the Ordinance.

Duane Carlson - 206 Riverside Road - Is the passage up for a public vote?

Mike Farrell - no it is not.

Scott Emerson inquired about a boat dock.

Mike Farrell explained that a dock wouldn't be allowed that a permit for a dock would have to be issued through the DNR.

Bill Sanders asked if there were further comments regarding the public hearing for Rezoning #74. There were none.

Bill Sanders closed the public hearing regarding Rezoning #74.

REZONING #75 - TEXT AMENDMENT - RECREATIONAL STRUCTURES:

Mike Farrell explained the applicant, Chocolay Township Planning Commission has petitioned the Chocolay Township Board to amend the Chocolay Township Zoning ordinance with language that will establish minimum structure sizes and setbacks for recreational structures in the RR-2, OS and RP Zoning Districts.

Recreational structure, a cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.

Every recreational structure shall have a minimum floor area of 150 square feet and comply with the stated or conditional requirements of this ordinance and/or the Planning Commission.

Bill Sanders asked if there were any comments regarding the public hearing for Rezoning #75. There were none.

Bill Sanders closed the public hearing regarding Rezoning #75.

REZONING #76 - TEXT AMENDMENT - GOLF COURSE SIGNS:

Mike Farrell explained the applicant, Chocolay Township Planning Commission, has petitioned the Chocolay Township Board to amend the Chocolay Township Zoning Ordinance with language that will establish regulation for on-premises signs for golf courses.

Bill Sanders asked if there were any comments regarding the public hearing for Rezoning #76. There were none.

Bill Sanders closed the public hearing regarding Rezoning #76.

PRIVATE ROAD BLONDEAU:

Mike Farrell explained that the applicant, LeRoy Blondeau, has requested the Chocolay Township Board approve a private road to be constructed and paved, private road is to be an extension from the end of existing Edgewood Drive to the Northeast across Cedar Creek. Existing pavement to be sawcut at joint.

There is no conflict with the proposed road being named Edgewood Trail.

On the site plan it is being proposed for about five (5) lots and looking to construct a bridge over Cedar Creek and is being constructed out of pre cast concrete beams. Weight capacity will far exceed any vehicles that will would be driven across it. It is beams off an old highway overpass.

John Renfrew - 234 Riverside Road - inquired the provision of drainage to the water way.

Mike Farrell - plans that have the design on this has been submitted for dealing with the drainage going into the river.

Mike Angeli - 155 Edgewood - inquired if this was the only entrance to the private road being proposed.

Mike Farrell - yes.

Mike Angeli - 155 Edgewood - Would this be developed for mobile homes?

Mike Farrell - this property is zoned R-1 - Single Family Residential.

LeRoy Blondeau - applicant - 1st house being proposed is around the \$200,000 range.

Greg Gagnon - 100 Edgewood Drive - Would the proposed road become a part of Edgewood Drive or will it remain a private road? Would the property owners along the private road follow the covenant of the Edgewood Drive?

LeRoy Blondeau - applicant - No, it would remain a private road. The property owners along the proposed private road would have their own covenant to follow.

It was inquired how large the lots would be?

LeRoy Blondeau - applicant - There would be two (2) lots with ten (10) acres and three (3) lots a little less than ten (10) acres.

Edward Diercks - 160 Edgewood Drive -If there are no other entrances onto the proposed private road, how are the trucks, tractors, etc. getting in there presently?

LeRoy Blondeau - applicant - Private property owner is granting permission to go through.

Steve Kotaniemi - 180 Edgewood Drive - Who is going to be responsible for snow removal and maintenance of the proposed private road?

LeRoy Blondeau - applicant - It will not be by the County, but by the owners of the lots. The proposed road would be black topped to the bridge. It will maintained close.

Bill Sanders asked if there any further comments regarding the public hearing for private road request. There were none.

Bill Sanders closed the public hearing regarding the private road request.

CONDITIONAL USE #31 - CHOCOLAY TOWNSHIP BOARD:

Mike Farrell explained the applicant, Chocolay Township Board, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow the placement of spectator bleachers at the soccerfield at the Silver Creek Recreation Area.

Because this is zoned R-3 - Multi Family recreational activity on the parcel requires a conditional use permit. At this time the Township because of a liability issue that was brought up last year - existing bleachers for spectators for the soccerfield at the Silver Creek Recreation Area gets bombarded with baseballs when you are sitting there for the soccer games. The intent is to move the bleachers to the side of the parcel that was recently purchased.

Gene Perket - 269 Silver Creek Road - inquired about the 66' County Right-of-way.

Mike Farrell stated the Township has contacted the Marquette County Road Commission to see if they would turn over that Right-of-way to us. Township hasn't received the paperwork on this, but it has been confirmed that we are going to be receiving it.

At this point there is no specific intent for the use of this 66' right-of-way, but at a future date it may be used for an access road for a specific use.

Bill Sanders asked if there were any further comments for public hearing for Conditional Use #31. There were none.

Bills Sanders closed the public hearing regarding Conditional Use #31.

There were no further public hearings.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the meeting to order at 7:55 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Estelle DeVooght, Mike LaPointe and Scott Emerson present.

Don Wickstrom was absent.

APPROVAL OF THE MINUTES OF MAY 24, 1994:

Bill Sanders noted that the minutes were dated for May 26, 1994. Correct date should be May 24, 1994.

Bill Sanders asked if there were any further additions or corrections to the minutes of May 24, 1994? There were none.

Max Engle moved, Estelle Devooght supported that the minutes of may 24, 1994 be approved with the date corrected.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders requested that if there were no objections that under New Business items A-E be moved after Old Business item A

(Conditional Use #30 - Mike Rucinski).

Bill Sanders asked if there any further changes for the agenda? There were none.

Estelle DeVooght moved, Bill Sanders supported that the agenda be approved with the changes as discussed.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Mark Larson - Faith Assembly of God Church Representative - inquired because of the overhead costs involved if the Planning Commission would consider approving the Conditional Use to allow all four (4) sides vinyl versus two (2) sides vinyl that was proposed in the original Condition Use.

It was a consensus of the Planning Commission members that this was a minor change.

The Planning Commission inquired if another public hearing would be necessary for this change for the Faith Assembly of God Church.

Mike Farrell indicated that a public hearing was not necessary if they consider this a minor change.

Planning Commission members felt this was just a minor change and gave the Faith Assembly of God Church the go ahead to vinyl all four (4) sides of the building.

Bill Sanders asked if there were any further public comment. There were none. He closed the first public comment section of the regular meeting.

OLD BUSINESS:

CONDITIONAL USE #30 - MIKE RUCINSKI:

Mike Farrell stated that at the last meeting, the Planning Commission asked Mr. Rucinski to come back with an updated site plan where he proposed to do the planting of the trees and to show the other items we showed under conditions, which was the gate and fence.

Another item the Planning Commission was the monitoring wells. Mike Farrell followed up on some information and contacted Sundberg Carlson & Associates, Marquette County Health Department and Department of Natural Resources.

Both the Marquette County Health Department and Department of Natural Resources felt that this particular project didn't warrant monitoring wells.

He did follow up on information regarding costs if the Planning Commission did feel that monitoring wells were necessary.

1. Sundberg Carlson & Associates - you could put 3 monitoring wells in for a cost of approximately \$3,000 - \$5,000.
2. DNR - felt to get the initial system up you could do monitoring - the cost would be between \$15,000 - \$20,000. You are looking at \$500 - \$600 per test per well. Tests would be on a quarterly basis.

Very expensive process of monitoring wells.

The other recommendation that was added to the previous one that was made was dealing with the tires and felt it was important that the Planning Commission set a limit of tires stored on site and require that they are stored within some type of structure. Presently they are being stored in a van, which at some point in time would be removed from the site. Important that a structure be established for this.

His recommendation is to have Conditional Use #30 be approved with conditions as presented in the Planning Commission's report.

The following comments questions and comments were made:

Type of Fence -

It is a 6' opaque metal fence and show on the overlay where the fence would be placed.

It is used for security purposes as well as aesthetic purposes.

30 Vehicles for Storage -

Applicant responded - the reason 30 was the number given is because presently there are 15 vehicles and there are 3 businesses and must have at least a dozen cars or so before someone will pick this up. Winter time nobody wants to pick them up.

Landscaping adjacent land -

Applicant responded that yes landscaping would be performed on the site line.

Tires -

Applicant responded to the issue dealing with tires.

1. Normally cars go to the junk yard with tires on them
2. In approximately 5 years that he has been in business there, approximately only 50 tires have been accumulated.
3. All cars on premises have tires.

Mike Farrell stated that the tires that are on the vehicles are not being proposed as conditions, but the number of tires that are stored on site were. Those are the ones that would cause problems with the insects, not the ones on the vehicles.

Suggestion for landscaping was White Spruce would be better than Jack Pine.

Applicant stated a protective screen that would grow in the location would be Jack Pine, Poplar and a type of Sugar Plum Tree.

Bill Sanders moved, Mike La Pointe supported that the Chocolay Township Planning Commission approve the application and plans submitted for a conditional use permit for the storage of vehicles and scrap steel as part of the businesses being conducted on the following parcel:

T47N, R24W, Section 21,

Part of the NE1/4 of the SE1/4 Beginning 437.52 ft. West of the NE corner thereof then West 396.36 ft., then South 41 degrees 51 minutes East 267.35 ft., then East 119.85 ft., then North 47 degrees 15 minutes East 136.26 ft., then East 75.14 ft. then Northwesterly along US-41 150 ft. to Point of Beginning.

More commonly referred to as 6570 US-41 South.

With the following conditions:

1. The area in which vehicles and other materials are to be stored shall be screened from view by a six (6) foot opaque fence.
2. The area in which vehicles and other material are to be stored shall be secured with a gate and locked during the times that the businesses are closed.
3. All fluids and/or parts that could cause possible contamination must be removed from the items being stored within the fenced area. This includes but is not limited to anti-freeze, gasoline, motor oil, transmission fluid, batteries, brake fluid, freon from air conditioners and diesel fuel. These fluids and/or parts shall be removed at a designated location with appropriate flooring material that will not allow the dripping of fluids onto the ground. Storage of the fluids and/or parts removed shall be in an approved

containers, that is in a safe location that provides for secondary containment, and shall be disposed of in an environmentally safe and legal method.

4. A vegetative screen be placed on the outside of those parts of the fence that are facing the residential neighborhood. This screen is intended to break up the line of the fence thus giving the adjacent residential area a more aesthetic view. This screen shall consist of trees and bushes of varying heights and anticipated potential heights. Should any of these trees and/or bushes die they will be replaced within a reasonable amount of time.
5. There shall be no more than 30 vehicles and 10 tons of scrap stored at this site at any one time. Each vehicle frame with or without its other components shall constitute one vehicle.
6. On site storage of tires shall be limited to 50 tires and that such storage be in an enclosed structure.
7. No items stored within the fenced area shall exceed eight (8) feet in height and no vehicles shall be stacked upon one another.
8. The fence and vegetative plantings conform to the plans submitted and approved as part of this Conditional Use Permit.
9. All plans be reviewed by the Township Zoning Administrator and conform with all established regulations as stated in the Chocloy Township Zoning Ordinance #34.
10. That Zoning Compliance Permit be obtained from the Chocloy Township Zoning Administrator prior to start of construction.
11. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.
12. That non-fulfillment of any of the conditions as set forth in this approval shall constitute a violation of the conditional use permit and may lead to the revocation of the conditional use permit.

MOTION CARRIED: 5-0

NEW BUSINESS:

REZONING #74 - TEXT AMENDMENT - WATERFRONT SETBACKS:

Scott Emerson moved, Bill Sanders supported that the Chocloy Township Planning Commission waive the reading and recommend to the Chocloy Township Board that the following amendment to the Chocloy Township Zoning Ordinance be approved.

REPEALER AND AMENDMENT

That portion of Sec. 403 of the Charter Township of Chocloy Zoning Ordinance entitled "WATERFRONT SETBACKS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the of the language in brackets([]).

[SEC.] SECTION 403 WATERFRONT SETBACK.

All new structures on lots abutting any body of water, including but not limited to inland lakes, rivers, streams, creeks, impoundments, and Lake Superior, [excepting that portion of only the chocolay river located in section 902,] shall maintain a minimum setback of 100 feet as measured from the edge of a river or the edge of a lake's shoreline. Setbacks may be extended beyond the 100 foot minimum, if after site plan review by the Zoning Administrator, the Planning Commission finds that the environment quality, scenic or aesthetic value, water quality, or recreational value of the water resource or use would be endangered or create harm or nuisance to adjacent property. These provisions do not apply to any nonconforming parcel of land or use on a recorded plat, or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance.

The part of that setback which lies within 30 feet of the water's edge shall be maintained in its natural condition. Natural conditions may be modified if the Zoning Administrator finds that such modifications will be consistent with management practices which will prevent soil loss, will not increase run-off, and will provide the shoreline with adequate protection without altering the inherent characteristics of the water body. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 100 square feet of area thereof in wooded areas or sufficient natural ground cover in open areas. All uses shall be subject to this setback except marinas, boat liveries, bathing facilities, fishing piers, commercial fishing docks, recreational docks, and associated facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses and water resources.

In areas identified as erosion control districts in this Ordinance, the restrictions and regulations imposed in those districts shall govern if such restrictions or regulations impose higher standards or requirements.

MOTION CARRIED: 5-0.

REZONING #75 - TEXT AMENDMENT - RECREATIONAL STRUCTURES:

This would be a conditional use under the RR-2, RP and OS Zoning Districts.

1. RR-2 - requirement of 40 acres.
2. RP & OS - requirement of 20 acres.

RR-2 Zoning District - 40 acre parcel there is still enough room that the proposed camp could still be isolated and not impact the Rural Residential homes that are in those areas.

RP & OS Zoning Districts - They would be allowed in 20 acre parcels because those areas tend to have the larger parcels in and have a camp on a 20 acre parcel would not impact the other larger parcels based upon setbacks.

Comments and discussion by Planning Commission Members -

- If 20 acres in OS, why 40 acres in RR-2? Twenty (20) acres would seem to be enough room particularly if this would be a conditional use.

Mike Farrell stated his recommendation is based upon his perception and discussions with staff members and they felt with the RR-2 Zoning District you need to be a little conservative with the approach for camps in those areas and felt 40 acres versus 20 acres would be more appropriate.

- Do staff know where all the camps are placed?
- Are the camps just left to deteriorate?

The only way to regulate is through investigation and travel throughout the township and take appropriate action through a violation process.

Those coming into the office know they need a permit and would probably maintain it, especially if the Planning Commission is going to set conditions based on setbacks.

Bill Sanders moved, Scott Emerson supported that the Planning Commission recommend to the Chocoy Township Board that the following amendment to the Chocoy Township Zoning Ordinance be approved.

REPEALER AND AMENDMENT

That portion of Sec. 101 of the Charter Township of Chocoy Zoning Ordinance entitled "DEFINITIONS:" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language,

which is underlined, and the removal thereto of the language that is in brackets.

[SEC.] SECTION 101 DEFINITIONS: As used in this Ordinance.

Recreational structure, a cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.

AMENDMENT

That portion of SECTION 401 of the Charter Township of Chocolay Zoning Ordinance entitled "GENERAL REGULATIONS:" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 401 GENERAL REGULATIONS

Every single-family dwelling and multi-family dwelling shall have a minimum floor area of 800 square feet, and every dwelling unit in a multi-family dwelling shall have a minimum floor area of 600 square feet, provided:

- (A) It has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the Marquette County Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Marquette County Building Code, then and in that event such federal or state standards or regulations shall apply.
- (B) It is firmly attached to a permanent foundation constructed on a site in accordance with the Marquette County Building Code and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- (C) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and under carriage removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
- (D) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (E) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (F) The fore going shall not apply to mobile homes located in a licensed mobile home park or zoning district R-2 except to the extent required by state and federal laws or otherwise specifically required in the ordinance of the Township pertaining to such parks and zoning districts.

Every recreational structure shall have a minimum floor area

of 150 square feet and comply with the stated or conditional requirements of this ordinance and/or the planning commission.

REPEALER AND AMENDMENT

That portion of Sec. 208 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT RR-2." as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets.

[SEC.] SECTION 208 DISTRICT RR-2.

- (A) **INTENT.** To establish and maintain for low intensity use those areas which, because of their location and accessibility to existing utilities, paved public roads, community facilities, and public services, are suitable for wide range of very low density residential and recreational activities.
- (B) **PERMITTED PRINCIPAL USES.** The growing and harvesting of timber, and the raising of livestock. Agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single family dwellings are permitted on lots five acres or more with 300 feet of lot width. Boarding stables on lots of 20 acres or more.
- (C) **CONDITIONAL USES.** Resorts, riding stables, parks, campgrounds, kennels, and day camps on lots of 20 acres or more. Hunting and shooting preserves, winter sports facilities, and trails on lots of 20 acres or more. Recreational structures on lots of 40 acres or more. Unlighted golf courses on lots of 60 acres or more.

REPEALER AND AMENDMENT

That portion of Sec. 212 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT RP." as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets.

[SEC.] SECTION 212 DISTRICT RP.

- (A) **INTENT.** To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses.
- (B) **PERMITTED PRINCIPAL USES.** The growing and harvesting of timber, livestock, campgrounds, day camps, riding or boarding stables, winter sports facilities, parks, kennels, trails, agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single-family dwellings are permitted on tracts of 20 acres or more.
- (C) **CONDITIONAL USES.** Resorts and lodges on lots of 20 acres or more. Hunting and shooting preserves on lots of 20 acres or more. Recreational structures on lots of 20 acres or more. Unlighted golf courses on lots of 60 acres or more.

REPEALER AND AMENDMENT

That portion of Sec. 213 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT OS." as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets.

[SEC.] SECTION 213 DISTRICT OS.

- (A) **INTENT.** To preserve as open space those lands which because of their soil, drainage or topographic characteristics, are unsuitable for development.

- (B) **PERMITTED PRINCIPAL USES.** Growing and harvesting of timber and bush fruit, and agricultural produce, livestock, and wildlife management.
- (C) **CONDITIONAL USES.** Single-family residences, resorts, and other recreational uses, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact. Recreational structures on lots of 20 acres or more.

MOTION CARRIED: 5-0.

REZONING #76 - TEXT AMENDMENT - GOLF COURSE SIGNS:

Mike Farrell stated the sign would be approximately 6' x 10' - on site for Downs Golf Course and would be by the pro shop, about ¼ mile off the highway.

Mike LaPointe moved, Max Engle supported that the Chocolay Township Planning Commission waive the reading and recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

REPEALER AND AMENDMENT

That portion of Sec. 802 of the Charter Township of Chocolay Zoning Ordinance entitled "SIGNS PERMITTED IN THE R-1, R-2, AND R-4 DISTRICTS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the of the language in brackets([]).

[SEC.] SECTION 802 SIGNS PERMITTED IN THE R-1, R-2, AND R-4 DISTRICTS.

One sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding eight feet is permitted. During development of a subdivision or other property for a period not exceeding two years, one sign, naming the subdivision or other property, developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding 50 square feet and height and not exceeding 12 feet, is permitted in the subdivision, together with signs having an area not exceeding six square feet each and a height not exceeding six feet, directing the public to or identifying models. Signs permitted by this Section, listed above, are exempt from the setback requirements of Section 300.

On premise signs for golf courses are limited to one sign per course with a total area not exceeding 60 square feet provided that the sign is setback 5 feet from the front lot line and setback 30 feet from a side lot line.

MOTION CARRIED: 5-0.

PRIVATE ROAD #8 - BLONDEAU:

Mike Farrell - a number of concerns were raised at the public hearing and also referred to a questions and comments in memorandums that were distributed to the Planning Commission members from mark Maki, Director of Assessing & Zoning and Larry Gould, D.P. W. Supervisor and the Fire Department were addressed in his report.

Slope of the road. As to the road in approaching the bridge it is creating approximately a 10% slope. County Road specifications are at 8% and they will not adopt a road if it is over an 8% slope.

The plans submitted also shows a T on the end. In past approved roads the Planning commission required that a cul-de-sac as per county road specs with a 160' radius be put on the end of the road. This is waived under certain circumstances where there is only one driveway coming off the end of the cul-de-sac, which is appropriate at this time.

Until when an additional driveway is coming off that cul-de-sac that cul-de-sac be developed to that.

Bridge weight capacity - Engineer for Blondeau did say he would be submitting a letter to the township certifying weight capacity and the weight capacity will be equivalent to MDOT highway specifications, which is about 100,000 pounds. The bridge is being constructed isn't really an issue.

Mike Farrell stated in his recommendation that he made, he is asking if the Planning Commission is going to approve the private road that they require the developer to put some comments or statements in the deed as a covenant so that the purchasers of the property along the private road are aware that this road doesn't meet County standards and that no public dollars will be spent to maintain this road. Private roads are a private road and are not dealt with public funds.

At such time if the owners wish to make it a public road, they can do so by bringing it up to public roads standards and then the Planning Commission would consider adopting it.

Mike Farrell indicated that he would like the Planning Commission in the process of approving the private road request that they consider a covenant be placed in there so that the purchasers of the property are aware that this is a private road.

He went over the recommended conditions as written in his memo to the Planning Commission dated June 24, 1994.

The Planning Commission's recommendation would go to the Chocolay Township Board if they felt these conditions were necessary, they would approve this with these conditions and would be binding to the approval.

Estelle De Vooght inquired if the cul-de-sac was built in the swamp?

It was stated it was not. It was pointed out on the plans where it would be.

Scott Emerson inquired about a culvert.

It was stated that more than one culvert would probably be put in.

Concern regarding a Soil Erosion Permit. It was stated that a Soil Erosion Permit has been applied for.

Mike Farrell explained how the drainage would be done.

In the process of the permit being issued, they will have to comply with the DNR Specifications for inland lakes and streams for the bridge.

Mike La Pointe inquired about DNR Sediment Traps and inquired if there would be access to these traps and if the private road would be blocked from people walking in this area.

LeRoy blondeau stated this wouldn't be blocked.

It was inquired if the proposed private road is an extension of Edgewood Drive, how come it isn't a County Road?

The proposed private road will be Edgewood Trail.

Mike Farrell explained the Chocolay Township Ordinance requires all private roads being named with a Trail definition.

Bill Sanders moved, Max Engle supported that the Chocolay Township Planning Commission waive the reading and recommend to the Chocolay Township Board that the requested private road application and plans be approved, as submitted, with the following conditions:

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deeds that notifies the purchasers of property on the private road that the private road does not meet county standards and the responsibility for road maintenance, right-of-way maintenance.

and drainage maintenance belongs to the owners of the private road and also noted that the private road will not be maintained at public expense.

3. That open access to the private road be maintained for essential public services.
4. The proposed road be named Edgewood Trail.
5. That applicant comply with all requirements of the Marquette County Road Commission for connection to the public road system.
6. That the applicant obtain all the necessary permits from Local, State, and Federal agencies that are required for the development of the road. These may include Soil Erosion Permit, Inland Lakes and Streams Permit, Wetlands Permit and Flood plain Regulatory Authority review, as well as any others that may be required for the proposed road.
7. That the bridge design be certified by an engineer as to its weight capacity and that the bridge's weight capacity not be less than 80,000 pounds.
8. That a cul-de-sac easement be placed at the end of the road as per County Road Commission detail.

Estelle DeVooght inquired if the owner of the lots get requirements of the covenant regarding the maintenance of the road?

Mike Farrell indicated this would be required on their deed and identify that no public funds would be spent on the maintenance of the private road.

It was explained it was up to the owners of the association to maintain the road. Property purchasers would have to be made aware of who is responsible for the maintenance of the road.

He also indicated conditions of the approval of the proposed private road #8 - Blondeau would be going to the Chocolay Township for final approval at a Special Chocolay Township Board Meeting on Wednesday, July 6, 1994.

MOTION CARRIED: 5-0.

CONDITIONAL USE #31 - CHOCOLAY TOWNSHIP BOARD:

Mike Farrell as explained during the public hearing process, the Township purchased land on Silver Creek Road adjacent to the Silver Creek Recreation Area.

The reason the Township purchased the land was for future expansion for recreational opportunities and possibly a well field for the proposed water system.

The land that the township recently purchased was approximately six (6) acres.

The reason for the Conditional Use Permit is to be able to move the spectator bleachers for the soccerfield so they won't be getting hit with balls from the baseball field.

At a future Planning Commission date the Chocolay Township Board may be coming back to have that area rezoned to public lands, but presently it is zoned R-3 - Multi-Family, but the Zoning Administrator said presently the land is zoned R-3 and needs a conditional use.

If the Conditional Use is approved, the spectator bleachers will be moved.

The future use beyond putting beyond putting some bleachers is a subject the Planning Commission will have to address. A possible suggestions would be an update to the Recreation Plan and look at expanding the recreational area.

The Township will possibly be looking at it as a backup for a well field for the public water system that we are looking at to install

this Fall.

There is a 66' right-of-way that was deeded to the township and would be most likely be used as a driveway at some future date when the area would be developed for a potential use,

Gene Perket questioned on the water contamination?

Mike Farrell explained the water system project.

Questions and comments from Planning Commission Members.

- Chocolay Township needs to look at the recreational survey and possibly consideration for bike path, trails, etc.
- At the last Township Board Meeting that was discussed to a certain extent.
- Planting of trees should be considered.
- Trees have already been cut down.
- Reminder that this may be a concern for providing maintenance. Maintenance is done with a riding lawn mower.

Bill Sanders moved, Mike La Pointe supported that the Chocolay Township Planning Commission approve the application for a conditional use permit to allow the placement of spectator bleachers on the following property;

T47N, R24W, Section 6,

The South 400 feet of the fractional SW 1/4 of the fractional SW 1/4.

With the following conditions:

1. The planting of two to three (2-3) trees as per the D.P.W. Supervisor's discretion and be placed not to be a burden to performing the tasks of the D.P.W.

MOTION CARRIED: 4-1.

OLD BUSINESS:

TOP SOIL:

Mike Farrell has looked at language and contacted federal and state planning agencies, department of agriculture and none has ever heard of a problem with the top soil removal and had no type of language and suggestions.

By the July Planning Commission meeting hope to formulate language dealing with top soil based upon our grading permit.

TRAIL DEVELOPMENT:

Mike Farrell obtained literature dealing with dedication of lands. It primarily deals with plat approvals. Townships can adopt an ordinance that requires dedication of land to the township for plat approvals.

At this time Chocolay Township doesn't have any plats coming up that he is aware of.

We did get voluntary approval from the Elderwood Plant. He dedicated land for trails through there.

There was a question regarding trails for site condos.

Mike Farrell stated essentially under site condos in essence you have one (1) lot and that would be like coming up to one land owner and trying to obtain access through their property for a trail.

When you develop a plat, you are dedicating a road to public use, establishing particular lots, so then you can establish public access through those lots for a trail or establish a recreation area.

Suggestion was made to possibly utilize and combine with North Country Trails Association which is for non motorized vehicles.

It was stated the present bike path may be designated as part of North Country Trails.

It was also suggested when looking at the development of trails that schools, etc. be taken into consideration.

Recreation Ad Hoc Committee be set up. Mike La Pointe volunteered to be on the committee to get this set up. Once the committee gets set up and going, it will be self running.

Mike Farrell will check with the Township Supervisor to see what course of advertising for this committee would be needed and used to see who would be interested in serving on this committee.

ACCESS CONTROL:

Mike Farrell stated no further information has been obtained. Needs to be discussed more. Impression from the Planning Commission that they didn't want to establish minimum lot sizes and to go with access control.

He would like to go out and measure some of the existing driveway accesses to see what some of the spacing are and see how it would apply to the language in he literature that were previously discussed.

LANDSCAPE ORDINANCE:

Mike Farrell stated we need to move ahead with our Ad Hoc Committee on Landscaping. An outline needs to be set up and bring back to the Planning Commission to discuss.

Scott Emerson and Mike Farrell will get together and discuss information regarding a landscape ordinance and bring information to the Planning Commission at a future meeting.

PLANNING DIRECTOR'S REPORT:

1. Training workshop in Marquette - July 27th. This is a basic workshop for Zoning Board of Appeals and Planning Commission Members.

Scott Emerson will check his schedule to try to attend the workshop and let Mike know by July 18th so he can be registered.

2. Linda Rossberg, Michigan State Cooperative Extension Service, will be attending a meeting in the near future on strategic planning.
3. July Planning Commission Meeting - Budget. There are a number of items that the Planning Commission needs to include in their budget. One item is a computer software program called ARC Info.

Mike has arranged with NMU that Chocolay Township be used as a model for their new GIS System. If we are able to purchase the computer software, we will be able to load their GIS System data. GIS stands for Geographical Information System.

It's like taking a number of maps showing specific items and putting them together and take the information you want to see and how they impact each other.

Cost for the software is approximately \$600.

3. Memo from Mark Maki - Court Ruling Right-of-way.

Mike Farrell brought the Planning Commission members up to date of the recent court case the Township had dealing with right-of-ways.

As the court action Township was told as a township we have no standing in the right-of-way of roads and highways. This means we cannot enforce our zoning ordinance in those right-

of-ways and cannot limit signs, etc. in our zoning ordinance for usage in the right-of-ways.

Presently we are working with the Michigan Department of Transportation (MDOT) to find out what their requirements are and how they are going to enforce their requirements in the right-of-way.

Planning Commission member felt Township should appeal the decision.

Mike Farrell stated we got our recommendation from the township attorney that the Judge's determination was on very sound ground.

Township is looking to see what we can do to help MDOT to enforce their Rules & Regulations.

Their rules may be stringent, but the enforcement may not be, that is the concern we have.

The Planning Commission members are very concerned about the possibility of the placement of signs on the right-of-way.

It was suggested that the Township will have to complain to MDOT and they will have to take action on the enforcement.

Another way of enforcement was through out Police Department through the Motor Vehicle Code. This deals with the placement of obstructions in the right-of-way as far as safety concern.

There is no plan to appeal the case that went to court.

4. Fire Department - Private Roads

Mike Farrell stated the Township Fire Department requests that we establish some minimum standards for private roads.

We had a number of situations where private roads are developed in OS and RP districts where private road approval isn't required.

A resident can go out and build their own road in a OS and RP District and not get approval for it and build a year round residence and then come back to the Township and requests, garbage pick up, police protection, fire protection, etc. and the road cannot be passed 3/4 of the year. Example of J H Lane was given.

This would be a future agenda item.

PUBLIC COMMENT:

Mike Farrell gave an update on the Chocolay Watershed Council. A Project Manager was hired and received confirmation of additional grant dollars. A 4H group did a maintenance on Silver Creek from the highway down to the Chocolay River. There will be more demonstration projects in the future.

Planning Commission members were concerned with top soil project that was off U S 41 South.

Mike Farrell stated property owner and hauler have a soil erosion permit. Health Department have money from the property owner and hauler to be sure re-vegetation is going to take place.

It was felt that something had to be done regarding the dust from this being hauled. Mike Farrell will contact the enforcing agency and State Motor Vehicle Carrier regarding this situation.

There being no further Public Comment, Bill Sanders closed the second Public Comment section of the Planning Commission meeting.

ADJOURNMENT:

There being no further business, the Planning Commission Meeting was closed at 10:20 p.m.

Estelle DeVooght
Estelle DeVooght
Planning Commission Secretary

Jeanette R. Collick
Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, July 26, 1994

PRESENT: Bill Sanders, Mike La Pointe, Max Engle, Estelle DeVooght, Kevin Weissenborn

Scott Emerson arrived at 7:40 p.m.

ABSENT: Don Wickstrom

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary

PUBLIC PRESENT: Rita Hodgins, MSU

PUBLIC HEARING:

Bill Sanders, Chairperson stated there were no Public Hearings scheduled.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the meeting to order at 7:30 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Estelle DeVooght, Mike LaPointe and Kevin Weissenborn present. Scott Emerson arrived at 7:40 p.m.

Don Wickstrom was absent.

APPROVAL OF THE MINUTES OF JUNE 28, 1994:

Bill Sanders inquired if there were additions or correction to the minutes dated June 28, 1994. There were none.

Mike LaPointe moved, Max Engle supported that the minutes of June 28 1994 be approved as presented.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders requested that if there were no objections that under New Business Item A (Strategic Planning - Rita Hodgins Presentation) be moved before Old Business.

Bill Sanders asked if there any further changes for the agenda? There were none.

Estelle DeVooght moved, Bill Sanders supported that the agenda be approved with the change as discussed.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Mike Farrell, Director of Planning & Research introduced Kevin Weissenborn (newly appointed Planning Commission Member) to the Planning Commission.

Mike Farrell also informed the Planning Commission that Dave Wurster presented a letter of resignation.

The Planning Commission members welcomed Kevin Weissenborn to the Planning Commission.

The majority of the Planning Commission members inquired if the Township Board could consider appointing another member to the Planning Commission as a representative for them?

It was stated that possibly after the election another member may be appointed.

Bill Sanders asked if there were any further public comment. There were none. He closed the first public comment section of the regular meeting.

NEW BUSINESS:

STRATEGIC PLANNING - RITA HODGINS PRESENTATION:

Rita Hodgins - Eight (8) years employment with MSU gave an overlay presentation on Strategic Planning. Copies of the overlay will be distributed to the Planning Commission members at the next meeting.

Strategic Planning is a systematic approach to matching strengths with opportunities resulting in actions framed by a vision for the future.

Why develop a strategic plan?

1. To improve performance.
2. To stimulate forward thinking and clarify future direction.
3. To solve major problems.
4. To survive - even flourish - with less.
5. To build teamwork and expertise.
6. To influence rather than be influenced.

Benefits of strategic planning:

1. Challenges leaders to address important issues.
2. Provides communication channels.
3. Builds team effort and participation.
4. Provides management and decision-making tools.

Getting started:

1. Form a planning committee.
2. Identify participants from various segments of the community.
3. Engage the total community.

It was suggested that two (2) individuals from each sector of the community should be involved.

To broaden the involvement of the total community, the more volume you will have, such as:

1. Youth issues.
2. Elderly issues.

It was suggested that the size of the task force consist of twenty-five (25) to thirty (30) people.

Planning Commission can be part of the task force. Township Planning Commission can identify the task force. Volunteer is very important.

Communicate with the community. It was suggested that a box be designed and placed at local stores to collect ideas from the community.

Another example of communication with the community was through a newsletter.

It was inquired what the MSU Extension's purpose would be?

1. Meet with the task force and give them an understanding of the process.
2. Conducts all the sessions.
3. Records all the information.
4. Fed by the task force.
5. Would hold a retreat with the task force.
6. Print final document.
7. Logo or title for the project.
8. Provide personnel support.

It was stated that we need to identify a group and segments of the community.

It was inquired if we would involve to many groups? It was stated no.

What would the time line be for the Strategic Planning and what has to be done to get this going?

1. When would the Planning Commission like to do this?

It was suggested to avoid Summer. Possibly Fall or Winter would be a better time.

2. The township would hold the initial meeting for the task force and the sponsors and all the people involved would come to these sessions.

Example of a group was the Chocolay Watershed Council.

3. Need strong leadership as Co-Chair.
4. Obtain a list of people and get constrictive for contact.

MSU will explain to the task force.

Need to identify:

1. What do you want for the future?
2. Problems.
3. Strengths.
4. Strategies.

It was inquired what amount of time is required for the commitment for this project?

MSU response:

Meet three (3) times.

First meeting will be approximately forty-five (45) minutes.

One three (3) hour meeting.

Final meeting - plans finished - about five (5) hours.

Task force - about five (5) hours plus - Contacts takes the most amount of time.

It was inquired about commitment from the Township Board? Mike Farrell talked to the Supervisor and he will make the Board aware of what the Planning Commission wants to do.

It was suggested that the Planning Commission go to the Township Board with the plans, if we want to move ahead with the Strategic Planning.

The Planning Commission members felt that possibly January through March would be appropriate dates to do the Strategic Planning.

Rita Hodgins, MSU will provide the outline for the Chocolay Township Board.

The Planning Commission members thanked Rita Hodgins, MSU for her time and the fine presentation.

OLD BUSINESS:

TOPSOIL REMOVAL:

Mike Farrell went over the language regarding topsoil removal that was provided to the Planning Commission that was included in their agenda packet, memo dated July 21, 1994.

It was suggested that a requirement could be made that temporary stone (crushed rock) about a 50' x 20' strip be laid depending on the size of the truck before the vehicle goes onto a county road. This is not required in the Soil Erosion permit.

It was also stated that the Marquette County Health Department determines if a Soil Erosion Permit is required.

During the discussion of topsoil removal the following suggestions were made:

1. We could require a Grading Permit and performance bond.
2. Encourage concerned citizens to contact the various agencies to do their job in overseeing the stripping of the topsoil.
3. Planning Commission to write a letter to appropriate agencies to enforce Act 347 in Chocolay Township.
4. Add another regulation on township level.
5. Write letter to the various enforcing agencies to make them aware that the enforcing agency is not enforcing the Soil Erosion Permit properly.
6. Write letter to enforcing agency regarding wind erosion.

It was suggested that a letter be drafted and reviewed by the Executive Committee of the Planning Commission and if they agree will send the letter with the Chairperson's signature to the agency that enforces the Soil Erosion Permit

It was suggested that a copy of this letter be sent to the following agencies and they send a letter stating they are in support of something be done regarding wind erosion.

1. Chocolay Township Board
2. Chocolay Watershed Council
3. Marquette County Health Department
4. Michigan Department of Public Health

TRAIL DEVELOPMENT:

It was felt that topic could be incorporated with the Strategic Planning.

Mike Farrell went over the information provided to the Planning Commission members in their agenda packet and gave them an update.

He suggested that this could be another part of the Strategic Planning process.

We can ask the developer to give easements, but we cannot force them to give easements.

He will try to obtain more information.

COMMERCIAL ACCESS CONTROL:

Mike Farrell stated he talked to some of the businessmen in the area and some of them were for access control and some were not.

It was felt that the safety issue here should be considered a priority when dealing with access control.

We can only deal with future developments, all other businesses would be grandfathered in.

He will keep the Planning Commission informed.

LANDSCAPE LANGUAGE PROCESS - UPDATE:

Mike Farrell stated he provided Scott Emerson with more literature, but they have not been able to meet yet. They will review the information regarding the Landscaped Ordinance and bring back suggested language for a Landscape Ordinance for the Planning Commission Members to review.

It was suggested that we should move ahead to put language together for green space parking areas for commercial and multi family districts. This should also be incorporated in the Strategic Planning.

NEW BUSINESS:

CONSIDER PLANNING COMMISSION BUDGET:

Mike Farrell went over the proposed budget for 1995 for the Planning Commission.

POSTAGE:

The Planning Commission members felt that due to the Strategic Planning postage should be raised to \$600.

COMPUTER SOFTWARE:

The Planning Commission members felt that the purchase of computer software, Arc View will enable the Township to utilize the G.I.S. (Geographical Informational System) developed by NMU, Geography Dept. This software would benefit both the Planning and Zoning Departments as well as the DPW Department.

CAM CORDER:

The purchase of a cam corder would be used by the Planning and Zoning Departments as an aid in presenting information to the Planning Commission and the ZBA. it would also be used by the zoning department to document zoning violations, nuisance cases, etc. The projected cost included the cost of one case of high quality video tapes.

The cam corder would also be used by the Police Department, Fire Department and Department of Public Works Department.

Mike Farrell informed the Planning Commission that due to the rising costs of the landfill tipping fees, there will be a Special Millage Election on September 13, 1994 for two (2) mills for ten (10) years for sanitation collection.

If passed, the millage will generate approximately \$158,000.

If the millage is denied, other alternatives would be either to charge a fee or possibly Chocoday Township will purchase a certain color bag with Chocoday Township printed on them, charge a certain price per bag and distributed through the various stores for pick up.

There was discussion regarding curbside recycling.

Inquires and statements made regarding recycling:

1. If we would have township curbside recycling, township would probably have to hire additional manpower staff.

2. When base closes, volume would be reduced at the landfill.
3. A Bond was purchased and because less volume being at landfill, would not mean tipping fees would be reduced. Bond still have to be paid.
4. Curbside recycling be suggested in the Strategic Planning.

PROJECTOR SCREEN:

There was a consensus that we purchase a projector screen for the meeting room that could be mounted on the wall above the windows for use with an overhead projector and slide projector.

Mike Farrell encouraged the Planning Commission to be represented during the budget process.

STORMWATER MANAGEMENT ORDINANCE:

Mike Farrell informed the Planning Commission on the ordinance and gave a brief summary on the ordinance and informed them that the County is looking to adopt the Stormwater Management Ordinance around October 1994. Each unit of government has received a copy of the Draft 6 of this ordinance. The Planning Commission was informed that Larry Gould, D.P.W. Supervisor has the Township's copy of the Stormwater Management Ordinance.

PLANNING DIRECTOR'S REPORT:

Mike Farrell informed the Planning Commission that based on a split vote at the July 18, 1994 Township Board Meeting, the Township Supervisor informed the Zoning Administrator not to enforce the Zoning Ordinance.

The Board wants to get involved of the enforcement of the zoning ordinance. He informed the Planning Commission of the process.

The Township Attorney will be in attendance at the August 15, 1994 Board meeting regarding the enforcement of the Zoning Ordinance.

Mike informed the Planning Commission that Mark Maki will still enforce the Zoning Ordinance.

It was inquired if there was anything the Planning Commission members could do regarding the enforcement of the Zoning Ordinance? They were encouraged to attend the next board meeting.

It was also inquired about the right-of-way enforcement. The Planning Commission was informed that the State has a State Vehicle Code. MDOT is the enforcing agency. The Township waiting for correspondence from MDOT on the enforcement of the right-of-way.

MEMO FROM MARK MAKI - CHOCOLAY DOWNS GOLF COURSE:

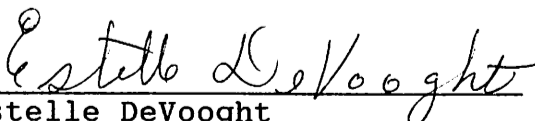
Mike Farrell brought the Planning Commission up-to-date on the Choccolay Downs Golf Course.

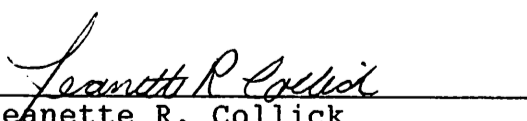
PUBLIC COMMENT:

There being no Public Comment, Bill Sanders closed the second Public Comment section of the Planning Commission meeting.

ADJOURNMENT:

There being no further business, the Planning Commission Meeting was closed at 10:50 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
TUESDAY, August 23, 1994
AS CORRECTED

PRESENT: Bill Sanders, Max Engle, Estelle DeVooght, Kevin Weissenborn

Scott Emerson arrived at 7:40 p.m.

ABSENT: Don Wickstrom and Mike La Pointe

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Mark Maki, Director of Assessing & Zoning

PUBLIC PRESENT: John DeVooght, Cathy DeVooght

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m.

Conditional Use #32 - Chocolay Downs Golf Course:

There were no public comment on the Conditional Use #32 - Chocolay Downs Golf Course.

Bill Sanders closed the public hearing regarding Conditional Use #32 - Chocolay Downs Golf Course.

There being no further public hearings, Bill Sanders closed the Public Hearing session of the meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Estelle DeVooght, and Kevin Weissenborn present. Scott Emerson arrived at 7:40 p.m.

Don Wickstrom and Mike La Pointe were absent.

Bill Sanders informed the Planning Commission that according to the By-Laws that after the fourth (4th) absence of a meeting that the member missing the meeting should be replaced.

Due to work commitments Don Wickstrom has exceeded the absences allowable under the By-laws.

It was suggested that possibly after the November 8, 1994 General Election that Max Engle could be the Board Representative on the Planning Commission.

Max Engle was congratulated on winning the Primary Election.

It was inquired when Max would become a Board member.

It was explained that if he wins the November Election and after he has been sworn in, he can serve on the Township Board.

APPROVAL OF THE MINUTES OF JULY 26, 1994:

Bill Sanders inquired if there were additions or corrections to the minutes dated July 26, 1994? There were none.

Kevin Weissenborn moved, Bill Sanders supported that the minutes of July 26, 1994 be approved as presented.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Estelle DeVooght moved, Max Engle supported that the agenda be approved.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Cathy DeVooght commented on the time spent on top soil removal.

NEW BUSINESS:**STORMWATER MANAGEMENT ORDINANCE:**

Mike Farrell explained the Stormwater Management Ordinance to the Planning Commission.

The Stormwater Management Ordinance is proposed to be a County wide Ordinance and doesn't want to step on other ordinances.

Scott Emerson moved, Kevin Weissenborn supported that the Planning Commission approve the concept of the Stormwater Management Ordinance as outlined in Draft #5 and this be enforced county wide.

MOTION CARRIED 5-0.

TRAIL DEVELOPMENT:

Mike Farrell stated nothing new to report on trail development, but is on the agenda to keep active.

Estelle DeVooght inquired about a letter regarding trails that she received.

Mike Farrell stated that he didn't think this would be pertaining to North Country Trails.

COMMERCIAL ACCESS CONTROL:

Mike Farrell stated noting ~~nothing~~ new to report on Commercial Access Control, but is pursuing more information and is on the agenda to keep active.

Mark Maki stated that Marquette City owns all their roads except Washington Street.

LANDSCAPE LANGUAGE PROGRESS:

Scott Emerson stated he is still interested in working with Mike Farrell on the Landscape Ordinance, because of work load, it may not be until November that he could meet.

Mike Farrell stated he was still in process of gather more information regarding landscaping.

It was also suggested that the Landscape Ordinance could be dove tailed in with the Strategic Planning.

TOPSOIL REMOVAL:

Mike Farrell stated we received a verbal response from the County Health Department on the letter that was written, but waiting for a written response.

It was stated that the County Health Department accepted the letter as support for enforcement.

NEW BUSINESS:**CONDITIONAL USE #32 - CHOCOLAY DOWNS GOLF COURSE:**

It was stated that minimal contact has been made with Mr. Gibbs regarding this issue.

It was commented that the gazebo is already there.

It was stated that the concern is with the use of the gazebo.

It was commented that possibly a vegetative screen be placed between lot 14, not fencing.

It was stated no zoning permit will be granted until all the conditions have been met, which are:

- a. That proper screening be established to make the cart storage facilities generally inconspicuous from adjacent land uses.
- b. That monitoring wells be implemented as per Marquette County Health Department recommendations and that monitoring data be provided to the township.
- c. Establish water use estimates.
- d. Estimating contaminant loading calculations.

It was also reported that the County has put a stop work order on the golf course. This is being enforced by the County.

Mark Maki suggested that we get the applicant to meet these conditions. The golf season will soon be over and should be a reasonable time to have these conditions be met.

Another concern is that alcohol consumption be dealt with.

It was suggested that a letter be put together to see what conditions Joe Gibbs hasn't met.

Max Engle moved, Bills Sanders supported that Conditional Use #32 - Chocolay Downs Golf Course be tabled until Joe Gibbs can comment and meet the conditions and that the issue of the consumption of alcohol be discussed.

MOTION CARRIED 5-0.

ELECTION OF OFFICERS:

Estelle DeVooght moved, Scott Emerson supported that Bill Sanders be Chairperson.

Estelle DeVooght moved, Max Engle supported that nominations be closed.

Kevin Weissenborn moved, Scott Emerson supported that the Planning Commission continue with the same officers which are:

Bill Sanders - Chairperson
 Max Engle - Vice-Chairperson
 Estelle DeVooght - Secretary
 Mike La Pointe - Vice-Secretary

Scott Emerson moved, Kevin Weissenborn supported that the nominations be closed.

MOTION CARRIED: 5-0.

It was stated that when Max Engle leaves, the Vice Chairperson will have to be voted on for replacement.

PLANNING DIRECTOR'S REPORT:

Mike Farrell informed the Planning Commission that a request for rezoning from R-2 to R-3 from a land owner on Willow Road would be on a future agenda for the Planning Commission.

Mike went over the letter from Pete La Rue regarding the semi trailer being used for storage.

It was a consensus of the Planning Commission that the semi-trailer at La Rue's being used for storage was not a problem, as long as it met the setbacks.

It was also suggested that dealing with outdoor storage should be a topic for a future Planning Commission agenda item.

Mike Farrell brought the Planning Commission up-to-date on the

recommendations for the Planning Commission budget. He informed the Planning Commission that the Supervisor recommended everything that Planning Commission proposed except the Cam corder.

He stated that the budget would probably be dealt with at the second September meeting of the Township Board. He will inform the Planning Commission when this would be on the agenda.

Mike Farrell also brought the Planning Commission up-to-date on the Public Water System.

Mike Farrell also informed the Planning Commission that the Gambling Casino for the Keweenaw Bay has been delayed indefinitely.

PUBLIC COMMENT:

There being no Public Comment, Bill Sanders closed the second Public Comment section of the Planning Commission meeting.

ADJOURNMENT:

There being no further business, Estelle DeVooght moved, Max Engle supported that the Planning Commission be adjourned. The Planning Commission was adjourned at 9:17 p.m.

Estelle DeVooght

Estelle DeVooght
Planning Commission Secretary

Jeanette R Collick

Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
TUESDAY, SEPTEMBER 27, 1994

PRESENT: Bill Sanders, Max Engle, Estelle DeVooght, Kevin Weissenborn, Mike La Pointe

ABSENT: Don Wickstrom and Scott Emerson

STAFF PRESENT: Mike Farrell, Director of Planning & Research
Jeanette Collick, Recording Secretary
Mark Maki, Director of Assessing & Zoning

PUBLIC PRESENT: Cathy DeVooght, Dr. Allan Olson, Gene Perket, Rev. Guy Thoren, Lori Deschaine, Ray Beauchamp, Jerome Le Beouf

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m.

Rezoning #77 - R-2 to R-3:

Mike Farrell, Director of Planning & Research explained the applicant - Paul Huard has petitioned the Chocolay Township Planning Commission to rezone parcels of property located in Section 7, T47N, R24W from the current zoning classification of R-2 to R-3.

The reason for the change is for 48 parking places.

Father Thorn - St. Louis the King Church - stated that the Church has no intention of rezoning.

Jerome Le Beouf - 612 Willow Road - stated his comments are addressed in the letter that is placed on file.

Estelle De Vooght read two (2) letters that were received by the Planning Commission regarding Rezoning #77.

Bill Sanders inquired if there were any further comments on Rezoning #77 R-2 to R-3. There were none.

The public hearing for Rezoning #77 was closed.

Rezoning #78 - R-1 to C-2:

Mike Farrell, Director of Planning & Research explained that the applicant, Ray Beauchamp - ABC Hardware, has petition the Chocolay Township Planning Commission to rezone a parcel of property located in Section 6, Township 47 North, Range 24 West

All that part of Government Lots 5 and 6 in Section 6, T47N, R24W in Chocolay Township, Marquette County, Michigan, more particularly described as follows: From a point on the South line of Government Lot 6 that is 200 feet East of the West 1/4 corner of Government Lot 6 and proceeding thence East along the Quarter Section Line 975 feet more or less to the West line of the present R.O.W. of U.S. 41 (75 foot R.O.W.); thence North along said R.O.W. 20 feet, thence West along the South line of Lot 1 of an unrecorded plat to the Southwest corner of lot 1 (Note: Lots were originally 300 feet deep of the Westerly R.O.W. line of Park Street in the Sergeant's Plat of Harvey); thence North 8° 01' West along the Westerly line of Lots 1 through 5 of said unrecorded Plat to the Northwesterly corner of Lot 5, this being the Point of Beginning. Thence continuing North 8° 01' West along the Westerly line of Lots 6 through 8 of said unrecorded Plat a distance of 300 feet more or less to the Northwesterly corner of said Lot 8; thence Southwesterly to a point which is 200 feet East and 622 feet North of the West 1/4 corner of Government Lot 6; thence South 300 feet more or less; thence Northwesterly to the Point of Beginning at the Northwesterly corner of said Lot 5.

from the current zoning classification of R-1 to C-2.

The purpose for this rezoning is to be able to access the property for business expansion, storage of pallet goods, expansion of the lawn and garden center and to provide additional customer and employee parking.

Dr. Allan Olson - 2318 U S 41 South inquired if this was the same request as a year ago.

Mike Farrell explained no. This would allow an additional 200' for rezoning.

Dr. Olson also inquired if plants, animals (endangered species) will be protected and if so how.

Bill Sanders asked if there were any further public comment regarding Rezoning #78 - R-1 to C-2. There were none.

There being no further public hearings, Bill Sanders closed the public hearing session of the Planning Commission meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:40 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Estelle DeVooght, Kevin Weissenborn and Mike La Pointe present.

Don Wickstrom and Scott Emerson were absent.

APPROVAL OF THE MINUTES OF AUGUST 23, 1994:

Bill Sanders inquired if there were additions or corrections to the minutes dated August 23, 1994?

Max Engle noted that on page 3 under commercial access control it stated Mike Farrell stated noting new to report on Commercial Access Control, but is pursuing more information and is on the agenda to keep active. It should be corrected to read:

COMMERCIAL ACCESS CONTROL:

Mike Farrell stated noting ~~nothing~~ new to report on Commercial Access Control, but is pursuing more information and is on the agenda to keep active.

Kevin Weissenborn moved, Max Engle supported that the minutes of August 23, 1994 be approved as corrected.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

It was suggested that New Business be moved on the agenda following Old Business Item A.

Bill Sanders moved, Estelle DeVooght supported that the agenda be approved.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Mark Maki commented on the Conditional Use Permit for Chocoyay Downs Golf Course. He stated Mr. Gibbs has not complied with the previous conditions that the Planning Commission had set.

He suggested that the Planning Commission write a letter to the Township Board to force Mr. Gibbs to comply with the conditions that were set.

Mark Maki also commented on comments that were made regarding the letter from Mr. La Rue in the August 23, 1994 Planning Commission minutes regarding the semi-trailer issue in C-2 zones.

Mark assumes that what the Planning Commission members meant was that Mr. La Rue's semi trailer used for storage met the setbacks according to the Zoning Ordinance and was not visible from U.S. 41 in that the one in question was.

He also commented that he wouldn't think the Planning Commission wouldn't want to promote semi-trailers along U S 41 for storage. It wouldn't make it attractive retail zoning district.

Cathy DeVooght commented that anyone serving on the Township Board, Zoning Board of Appeals, Planning Commission, Board of Review and Fire Department were in violation of the Pension Ordinance.

She also commented on the absence of Don Wickstrom and that according to the By-laws after three (3) absentes, a member should be replaced.

It was stated that the issue of the absentes was discussed at the August 23, 1994 Planning Commission meeting.

It was also stated that the Township Board decided on the Pension and Cathy was advised to take the issue of the pension up with the Township Board.

OLD BUSINESS:

CONDITIONAL USE #32 - CHOCOLAY DOWNS GOLF COURSE:

Mike Farrell stated that Mr. Gibbs has not commented on the letter that the Planning Commission sent him dated September 12, 1994.

Following questions were asked along with comments regarding the Conditional Use #32 - Chocolay Downs Golf Course.

- It was suggested that the Planning Commission send a follow-up letter to Mr. Gibbs informing him to attend the next Planning Commission Meeting or the Conditional Use would be denied.
 - During a conversation with the Marquette County Health Department, a staff member was informed that nothing has been done regarding the Monitoring Wells.
 - Zoning Director has written two more letters to Mr. Gibbs and has received no response.
- Township Board policy is the issuance of an appearance ticket.
- It was suggested that a letter from the Planning Commission be sent to the Township Board informing them that Mr. Gibbs has not met the conditions that were set forth regarding Conditional Use #32.
 - Monitoring wells should have been put in place immediately.
 - It was inquired if a Conditional Use can be revoked?
 - It was suggested to write a letter to Mr. Gibbs to give him another opportunity to meet the conditions.
 - It was suggested that a letter be sent to the Township Board raising concern that the conditions have not been met and that Board action along the lines of an injunction is appropriate.
 - Table the Conditional Use until the October Planning Commission Meeting.
 - Deny the Conditional Use, applicant has had adequate time to meet the conditions that were set forth.
 - Not going to change the fact that the applicant has met the conditions.

Estelle De Vooght moved, Kevin Weissenborn supported that Conditional Use #32 -Chocolay Downs Golf Course be denied.

A letter will be written and reviewed by the Planning Commission

Officers and be sent to Mr. Gibbs and forwarded to the Township Board.

MOTION CARRIED 5-0.

NEW BUSINESS: REZONING #77 - R2 TO R3:

The following questions and comments were received regarding Rezoning #77.

- It was inquired if John Roberts was contacted regarding the rezoning?
There was no response from Mr. Roberts.
- Outside of 200' the township couldn't require to hook up to the Township Sewer.
- Applicant plans on putting additional expansion of apartments.
- Suggested to table the rezoning until a response is obtained in writing from the Health Department regarding the septic system.
- It was stated that if Mr. Huard would hook up to the township sewer, the cost would be approximately \$4,000.
- In Michigan contracting zoning is not allowed.
- A letter was sent to the Marquette County Health Department inquiring about the septic service.
- Concern is the maintenance of the road.
- Land owner should be present at the meeting when this issue is discussed.
- Adequate plans for additional parking for his structure and the long term intent.
- It was explained that this wouldn't affect the church's use and what they can do.

Mike La Pointe moved, Bill Sanders supported that Rezoning #77 be tabled until a letter from the Marquette County Health Department is received and reviewed.

MOTION CARRIED: 5-0.

REZONING #78 - RAY BEAUCHAMP - ABC HARDWARE:

Ray Beauchamp explained what his intentions were regarding Rezoning #78.

- Doesn't plan on not preserving the endangered species.
- Not planning on leveling the whole area.
- Planning on maintaining the trees that are there.
- Not planning on paving, the trees will die.

The following questions and comments were asked and received regarding Rezoning #78.

- Needs to clean up the area in the back.

Mr. Beauchamp commented that they have been attempting to clean the area up, but is not through yet.

Planning on putting topsoil down.

- How large of an area would this be for?

Approximately one (1) acre.

- It was stated an Endangered Species Permit through the DNR could be obtain for the protection of the endangered species.

- Access would be limited for the expansion of the project. because there is no frontage.
- Present R-1 zoning is not practical.

Kevein Weissenborn moved, Bill Sanders supported that Rezoning #78 be approved.

MOTION CARRIED: 5-0.

OLD BUSINESS:

Cathy De Vooght requested that item E. (topsoil removal) be moved ahead of items B, C, and D.

TOPSOIL REMOVAL:

Mike Farrell stated that he had talked with Mr. Fred Benzie regarding the letter that was sent to the Health Department by the Planning Commission, but no response has been received at this time.

It was suggested that the Planning Commission keep abreast of the stripping of topsoil throughout the township and to see that the proper steps are followed.

LANDSCAPE LANGUAGE:

It was suggested that the Planning Commission address the Zoning Board of Appeals regarding the Landscape Ordinance, such as green space and parking areas.

Regulations to control trees and green space is important and possibly when a request is made to reduce these, that a hardship would be proven.

COMMERCIAL ACCESS CONTROL:

No information obtained.

TRAIL DEVELOPMENT:

No information obtained.

Mike Farrell will inform the new Director of Planning & Research of these ongoing projects.

PLANNING DIRECTOR'S REPORT:

Mike Farrell reported that the three text amendments: Water Front Setbacks, Recreational Structures and Golf Course Signs went to the Township Board.

The text amendment regarding Water Front Setbacks were passed by the Township Board.

The Township Board requested that the text amendment regarding Recreational Structures be referred back to the Planning Commission. Language concerning mobile homes needs to be cleaned up.

The Township Board requested that the text amendment regarding Golf Course Signs be referred back to the Planning Commission to obtain language regarding the type of advertising. The intent is to advertise for the Golf Course.

Mike Farrell stated that effective October 14, 1994 he will be resigning from his position at the Charter Township of Chocoley.

He will inform the new Director of Planning & Research of the Strategic Planning to begin January 1995 and also the ongoing projects that the Planning Commission are involved in.

He commended the Planning Commission for all their work and support they have given him while employed at Chocoley Township.

PUBLIC COMMENT:

Planning Commission members thanked Mike Farrell for all the support he has given them and much success to him in the future.

There being no further Public Comment, Bill Sanders closed the second Public Comment section of the Planning Commission.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

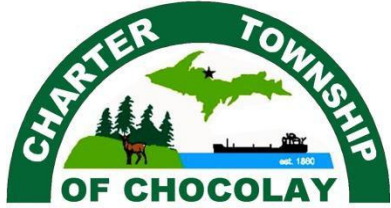
Correspondence to Joe Gibbs - Planning Commission Questions.

ADJOURNMENT:

There being no further business, Mike La Pointe moved, Bill Sanders supported that the Planning Commission be adjourned. The Planning Commission was adjourned at 9:00 p.m.

Estelle DeVooght
 Estelle DeVooght
 Planning Commission Secretary

Jeanette R. Collick
 Jeanette R. Collick
 Recording Secretary



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting in October, 1994.

There was no meeting scheduled.

CHOCOLAY TOWNSHIP PLANNING COMMISSION
TUESDAY, NOVEMBER 22, 1994
AS CORRECTED

PRESENT: Bill Sanders, Max Engle, Mike La Pointe, Estelle DeVooght
(arrived at 8:15 p.m.)

ABSENT: Scott Emerson

STAFF PRESENT: Karen Chandler, Director of Planning & Research
Jeanette Collick, Recording Secretary

PUBLIC PRESENT: None.

PUBLIC HEARING:

There were no public hearings scheduled.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 8:15 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Estelle DeVooght, and Mike La Pointe present.

Scott Emerson was absent.

APPROVAL OF THE MINUTES OF SEPTEMBER 27, 1994:

Bill Sanders inquired if there were additions or corrections to the minutes dated September 27, 1994?

There were no corrections.

Estelle DeVooght moved, Max Engle supported that the minutes of September 27, 1994 be approved as submitted.

MOTION CARRIED 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Due to Max Engle getting elected as trustee on the Chocolay Township Board and will be appointed as the Township Board representative on the Chocolay Township Planning Commission, he resigned as present Vice-Chairperson from the Planning Commission.

Mike LaPointe resigned as Vice-Secretary from the Chocolay Township Planning Commission and was unanimously elected to serve as Vice Chairperson.

Bill Sanders moved, Estelle DeVooght supported to accept the resignation of Mike LaPointe from Vice-Secretary and for the appointment of Vice-Chairperson.

MOTION CARRIED: 4-0

Bill Sanders moved, Estelle DeVooght supported that the agenda be approved as submitted.

MOTION CARRIED: 4-0

PUBLIC COMMENT:

There were none.

OLD BUSINESS:

CONSIDER COMMENT ON STORMWATER MANAGEMENT ORDINANCE:

The Planning Commission discussed the Stormwater Management Ordinance. It was stated that the Township Board submitted a letter to the Marquette County Board of Commissioners dated November 10, 1994. The Township Board asked that the County Board

refer draft #6 back to the committee and that the committee consider changing the ordinance so that it could be implemented on a watershed basis only.

It was stated there were some government entities that are against the Stormwater Management Ordinance.

The Stormwater Management Ordinance will be on the Marquette County Commission's agenda for December 1994.

DISCUSS SECTION 106 AMENDMENT - RE: NUMBER OF STRUCTURES PERMITTED ON A LOT:

After discussion on the number of structures per lot, it was suggest that the concern be placed on concentrating on area of commercial businesses rather than the expansion of commercial businesses.

There was also a concern for parking and access. Commercial access to control traffic on the highway. There are to many driveways on the highway.

After reviewing and discussing the number of structures per lot it was stated that a lot split can't be done until the proper parking is sufficient. It was suggested that this be put on a priority list and submitted to the Township Supervisor and the Township Board.

REVIEW OF ONGOING PROJECTS:

1. TRAIL DEVELOPMENT:

It was stated that when plats are being developed that the Planning Commission would like this to be considered as an easement.

Ad Hoc Committee for Recreation would be considered part of the Strategic Planning.

2. COMMERCIAL ACCESS:

This item should be placed on the priority list.

3. LANDSCAPE ORDINANCE:

This is an ordinance related item. It was commented that the Zoning Board of Appeals was contacted regarding the Landscape Ordinance, such as green space and parking areas and the approval of a hardship regarding meeting certain criteria. The Zoning Board of Appeals were against this. ~~The Zoning Board of Appeals would also need to support the landscape portion of the ordinance with variances required only in hardship cases.~~

4. TOPSOIL REMOVAL:

This is enforced by Soil Erosion through the County. It was suggested that if someone sees a potential problem with the removal of topsoil to contact the County by letter.

This item should be removed from the priority list.

5. Strategic Planning:

Karen Chandler brought the Planning Commission up-to-date on her meeting with Rita Hogins from Michigan State University regarding Strategic Planning.

It was suggested that the Planning Commission members give some thought on some residents that may be willing to serve on some of the various committees that were suggested for Strategic Planning.

It was suggested that the Strategic Planning be scheduled to start in February.

6. Condo Ordinance:

It was suggested that this be placed on the priority list.

7. Sign Ordinance:

It was suggested that this be on the priority list. Karen would draft up the Board comments for the Planning Commission Meeting in December.

NEW BUSINESS:**SEMI-TRAILERS AND OUTDOOR STORAGE:**

Mark Maki's memo dated October 19, 1994 regarding semi-trailers used as storage was discussed.

Karen Chandler informed the Planning Commission that Ivan Fende, Township Supervisor met with Mr. Menhennick and Mr. La Rue regarding this issue. Karen will check with Ivan on the outcome of that meeting and will report the appropriate action that was taken back to the Planning Commission.

PLANNING DIRECTOR'S REPORT:**1. CHOCOLAY DOWNS GOLF COURSE:**

Karen informed the Planning Commission that Mr. Gibbs will report on the items that were addressed in his memo to the Planning Commission in December 1994. If he cannot be in attendance, he will have information for them.

2. PAUL HUARD:

Karen informed the Planning Commission that Mr. Huard stated he plans on hooking into the Township Sewer and blacktopping Willow Road. He is also planning on building more apartments. This will be on the agenda for the January meeting.

It was also stated that when this was discussed at a previous meeting that St. Louis the King Church was against their piece of land to be rezoned.

3. RESIGNATION OF DON WICKSTROM AND KEVIN WEISSENBORN FROM THE PLANNING COMMISSION.

Karen informed the Planning Commission that both Don Wickstrom and Kevin Weissenborn have submitted their resignations from the Planning Commission.

4. PLANNING COMMISSION MEETING NIGHT:

After discussion, it was unanimously agreed by the Planning Commission members that starting January 1995 that the Planning Commission Meetings be changed to the second Monday of each month. Karen will check with Scott Emerson to see if this would fit his schedule.

PUBLIC COMMENT:

There were none.

INFORMATIONAL ITEMS AND CORRESPONDENCE:**A. LETTER TO HARLEY ANDREWS, ATTORNEY FROM MARK MAKI - follow up on Gibb's Conditional Use Permit:**

Joe Gibbs responded to the attorney's letter.

B. CURRENT ISSUES IN PLANNING & ZONING WORKSHOP:

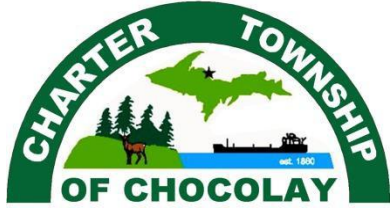
It was suggested that Karen check with MTA to inquire if it would be possible to hold some planning seminars in the U.P.

ADJOURNMENT:

There being no further business, Mike La Pointe moved, Max Engle supported that the Planning Commission be adjourned. The Planning Commission was adjourned at 9:30 p.m.

Estelle DeVooght
Estelle DeVooght
Planning Commission Secretary

Jeanette R. Collick
Jeanette R. Collick
Recording Secretary



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting in December, 1994.

There was no meeting scheduled.

CHOCOLAY TOWNSHIP PLANNING COMMISSION
 MONDAY, JANUARY 9, 1995
 AS CORRECTED

PRESENT: Bill Sanders, Max Engle, Mike LaPointe, Estelle DeVooght
 Scott Emerson, Steve Kinnunen

ABSENT: Dallas Peterson

STAFF PRESENT: Karen Chandler, Director of Planning & Research
 Mark Maki, Zoning Administrator

PUBLIC PRESENT: None.

PUBLIC HEARING:

There were no public hearings scheduled.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Estelle DeVooght, Mike LaPointe and Scott Emerson present. Bill Sanders welcomed new member Steve Kinnunen.

New member Dallas Peterson was absent.

APPROVAL OF THE MINUTES OF NOVEMBER 22, 1994:

Bill Sanders inquired if there were additions or corrections to the minutes dated November 22, 1994?

Scott Emerson had a question on the Landscape Ordinance on page 3. Zoning Board of Appeals in the past has not supported landscaping in the current zoning ordinance. The Landscaping Ordinance would need to be enforced if approved by the Township Board.

CORRECT NOVEMBER MINUTES TO INCLUDE: The Zoning Board of Appeals would also need to support the landscape portion of the ordinance with variances required only in hardship cases. AFTER the last sentence in REVIEW OF ONGOING PROJECTS # 3.

Max Engle moved, Mike LaPointe supported that the minutes of November 22, 1994 be approved as corrected.

MOTION CARRIED 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes for the agenda.

The election of the Vice-Secretary for the Planning Commission was discussed.

Scott Emerson inquired what the position of the Vice-Secretary entailed? It was stated that if the Recording Secretary wasn't present and the Secretary of the Planning Commission wasn't present, then the Vice-Secretary would take over the duties of Recording Secretary. Also if the Planning Commission Secretary wasn't present and the Recording Secretary is, then the Vice-Secretary would sign the minutes.

Mike LaPointe moved, Bill Sanders supported that Scott Emerson be elected as Vice-Secretary.

MOTION CARRIED 6-0.

Bill Sanders moved, Scott Emerson supported that the agenda be approved as submitted.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:
There were none.

OLD BUSINESS:

STRATEGIC PLANNING PROCESS

Discussion followed on use and grouping of categories and listing of names for Team Captains.

1. **Business/Professional;** Duane Hastrich, CABA member, Lynn Frazier, Douglas LaBarr, Gary Menhennick
2. **Recreation/Tourism;** Andrea Beckman, Joan Spencer, Pat Liest, Greg Baldwin
3. **Education/Arts/Culture;** Jude Catallo, Nina Ittner, June Rydholm, Hugh Kahler, Pat Manning, Jim Carter, Judy Hanson
4. **Government Services/Land Use/Zoning;** Carl Lindquist, John Renfrew, Bruce Miller, Carol Hicks, John Porter, Gordie Uren, Linda Rossberg, Tom Thomas
5. **Agriculture/Forestry/Environment;** Gary Gorsalitz, Marilyn Heitman, Rod Smith, Chris Burnette, Bob Atwood, Fred Metzger, Dan or Eric Meister, Richard Reader, Keith Johnson
6. **Community at Large;** Dick Sanders, Marla Buckmaster, Dick Vivian, Elaine Hodge, Louise Borgoult, John Weting, Judd Johnston, Cliff Brin, Donald Salo, Alan Olson, Robert Fisher

Karen will call Rita Hodgins for a fact sheet of information to be used for listing of time requirements, number of meetings and follow up work required of both Team Captains and committee members. As we call each person, we can give them an idea of how much time will be needed to be committed to this project. This listing is a very good start.

Bill asked each member to make their phone calls and to get names back to Karen by January 20th.

CONSIDER TEXT CHANGES ON REZONING 75 & 76 AS PER THE TOWNSHIP BOARD'S REQUEST

Rezoning #75 was returned to the Planning Commission for further consideration to the wording for recreational mobile homes in the RR-2, OS, and RP Zoning Districts. The discussion of the Planning Commission was to allow smaller size structures for recreational purposes. Any conditional use would still come to the Planning Commission. It was decided to send the recreational structure definition back to the Board as originally submitted with the following motion:

Bill Sanders moved Mike LaPointe supported that the Planning Commission intends to allow mobile homes in this definition as a recreational structure, as they would be on large parcels and be subject to the conditional use review process.

Motion carried 6-0.

Rezoning #76 was returned to the Planning Commission to add the definition of signage being considered for golf courses. The County Planning Commission suggested that all conditional uses have the same sign regulation rather than to address just golf courses.

Schools & Churches are allowed signage of 32 sq ft. This change in the zoning ordinance would allow 60 sq ft for golf courses.

PROPOSED LANGUAGE: (Underlined)

SEC. 802 SIGNS PERMITTED IN THE R-1, R-2, AND R-4 DISTRICTS.

One sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding eight feet is permitted. During development of a subdivision or other property for a period not exceeding two years, one sign, naming the subdivision or other property,

developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding 50 square feet and height and not exceeding 12 feet, is permitted in the subdivision, together with signs having an area not exceeding six square feet each and a height not exceeding six feet, directing the public to or identifying models. Signs permitted by this Section, listed above, are exempt from the setback requirements of Section 300.

On premise signs for golf courses are limited to one sign per course with a total area not exceeding 60 square feet provided that the sign is setback 5 feet from the front lot line and setback 30 feet from a side lot line.

Mike Farrell stated the sign would be approximately 6' x 10' - on site for Downs Golf Course and would be by the pro shop, about ¼ mile off the highway.

This issue was sent back for further research.

DISCUSS AMENDMENTS NEEDED TO ZONING ORDINANCE:

The issue is garages of larger sizes in the residential districts. We originally had no height size for garages and proposed a 14 ft height requirement, which was sent back to the Planning Commission. The zoning board of appeals needs to have clarification. There have been seven cases to the ZBA since 1990. The new wording would include the word average. There would still be a problem with second story garages. More people are building storage over the garage and some are using storage space for boats etc.

Suggested Language:

Height - The vertical distance between the average grade and the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; the average height between the eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof, excepting any chimney or antenna on a building.

No detached accessory building in a residential district shall exceed fourteen (14) feet in height.

No detached accessory building shall exceed the size of the main structure.

Intent of Planning Commission is to send this wording to the Board for any major question before a public hearing is held and move on before the spring building season.

Scott Emerson moved, Bill Sanders supported that the proposed amendment in the zoning ordinance for accessory buildings in R1, R2, R3 & LS/R be reviewed by the Township Board at their next session and the Planning Commission would appreciate comments.

Motion carried 6-0.

DISCUSS LOT SPLIT AND ZONING ORDINANCE

Primarily the result of DiLoreto case and the Cathy DeVooght case. This language amendment would make it a violation of the ordinance to create a lot that does not comply. This would have prevented and saved thousands of dollars of useless litigation. DiLoreto has taken the case to the Marquette County Circuit Court. If minimum lot sizes are in the zoning ordinance, the subdivision should correspond to lot sizes.

Lot split language should be brought back to the Planning Commission for a public hearing. The wording to be added to the ordinance is as follows:

Zoning Ordinance

Any lot created after the effective date of this amendment shall comply with the minimum lot width and lot area requirements for its respective zoning district.

Lot Split Ordinance

No zoning compliance permit shall be issued for any new

construction until a lot split approval pursuant to this lot split ordinance has been approved by the Township Board.

Karen was asked to review this wording with Mark and to bring it back ready for a public hearing.

DISCUSSION SECTION 106 AMENDMENT - RE: NUMBER OF STRUCTURES PERMITTED ON A LOT:

This problem centers around access control vs the number of structures per lot. The PUD concept at the Blondeau development should be considered.

The Planning Commission has sent the wording for one principle structure per lot to the Township Board. No action has been taken by the Board. The following motion is being sent back to the Board for action on this issue.

Bill Sanders moved Scott Emerson supported that the Planning Commission has discussed the proposed language for Section 106 text amendment with the Township Zoning Administrator and understands that plans approved by the Township prior to the effective date of this amendment will be grandfathered.

Motion carried 5-1.

NEW BUSINESS:

CONSIDER RECYCLING & REFUSE OPTIONS:

Scott Emerson had asked to place this on the agenda over concern for the millage election and the bag tag system. Scott suggested a quarterly report of projected property tax if millage passed vs the tags and the cost of the tags. ~~Scott thinks we may be collecting more than needed.~~

Curbside recycling has been suggested. Scott referred to a survey taken a few years ago. The questions on recycling showed that almost 85% were interested in curbside pick-up. Scott thinks a once a month pick-up could be possible for those item that Peninsula Sanitation already accepts.

The millage will be put back to the voters at the next general election. The ballot proposal language may need to be adjusted. If specific *curbside recycling* were included in the language the proposal would have a much better chance of passing.

Peninsula Sanitation is now charging 50¢ per bag for recyclable materials.

The general consensus of the Planning Commission is to have curbside pick-up. The budget did include \$5,000 this year for recycling.

To think that if 50% is recycled then the tipping cost would be reduced by 50% is a false assumption. There are specific fixed costs at the Landfill and those costs need to be covered.

Markets need to be found for recycled materials. How much would it cost to ship materials to Chicago?

Efforts will be made to have someone from Peninsula Sanitation come to a Planning Commission and explain their program. They should be asked to consider the cost of pick-up in Chocolay Township.

Karen was asked to check with the City of Marquette on their program with Peninsula and the City of Munising on their program with the tags.

PLANNING DIRECTOR'S REPORT:

Asked the Planning Commission to look over the Recreation Plan for any changes or updates. I have briefly looked over the Plan and the only changes would be to alter the plan to include different recreational objectives. If we want to continue with the Plan as submitted, then no changes are necessary at this time.

I have talked with Ivan on the temporary storage structures (semi-

trailers). Ivan spoke with both Gary Menhennick and Pete LaRue about their semi-trailers. Both would like to see language addressed for temporary structures with some type of screening and of short duration. I will get back with Mark about a possible solution.

PUBLIC COMMENT:

There were none.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. CORRESPONDENCE TO - KEVIN WEISSENBORN - *Thank you for serving*
- B. CORRESPONDENCE TO - DALLAS O. PETERSON - *New member*
- C. CORRESPONDENCE TO - STEVEN D. KINNUNEN - *New member*

Bill asked that Karen get in touch with Dallas Peterson.

Scott asked about the property out near Kawbawgam and to have it rezoned. This was talked about last fall. The priority list needs to be put out again. Scott had sent a three page letter on his list of priorities to Mike Farrell last year. The priority list should include a column to put out the fires and a proactive column. This will be brought back to the Planning Commission

ADJOURNMENT:

There being no further business, Mike LaPointe moved, Max Engle supported that the Planning Commission be adjourned. The Planning Commission was adjourned at 10:45 p.m.

Estelle DeVooght
Estelle DeVooght
Planning Commission Secretary

Karen M. Chandler
Karen M. Chandler
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, FEBRUARY 13, 1995

PRESENT: Bill Sanders, Dallas Peterson, Steve Kinnunen, Estelle De Vooght, Mike La Pointe, Scott Emerson (arrived at 7:40 p.m.)

ABSENT: Max Engle

STAFF PRESENT: Karen Chandler, Director of Planning & Research

OTHERS PRESENT: Jeanette Collick-Recording Secretary, Richard Smith, Fred Metzger, Ron Thorley, Gene Elzinga, Mark Leppanen, Marla Buckmaster, Babs Sparhawk, Burt Sparhawk.

PUBLIC HEARING:

There were no public hearings scheduled.

PUBLIC HEARING:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:30 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Dallas Peterson, Steve Kinnunen, Estelle DeVooght, Mike LaPointe present. Bill Sanders welcomed new member Dallas Peterson.

Max Engle was absent - out of town.

APPROVAL OF MINUTES OF JANUARY 9, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated January 9, 1995?

He noted that on page 5 under New Business - Consider Recycling & Refuse Options: the last sentence "Scott thinks we may be collecting more than needed." This sentence should be eliminated.

Bill Sanders moved, Dallas Peterson supported that the minutes of January 9, 1995 be approved as corrected.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA:

Bill Sanders requested that under New Business (A) Trails Development Presentation be moved before Old Business.

Bill Sanders inquired if there were any further additions or changes for the agenda? There were none.

Mike LaPointe moved, Bill Sanders supported that the agenda be approved as changed.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Gene Elzinga - North Country Trails stated he would like to comment when the Trail Development Presentation was being made by Scott Emerson.

There were no further public comment. The first public comment session was closed.

OLD BUSINESS:

DISCUSS STRATEGIC PLANNING - CITIZENS CONTACTED:

Karen reported that we have enough Task Force People and we can add names for committee work

later. The next step is to contact the people who have agreed to become chairs. The Planning Commission members will have to decide which members will serve on which committee so they can get started. The step after that, letters will be sent out and set up a meeting date so it can be agreed upon how the process will go. The initial meeting will take about one hour. Planning Commission is the host. Each member will take a sub group and attend their meeting so you will have an idea what is coming out of that group.

There are six (6) different categories. Each Planning Commission member agreed to sit on the following categories:

AGRICULTURE/FORESTRY/ENVIRONMENT - Mike LaPointe

GOVERNMENT SERVICES/LAND USE/ZONING - Dallas Peterson

COMMUNITY AT LARGE - Bill Sanders

BUSINESS/PROFESSIONAL - Max Engle

Scott Emerson arrived at the meeting at 7:40 p.m.

RECREATION/TOURISM - Scott Emerson & Steve Kinnunen

EDUCATION/ARTS/CULTURE - Estelle DeVooght

It was agreed that there should be an initial meeting for all groups in about two - three weeks. This would probably be an evening meeting for about one hour.

Karen will write letters to the people on these committees on the date, time and place of the meeting. The Planning Commission members were requested to inform Karen the times that they wouldn't be available for the combined meetings.

NEW BUSINESS:

TRAIL DEVELOPMENT PRESENTATION:

Scott Emerson made a presentation on the overlay on suggested routes for the trails throughout Chocolay Township. This information will be placed in the Planning Commission Agenda Book in the Township Office.

Gene Elzinga - North Country Trails would like to obtain a pathway through Chocolay Township for that national trail.

During the presentation the following comments were made:

Extend bike path to Beaver Grove, Cherry Creek Road, M 28 E, and to Silver Creek Road. Safer access to both schools.

Non motorized in the Summer.

Try to facilitate motorized traffic on the existing bike path through the commercial zone and extend that bike path throughout the commercial zone and all the way down to our existing recreation area in Beaver Grove. Snowmobilers who have access to get from point A to B, such as a store, gas station, etc.

Possibly work on easements with future developers.

Possible tax break for residents that would possibly allow the trail on their property.

The widening of Cherry Creek Road is placed for the County Road Commission to do.

Control speed limit along Cherry Creek Road. It was suggested that the Planning Commission write

a letter to the Township Board to get emphasis for easements for bike path for trails in terms of incentive - possibly tax relief for residents granting easements for these trails through the Township.

The following recommendation was presented for consideration:

Amend the current rec plan to emphasize development of a bike path (trails) network through out the Section 902 area of the Township.

Work to immediately secure easements from property owners (by mid 1996).

Pass laws granting property owners a tax reduction in return for granting easements for planned trail development in Chocolay Township.

Work aggressively to obtain grants to help with bike path construction 1996 thru 2002.

Solicit CABAs support for the project.

Work closely with NCT Association for:

gain access for non-motorized traffic recreational use along MI Bell/WI RR right of way thru Section 902 Chocolay Township.

Link our trail network to theirs.

Purchase land for public park/nature trail adjacent to NCT route in Section 902 Chocolay Township.

Prohibit NCT snowmobile traffic thru residential districts in Section 902 (metal posts, signage, fines)

Gene Elzinga - snowmobile clubs and North Country Trails are working together to work trail access out.

North Country Trails takes the responsibility of clearing the land and maintaining the trails.

Planning Commission thanked Gene Elzinga, residents that were present and Scott Emerson for the presentation and comments on the trail development.

NEW BUSINESS:

Karen reported on the recycling forum that was held in Negaunee.

Peninsula Sanitation representative was not in attendance at the forum.

Representative from Great Lakes in Escanaba is going to be attending one of the CABA meetings that will be coming up.

A bag of compost was shown that Max Muelle from Marquette Township was doing.

Karen reported on the information that Larry obtained from Northern Refuse in Negaunee.

Cardboard is bringing in about \$130 per ton.

Newspaper and shredded office paper is going to the prison.

Escanaba has a building to store all the recyclables until there is a market for the materials being recycled.

Escanaba is a nonprofit organization - grant program and is maxed out. They are close to a trucking firm, so the truck never goes to Chicago empty. The truck is going with something on it and coming back loaded.

We need to address our local concerns.

There is also a couple of gentlemen from K I Sawyer that wants to start a recycling business out at K I Sawyer, and want to work with the Base Conversion Authority.

Skandia - West Branch Transfer Station is part of the household hazardous waste program and once a month they have a household hazardous waste pick up. They also contract for \$300 per month the townships pay an individual to take all the recyclables. Individuals have to separate their recyclables from their own refuse.

This would be the same with curbside recycling.

Karen reported that at the last Township Board meeting the millage was talked about, the Board talked about going out on bids for another garbage truck in the next year or two. They stated that before going out on bids for another garbage truck, they would like to obtain bids from a private sector on garbage pick up and that curbside recycling be included.

It was also stated that since the tag system the tonnage has gone down in about half. There are reasons such as some people are recycling, but there are also residents who have not been putting their garbage out. The barns may also have to be increased.

It was stated that possibly by April, clear glass may be recycled in the Township.

ECI - would like to obtain equipment and the buildings at the base to start up the recycling project.

IT was inquired as to what we can do to help get this started?

It was suggested that a letter be written to the Base Conversion Authority that we support the start up of this business. It was also suggested that a copy of our letter be sent to the other townships in the area to advise them to do the same.

It was also suggested that possibly a community compost site could be made available in the Township for compost recycling. Gentz Farm takes grass clippings, leaves, etc. It was suggested that a possible site for the compost site would be the township property in Beaver Grove near Superior Truck Service.

It was noted that on the questionnaire survey that one of the high priorities the township residents required was recycling.

It was stated that a memo from the Planning Commission go to the Township Board requesting that the Township use recyclable materials. The Planning Commission thought this was a very important step towards recycling and using recyclables and state also that the Planning Commission is in favor of the glass recycling.

DISCUSSION ON RECREATION PLAN GRANT APPLICATION:

Karen reported that with the April 1, 1995 deadline for the grant application, we do not have enough time to add the information regarding the trails through the Township.

It was inquired if there were matching monies available for trails. It was stated there were.

It was stated that we need to work on the recreation plan update for next year.

It was also noted that for at least a year that a Recreation Ad Hoc Committee should be formed. This should be taken into consideration under the recreation part of Strategic Planning.

It was also noted that a memo from the Planning Commission be written to Larry Gould that we are in support of the proposed recreation grant application, but would like the addition of trails be given consideration per the survey that approximately 79% of the residents of Chocoy stated that they would like to see be developed. This should be taken into consideration when updating the Comprehensive Plan/Recreation Plan for grant monies, etc.

It was stated that the Strategic Plan be rolling by mid April.

DISCUSS UPDATE ON SEMI-TRAILERS:

Karen will work with Mark and try to come up with language regarding regulations for semi-trailers and report back to the Planning Commission.

DISCUSS UPDATE ON JOE GIBBS:

During the discussion the following comments were made:

He is in violation of his conditional use permit.

He is requesting to have the monitoring wells condition removed.

Dan Trotochaud is working with Joe and he will be reporting the outcome to Karen.

The combined feeling of the Planning Commission members is to issue an appearance ticket.

State is requiring Joe to put up a shed with a concrete base to store all the fertilizer.

Obtain information from Mr. Benzing - Marquette County Health Department regarding what type of monitoring wells and regulations are required.

Obtain in writing what the Marquette County Health Department's official recommendations are regarding requirements for the golf course monitoring wells.

DNR could be contacted for potential contamination.

Send Joe Gibbs a letter from the Planning Commission that there is no plea bargaining for the monitoring wells. This was one of the conditions in the conditional use permit and needs to remain.

DISCUSS STATE RIGHT-OF WAYS:

After discussion on this project it was decided that a letter be written to the State Highway Department for enforcement of right-of-ways.

PLANNING DIRECTOR'S REPORT:

Karen reported that there will be a planning workshop training session either in Marquette or Escanaba this Spring or Summer and encouraged the Planning Commission Members to attend who are interested.

PUBLIC COMMENT:

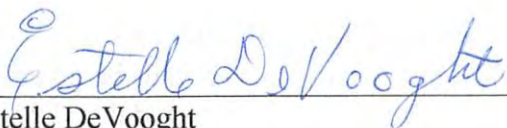
There were none.

INFORMATIONAL ITEMS & CORRESPONDENCE:

- A. Minutes from Chocolate Watershed Advisory Council.
- B. Correspondence from - Mark Maki - Street Names.
- C. Correspondence from MSPO - upcoming workshops.
- D. Correspondence from - DNR - Beaver Grove Recreation Development.
- E. Correspondence from - MCSWDA - WalMart will take used motor oil.
- F. Correspondence from - Karen Chandler - Eliminating Junk mail.

ADJOURNMENT:

There being no further business Bill Sanders moved, Scott Emerson supported that the Planning Commission Meeting be adjourned. The Planning Commission was adjourned at 10:20 p.m.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION**MONDAY, MARCH 13, 1995**

PRESENT: Bill Sanders, Dallas Peterson, Steven Kinnunen, Estelle DeVooght, Mike La Pointe, Max Engle

ABSENT: Scott Emerson

STAFF PRESENT: Karen Chandler, Director of Planning & Research
Bennita Grayhame-Malette, Intern Student

OTHERS PRESENT: Jeanette Collick-Recording Secretary, Tom Clark, Paul Marin, Richard Vivian, Bernard Kaukola, Dan Di Loreto, Lowell Riopelle, Darlene Johnson, Jim Herkins

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m. He explained the process of the public hearing.

PUBLIC HEARING - PRIVATE ROAD REQUEST #9 - ESTATE OF ELIZABETH HUEFELDER:

The applicant, Estate of Elizabeth Huefelder (deceased), c/o Paul Marin (Attorney) has requested the Chocolay Township Board approve a private road located within the following described property.

A parcel of land in Government Lots Two (2) and Four (4), Section Six (6), Town Forty-seven (47) North, Range Twenty-four (24) West, said parcel being partly located in the unplatted portion of said Government Lot 4 and partly in the Plat of the Village of Harvey, which Plat was recorded November 24, 1864, in Liber F of Deeds, Marquette County, Michigan, records, Page 624, and further described as follows: All that piece or parcel of land included within the boundaries of the area designated as "Hotel Place" and the street designated as "Dock Street" on the said Plat of the Village of Harvey, together with that certain piece or parcel of land located in that portion of said Government Lot 4 which is not included within the said Plat of the Village of Harvey and which is included within the extension of Dock Street as shown in said Plat in a Northerly direction along the same course of said Dock Street and with the same width as said Dock Street and continuing Northerly to its intersection with the Chocolay River Bayou, except that portion of Dock Street as extended included within the lands heretofore conveyed to one Howard B. Solomon.

Together with all rights of access over the said parcel so conveyed to Howard B. Solomon as reserved in a Deed from Philip B. Spear and Elizabeth B. Spear, husband and wife, grantors, to Howard B. Solomon grantee, which Deed was recorded August 16, 1951, in Liber 194 of Deeds, Marquette County, Michigan, records, Page 254, and subject to all rights of users granted to Howard B. Solomon in said Deed.

Paul Marin - 316 North Front Street - Mrs. Huefelder sold the road and the land East of the Road to the Chocolay Shores Development Company. When she sold the land she made arrangements for an easement for herself, heirs and successors to travel along Hotel Place and Dock Street. Prior to that a family member sold some other property to Mr. Solomon, which is now Mr. Riopelle's property.

The deed creating the easement allows access to the private road parcel. He referred to some of the materials that were in the agenda packet stating that the land was land-locked. He stated that this is not the case. A land-locked parcel would be a parcel that is completely surrounded by other parcels, which the owner would not have access. In this case the Huefelder's property has an easement to travel along Hotel Place and Dock Street to access this parcel.

He stated that the application was not filed to gain access to the property. It was filed because it was

Mr. Maki's interpretation of the Zoning Ordinance that an illegal lot split was created when Mrs. Huefelder sold a parcel of property to Mr. Di Loreto because then Mrs. Huefelder's parcel did not have access on a public road or an approved private road. The application was filed after litigation was commenced against Mrs. Huefelder and the same with some other people in order to resolve that impasse. He has had many discussions with Mr. Andrews (Township Attorney) and some of those discussions were presented in the memorandum that was provided in the packet.

He referred to reference in the memorandum that stated that by recognition if the Planning Commission approved as private road you are not making a legal blessing on this that the statement of title is going back to the Northern Iron Company. The applicant is satisfying the memorandum in that regard to filing the application and the Committee has the authority to granting the application.

He stated that looking through the materials that were provided the only opposition was the owners of the Chocolay Shores Development Authority and this would be to their advantage that if this approval was not granted, then they may be able to obtain the property on the other side of Hotel Place and Dock Street if perhaps no building permits could be issued to the parcel there and this would be to some financial advantage to the owners on the other side of the road to buy that property then at lower than fair market value.

When filing the application he stated he spoke with Karen and she had a question as to where the engineering surveys, site plans, grade specifications, sewer, culverts and the rest of the normal items that would come with the application for an approved private road. He referred to the correspondence that was provided in the agenda packet.

He stated that in his opinion this road is grand fathered in and that Hotel Place and Dock Street goes back to 1864 and has appeared on the maps of the Village of Harvey as a road, although it never was a public road. There is a road sign there and the road has been in existence for more than 100 years.

This is not the situation that the ordinance in compasses or in visions in the terms of asking for engineering studies. This is not a subdivision that is being created. This is not a road through the woods or fields where no road has never existed. This is road that has been there for more than 100 years. He is not in visioning that there would be a change in the use of the road. At the most there may be two building sites on the Huefelder parcel of real estate. There may only be one building site on that land. As he had a chance to look at the property in connection with this request and during the Spring break up and road restrictions going into affect the road to the credit of owners across the river is in remarkably good shape. It is better that some of other roads in the Township. There seemed to be one area slightly lower at the far end of the Chocolay Shores Apartments and other than that spot that had some pools of water and was hard to drive on and the only wet spot was in Mr. Riopelle's yard and the road itself seem to be in very good condition.

The Huefelder's estate has access to that property by virtue of the easement. They can get to that property anytime that they want now. There will not be any change of use if this application is granted and that is why he hasn't submitted any engineering at this point, especially when the application says gives us your proposed sewer, culverts, etc. There is no proposed change of use and the road has been in existence over 100 years we are not anticipating that there will be any of those changes.

Jim Herkins - owner of Chocolay Shores - referred to the letter from the owners of Chocolay Shores that was provided in the agenda packet.

Their concerns would be who would be using the road? What kind of restrictions? Noise and heavy traffic that would be disturbing the renters of the Chocolay Shores. They have had some experiences with snowmobiles and motorcycles, etc. He agrees that there is a grand fathered easement of the sorts, but nowhere do they see that the easement would provide for the building of an approved road to the point it would be a private road. Documentation from the Township shows what they expect to approve a private road.

A main concern would be who would be responsible for the maintenance of the road. Would there be an agreement and who would monitor this? Chocolay Shores has spent approximately \$8,000

in the past year for snow removal and annual summer maintenance.

Jim Herkins is opposed to the approval of the private road request.

Bernard Kaukola - 130 Bayou Road - has a parcel of property which is located West of Mr. Riopelle. Mr. Kaukola and Ray Hirvonen have a perpetual easement over Hotel Place and Dock Street.

Tom Clark - Suite 112 - 102 W. Washington Street - Representative for Dan Di Loreto. Dan has done a lot of work on this.

He referred to Block B of the Village of Harvey has never been subdivided into individual lots in the original plat. Block B has no access to a public road and has never had access to a public road, except a small portion on the West boundary.

The land on Main Street where property is owned by Mr. Menze, Mr. Drobny, to Chocolay Shores is owned by the Di Loretos that is not Block B, it is Block 1. That is a separate platted block. All of it fronting on Main Street. The only parcel of Block B that was on a public road goes to the East on U S 41. That is not a street, it is essentially an occupied portion that Mr. Menze owned for a number of years. Other than that parcel that one little tag, virtually West, the only part that Block B ever had on any street is the frontage shown on Hotel Place and Dock Street.

Mr. Di Loreto purchased the second portion of Block B, including the little lots on Main Street were the position of the Zoning Administration that (A) it was an illegal lot and (B) by creating a parcel in Block B that has no frontage on a public road. Block B never had frontage on a public road. Block B was considered a single lot. Block B never had access to a public road. It does have access to a platted road, which is Hotel Place and Dock Street. There are legal rights of access across that road. Not only by the easement, but also it was included in the original recorded plat. However, the fact that the other lots across the front on Main Street prevented from having access to Main Street. The only way and always has been to get access is by going down Hotel Place and Dock Street, unless you own Block B and the lot in front of it. At present Mr. Di Loreto owns a portion of Block B and the lots in front of it. He does not use Hotel Place and Dock Street for his access. He has not filed an application for Hotel Place and Dock Street for his access. He is not requesting that Hotel Place and Dock Street be granted to him. The access used to be off Hotel Place and Dock Street for the home that he had purchased from Mrs. Huefelder, but he put in a new driveway. The access is off a lot that is accessed off Main Street. There is no access across Hotel Place and Dock Street. Those parcels in Block B are all currently zoned Single Family Residential. The only non Single Family dwelling in the neighborhood is that of the business across the street on Hotel Place and Dock Street, which is Chocolay Shores, owned by Jim Herkins and Darlene Johnson.

The documents and deeds that were all filed to the Planning Commission were essentially documents to establish that this is not a road that just came into existence, but is in the original plat of 1864 and has a platted right-of-way of 80 feet at Main Street and proceeds North at least 300 feet before it tapers down to a 60 foot right-of-way.

He provided to the previous staff at Chocolay Township, but didn't know if Ms. Chandler has a copy of the court decision in the Court of Appeals in the State of Michigan that indicates that people who have land in a subdivision even though the road to that land has never been formally dedicated to the public use are still entitled to rights of the use of that land. A response has never been obtained to that item. This has gone on for a couple of years.

He also requested back in 1993 that the Township Planning Department and the Zoning Department provide him with the record of everything that they could tell him about private roads. In response to these records, the township indicated to him first of all that Chocolay Township had no documents which established any policy, procedure, requirement or practice with respect to private roads in existence prior to May of 1977. The Zoning Ordinance does provide for lots and roads that existed prior to the 1977 Ordinance. However, the application procedure and the new ordinance have no procedure established for trying to bring up to the Commission's attention for a pre-existing road - a grand fathered private road. There are no written policies in affect for those roads in affect prior to 1977, that is the response he has gotten from Chocolay Township.

Another request is that the Township provide copies of every piece of documentation where a pre-existing prior to 1977 private road has been approved. There are a number of them and he has the permit numbers and the discussion numbers and everyone that was provided to him, a private road was approved through a variance procedure through the Zoning Board of Appeals. All the documentation he obtained such as minutes from pre-existing private roads deal with Zoning Board of Appeals. Now they were informed that the Planning Commission was the appropriate place to go.

The Ordinance does not deal with pre-existing road, except that to the extent that it states that if you have a single lot which existed prior to May 1977 you had to have an easement in access of at least 20 feet in width in order to have access to that property for that approval. The lot he is pertaining to has been in existence since 1864. He feels that the approach here is that this private road has been in existence prior to 1977.

He spoke on the lot split issue and the law suit in circuit court. Part of the reason for the law suit is to allow a re-plat of a portion of parcel B to eliminate any of the issues on whether it is a potential lot split violation.

Jim Herkins - Chocolay Shores owner - spoke on the monitoring of the road if it was to be approved, such as enforcing speed, etc. He is opposed to the private road approval.

There were no further comments regarding the public hearing on Private Road request #9.

There were no further public hearings. The public hearing session of the March 13, 1995 Planning Commission was closed.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders called the Regular Meeting of the Planning Commission to order at 7:55 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Dallas Peterson, Steve Kinnunen, Estelle DeVooght, Mike La Pointe and Max Engle present.

Scott Emerson was absent -out of town.

APPROVAL OF MINUTES OF FEBRUARY 13, 1995.

Bill Sanders inquired if there were additions or corrections to the minutes dated February 13, 1995. There were none.

Dallas Peterson moved, Estelle De Vooght supported that the minutes of February 13, 1995 be approved as presented.

MOTION CARRIED: 6-0

APPROVAL OF AGENDA/ADDITIONAL ITEMS:

Mike La Pointe requested that under New Business (A) Private Road #9 - Estate of Elizabeth Huefelder be moved before Old Business.

Bill Sanders inquired if there were any further additions or changes for the agenda. There were none.

Mike La Pointe moved, Max Engle supported that the agenda be approved as changed.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

There were none. The first public comment session was closed.

NEW BUSINESS:

PRIVATE ROAD #9 - ESTATE OF ELIZABETH HUEFELDER:

Estelle inquired if the township attorney has resolved the case regarding the lot split?

Karen stated that to her understanding that it hasn't been resolved. She didn't look at what was going on with that case in respect to the private road application. They are entirely different issues.

Estelle - felt they were trying to put the two together and the Planning Commission couldn't decide one with the other.

Karen - the lot split has not been resolved in the circuit court.

Max Engle - is Willow Road and Bayou Road an approved private road?

Bill Sanders - Willow Road is not.

Max - there have been homes built on Willow Road since 1977. If Willow Road isn't an approved private road and was in existence prior to 1977 probably should have been taken up with the variance board and allow those lots to exist.

There was discussion regarding if Willow Road wasn't an approved private road prior to 1977 and homes were built on lots after that, why can't Mr. Di Loreto build on his Lot? It was stated that the reason he can't is that the Zoning Administrator has determined that the required lot split approval has not been obtained.

Bill Sanders inquired of Mr. Herkins on who takes care of the plowing and road maintenance of the road in question?

Mr. Herkins - County doesn't do any of the maintenance or snow plowing. The owners of Chocolay Shores spent about \$4,000 per winter on plowing and about \$2,000 in the Summer on maintenance.

Bill Sanders - Who would be doing the maintenance of the road if approved?

Paul Marin - Property that the Huefelder Estate owns would probably have one or two cars that go on the road, there should be some method where they would assist in the maintenance of the road. If it would be a suggestion from Mr. Herkins or Ms. Johnson for a condition placed of granting this application by the Board that there should be some even split of the costs to maintain the road, he doesn't think that would be a fair way to go about resolving this since Chocolay Shores has about twenty cars that would be traveling on the road.

Another suggestion he said that Judge Quinnell had said to settle the law suit perhaps Mr. Di Loreto could deed back to the Huefelder's a fractional/marginal 10 feet or 5 feet of property that would attach to the back of the Huefelder's property that would give the Huefelder's parcel access on Main Street and that would permit the development of the Huefelder parcel. He suspects that could be done without any problem. As far as developing another road or driveway 10 feet wide adjacent to this very wide road which the owners of the Hufelder's parcel would have access by virtue of their easement. It is not their intention to go into Circuit Court, get 10 feet back from Mr. Di Loreto and then go along Hotel Place. They don't want to do that.

The Private Road application was suggested by the Township Attorney and go through the proper channels/ That is why he is here, to be up front with the Township and not to be cutting deals in Circuit Court that allows us to do that road anyway.

Bill Sanders - inquired when the last two private roads were approved, did they meet all the requirements and bring the information into the Planning Commission? Yes, all the information required such as storm drainage, cross sections etc. were provided.

Estelle - stated the Planning Commission needs more concrete information to proceed with this application.

Jim Herkins - he has no desire or intention on ever buying the proposed property. He doesn't want

it. He would like to direct this to the ordinance in existence. For example the 63 foot setback from the center line of a private road would force Chocolay Shores to move their back apartments to the river. The other side of that road are wetlands, Michigan Bell put fiber optic cable under the road last year. These would be very expensive to move.

There were discussions on the private road and building permits, etc. We have to rule out the other information dealing with the case. We need more information to determine the private road request.

Estelle De Vooght moved, Mike La Pointe supported that Private Road #9 - Estate of Elizabeth Huefelder be tabled until more information is provided and the Township Attorney can be contacted.

MOTION CARRIED: 5-1

OLD BUSINESS:

STRATEGIC PLANNING:

Mike La Pointe stated that due to another commitment Tuesday, March 28, 1995 would not be a good date for him for the first meeting of the task force. The other Planning Commission members had no objections for the meeting to be held on Monday, March 27. Karen will contact Rita Hodgins to see if this date would be okay with her. Karen will also write a letter to the task force members to let them know of the meeting date and time.

It was also stated that under the Community at Large category, there is still another member needed. Karen will contact some of the other names of the people that were given to see if they could serve on the Task Force.

UPDATE ON CHOCOLAY DOWNS GOLF COURSE:

Karen brought the Planning Commission Members up to date on the Chocolay Downs Golf Course and went over the letter from Joe Gibbs. Dan Trotochaud asked to be the contact person when the Township works with Joe Gibbs..

Karen stated she did obtain a copy of the letter that was sent to Joe Gibbs from the Marquette County Health Department on where and what type of monitoring wells were required to be installed.

After discussing the letters and various correspondence the Planning Commission decided that a letter be written to the Chocolay Downs Golf Course via Dan Trotochaud regarding contaminants, tennis courts, pool, gazebo and specific dates these will be done and request a thirty (30) day deadline with an exception of June 1, 1995 for the monitoring wells to be put in.

It was also requested to obtain who would be responsible for obtaining the samples of the monitoring wells, who would pay and how often the sample would have to be taken. Karen will do research to see who would be responsible.

PLANNING DIRECTOR'S REPORT:

Karen introduced Bennita Grayhame-Malette. Bennita is an intern working at Chocolay Township in doing research.

Karen also reported that Ivan talked to the Board and would like the Planning Commission to do more research on the Section 106 of the Zoning Ordinance regarding more that one structure per lot in the commercial district and it would meet the landscape and parking requirements.

Karen brought the Planning Commission up-to-date regarding recycling in Chocolay Township. It takes 7,000 plastic milk jugs to make a bail. She also stated that the township is now doing clear glass recycling.

It was also stated that there would be an ad in the paper for volunteers for the strategic planning once it gets up and running.

PUBLIC COMMENT:

There was discussion on recycling and the landfill.

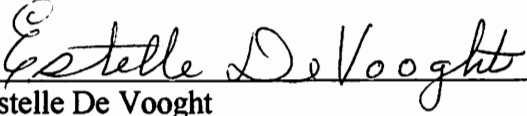
INFORMATIONAL ITEMS & CORRESPONDENCE:

- A. Correspondence to - Chocolay Township Board - use of recycled products.
- B. Correspondence to - Larry Gould - Recreation Grant
- C. Correspondence from - Mark Maki - Chocolay River Watershed
- D. Correspondence from - DNR - Proposing Land Parcels for Development Rights Acquisition
- E. Correspondence from - Marquette County Soiled Waste Management Authority - 1994 Annual Report
- F. Information on Chocolay Township - Drop-off Recycling

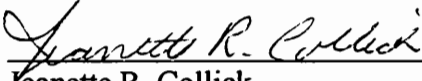
ADJOURNMENT:

There being no further business Mike La Pointe moved, Bill Sanders supported that the Planning Commission Meeting be adjourned. The Planning Commission meeting was adjourned at 9:40 p.m.

MOTION CARRIED: 6-0.



Estelle De Vooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, APRIL 10, 1995

PRESENT: Bill Sanders, Steve Kinnunen, Mike La Pointe, Scott Emerson**ABSENT:** Max Engle, Estelle DeVooght, Dallas Peterson (out of town)**STAFF PRESENT:** Karen Chandler, Director of Planning & Research**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, K. Dale Stephenson, Mr. & Mrs. Paul L. Huard, Dan Trotochaud, Gene Perket, Mrs. Jerome Le Boeuf, Mark Maki**PUBLIC HEARING:**

There were no public hearings scheduled.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Steve Kinnunen, Mike LaPointe and Scott Emerson present.

Max Engle, Estelle DeVooght and Dallas Peterson were absent - out of town.

APPROVAL OF MINUTES OF MARCH 13, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated March 13, 1995? There were none.

Mike LaPointe moved, Steve Kinnunen supported that the minutes of March 13, 1995 be approved as presented..

MOTION CARRIED: 4-0.**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders inquired if there were any changes or additional items for the agenda? There were none.

Karen informed the Planning Commission Members that there were three informational items that she supplied them with, which were:

1. Memo from Mark Maki regarding Highway-right-of-way.
2. Workshop on Wetlands.
3. Private Road Correspondence from Township Attorney.

Bill Sanders moved, Scott Emerson supported that the agenda be approved as presented.

MOTION CARRIED: 4-0.**PUBLIC COMMENT:**

Mark Make - 405 Riverside Road commented to the Planning Commission Members on Section 106 of the Zoning Ordinance regarding one structure per lot and the action that has been taken by the Township Board.

Bill Sanders inquired if there were any further Public Comment. There were none.

The first Public Comment Section was closed.

OLD BUSINESS:**DISCUSS REZONING #77 - R-2 TO R-3 PAUL HUARD PROPERTY:**

There was a presentation on the overlay regarding the parcels of property located in Section 7, T47N, R24W from the current zoning classification of R-2 to R-3.

Mr. Huard stated the reason for the rezoning was so there could be 36 more parking spaces for the apartments. He also plans to build his home with a breezeway attached to the apartment building to allow the renters to be able to do their laundry in the basement of his home.

He does not plan on building any apartments.

He stated that he would plan to blacktop Willow Road (16' wide) up to 50' up to the garage and plans to landscape the hill.

The parking places will be away from the apartment building for safety reason.

He plans on hooking up to the township sewer. The lateral is about 55' away.

After much discussion, the following questions and comments were made by the Planning Commission:

- The original application should be amended, if asking for something else.
- Site Plan needs to be brought in so it can be reviewed.
- Public Hearing set up.
- New building will be hooked up to the township sewer.
- Any additional additions would have to hooked up to the township sewer.
- St. Louis the King Church and George Schmidt - not in favor of the rezoning of their property.
- Requested Karen to write a letter to Fred Benzie to see if the new house would be required to be hooked up to the Township Sewer.
- Planning Commission needs to be concerned for the possibility of future expansion.
- Zoning goes with the land, not the person.

Scott Emerson moved, Steve Kinnunen supported that the Rezoning #77 from R2 to R3 be tabled until a site plan is presented to the Planning Commission showing the buffer, lighting for parking lot, vegetation and the location of the parking spaces and the attached new house.

It was also stated that Karen obtain the interpretation from the Health Department regarding the availability on the sewer versus the septic system.

Karen will send a letter to the Health Department requesting if the soils is suitable for use.

Mr. Huard will work with Karen on the items that have to be done for this rezoning to come back to the May Planning Commission Meeting.

MOTION CARRIED: 4-0.**DISCUSS PRIVATE ROAD REQUEST #9 - HUEFELDER ESTATE:**

Karen started that Paul Marin (Huefelder's Representative) was out of town.

The following questions and comments were made by the Planning Commission:

- Planning Commission should answer Mr. Marin's questions in the letter dated March 31, 1995 to

Karen.

- The question regarding the statement that was made by the Chairman saying that he wouldn't be able to grant a private road request if the petitioner had only an easement over the private road and did not own the ground under the road.

Chairman responded by saying he was uncomfortable with approving the private road when the property owner isn't the applicant, but that is only his vote, not necessarily the way the whole Planning Commission might vote.

- Karen spoke with Mr. Herkins about the maintenance agreement of the road. He has an attorney reviewing their options.
- What happens with Chocolay Shores regarding the setback, if this would be approved?
- The Township attorney said we could approve this on the easement.
- Mr. Marin has shown Interest to obtain the maintenance agreement.
- Is this a short-cut to get this out of the courts?
- Possibility to subdivide the lots and build some homes?
- The Planning Commission needs the information that was requested.
- Paul Marin needs to obtain the maintenance agreement with Jim Herkins and obtain the other Information requested by the Planning Commission.

DISCUSS UPDATE ON CHOCOLAY DOWNS GOLF COURSE:

Dan Trotochaud, developer for the condominiums comments on the various correspondence. A verbal update was given.

There are three units constructed. The Model has been open since January. Open house is every Sunday. There has been approximately fifty individuals viewing the units and they have all been impressed with the outcome of the model.

He is anxious to get the landscaping started. As soon as weather permits, this will begin. Some of the units will be occupied this May and some of the others this Summer. The well has been determined useable and has excellent water at 155 feet. Pump test was done - 100 gallons per minute for eight (8) hours - down to 6". There needs to be something over the well. No design yet, but will have something that will fit in as natural as possible. This is upscale housing. First unit sold at \$159,000. Looking at approximately \$200,00 for the second unit.

Golf Course - Dan is working with Joe and feels they are now on track.

Monitoring wells will be in by June 1, 1995.

Screening & Storage Buffer. Trees have been planted and new trees will be planted. Very important and wants to keep it natural. Letter dated 12-94 to Mark regarding fertilizer percentage, etc. Not putting a lot of fertilizer on golf course. The numbers Joe are using are conservative with other golf courses that Dan contacted. Gazebo - Joe feels it was rejected because he hasn't complied with the other information. The proper building permits needs to be obtained by Joe. Joe currently owns the lot next to the gazebo. Joe has closed the fire pit.

Planning Commission Members comments:

- We have given Joe everything he has asked for. The reason the gazebo was denied was for the lack of information that was required by the Planning Commission and nobody was in attendance at the meeting when requested.
- Joe has conditions to meet and hasn't met them.

- Would like to see a final plan for the golf course.
- Concerned with the possibility of water contaminants and a test of the contaminants to be done. It may be too late once the monitoring wells are in and contaminants show up in the testing.
- Would like to see a long range plan for the protection of the groundwater.
- Requested that a sample be done for the possibility of ground water contaminants when the monitoring wells are put in.

Dan inquired what is the time limit to have any requests done for the meeting. Karen stated that she has to receive the information ten (10) days prior to the next meeting.

The Planning Commission thanked Dan Trotochaud for the questions, comments and update on the golf course.

DISCUSS STRATEGIC PLANNING:

Karen stated that one more focus group is needed. The focus group needed is Government Services. A co-chairman is needed.

Karen will look at the list of people and contact another co-chair for the Government Services group.

Karen stated that due to Rita not being able to meet on April 18, the meeting would have to be scheduled to the 17th.

DISCUSS UPDATE ON TEXT AMENDMENTS IN PREPARATION OF PUBLIC HEARINGS:

It was stated PUD language calls for 2 acre parcel.

Karen stated she is contracting work with Mike Farrell.

The two main concerns are for the single structure per lot and the height requirement.

Some of the Planning Commission members felt all commercial development should obtain a PUD. The Planning Commission Members felt that deadlines be stated when contracting out. They felt that language should be brought back to the Planning Commission for the May meeting.

Karen also stated that Mike is looking into Recreational Structure and signs language.

NEW BUSINESS:

ANNUAL REPORT:

Karen presented the 1994 Annual Report for review.

There was one correction in the second line of the budget page that said About sixty percent of the 1994 Budget was allocated to Planning Commission Members' meeting per diem. The sixty percent should be changes to 51 percent.

PLANNING DIRECTOR'S REPORT:

Karen stated due to the School Election to be held on June 12, 1995 the Planning Commission would have to change the date of the meeting or the place of the meeting.

It was a consensus of the Planning Commission Members that the meeting remain for June 12, 1995 and be held in the fire hall meeting room.

PUBLIC COMMENT:

No public comment.

INFORMATIONAL ITEMS & CORRESPONDENCE COMMISSION

- A. Correspondence from - Mark Make to Randy Gentz - golf course development.
 B. Correspondence from - Marquette County RC & D Council - can assist with new projects.

PRESENT: Mike LaPointe, Steve Chalmers, Mike LaPointe, Randy Wilkinson, resource person for the Marquette County RC & D Council to request assistance for trail development and grant acquisition.

ABSENT: Mar. Engle, Dallas Peterson and Scott Emerson

STAFF PRESENT: Kater Chamber, Director of Planning & Research

OTHERS PRESENT: Jeanette Collick, Recording Secretary, Harry Huggs (Township road names) and Mark Maki

ADJOURNMENT:

There being no further business Mike LaPointe moved, Bill Sanders supported that the Planning Commission Meeting be adjourned. The Planning Commission was adjourned at 10:10 p.m. There were no public hearings scheduled.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

Scott Emerson

Planning Commission Vice-Secretary

Jeanette R. Collick

Jeanette R. Collick

Recording Secretary

INFORMATIONAL ITEMS & CORRESPONDENCE:

- A. Correspondence from Mark Maki to Randy Gentz-golf course development.
 B. Correspondence from Marquette County RC & D Council-can assist with new projects.

Mike La Pointe commented that we should contact Randy Wilkinson, resource person for the Marquette County RC & D Council to request assistance for trail development and grant acquisition.

- C. Correspondence from-Mark Maki-Road names/off Sand River Road.

It was suggested that the property owners be contacted for their suggestions for road names.

ADJOURNMENT:

There being no further business Mike La Pointe moved, Bill Sanders supported that the Planning Commission be adjourned. The Planning Commission was adjourned at 10:10 pm.

Scott Emerson

Scott Emerson
 Planning Commission Vice-Secretary

Jeanette R. Collick

Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, MAY 8, 1995

PRESENT: Bill Sanders, Steve Kinnunen, Mike La Pointe, Estelle DeVooght

ABSENT: Max Engle, Dallas Peterson and Scott Emerson

STAFF PRESENT: Karen Chandler, Director of Planning & Research

OTHERS PRESENT: Jeanette Collick-Recording Secretary, Harley Andrews (Township Attorney) and Mark Maki

PUBLIC HEARING:

There were no public hearings scheduled.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Steve Kinnunen, Mike LaPointe and Estelle De Vooght present.

Max Engle, Dallas Peterson and Scott Emerson were absent.

APPROVAL OF MINUTES OF APRIL 10, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated April 10, 1995? There was a typo on page 3 - Benzing - should be spelled Benzie.

Bill Sanders moved, Estelle DeVooght supported that the minutes of April 10, 1995 be approved as corrected.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any changes or additional items for the agenda. There were none.

Karen informed the Planning Commission Members that there were two informational items that she supplied them with, which were:

1. Memo from Mark Maki regarding information/comments from the April 10, 1995 Planning Commission Meeting.
2. Prioritize List for Item VII C under Old Business.

Estelle DeVooght moved, Mike La Pointe supported that the agenda be approved as presented.

MOTION CARRIED: 4-0.

PUBLIC COMMENT:

Jim Herkins - Chocolay Shores Apartments - inquired if a decision was going to be made regarding the Huefelder Private Road Request?

It was stated the Planning Commission was not making a decision on the request due to lack of information.

The Township Attorney was present to discuss the issues regarding the same issue.

Bill Sanders inquired if there were any further Public Comment. The first Public Comment Section was closed.

OLD BUSINESS:

Harley Andrews - Township Attorney updated the Planning Commission on the Huefelder Private Road issue.

The following comments and suggestions were made:

- The application be submitted for the private road request.
- Meets the zoning ordinance, drainage, etc.
- Make a determination assuming the Huefelder estate has the easement considering that the interested successor of the property in question to file an application for an approved private road.
- Determination - The Planning Commission decide either to consider or not consider the private road request. Don't make a decision tonight on the application.
- There is an easement already for Mr. Riopelle to travel back and forth.
- Chocoley Shores Apartments could have hard times, if this was approved.
- It was stated at a previous meeting that Mr. Diloretto doesn't use Hotel Place for an access.
- The applicant would have to comply with the township's standards for an approved private road request. There are criteria in the Township Zoning Ordinance.
- Question - passes the easement and gets the design and doesn't meet all the standards and the Planning Commission could approve with conditions, subject to approval by the Zoning Board of Appeals
- The Private Road could be approved with conditions.
- Condition could be a Maintenance Agreement for the road.
- Concern for an access for emergency vehicles - width of road, etc.
- If all the criteria isn't met, does the Planning Commission have to approve the private road request? The answer was no, you can vote the way you want. Cient has to go through the proper procedures.
- If the private road request is approved, can anyone use the road. It was stated yes. A concern was brought up regarding the usage, speed, etc. It was stated that some of the other private roads have "No Trespassing" signs on them.

After the above comments and discussion the following motion was made:

Mike La Pointe moved, Estelle De Vooght supported that the Planning Commission consider Private Road Request #9 - Huefelder Estate based on the easement and all the proper documentation be brought before the Planning Commission.

MOTION CARRIED: 4-0

The Planning Commission thanked Harley Andrews for the information.

STRATEGIC PLANNING:

Karen stated that she has a list of people who have received notices regarding the various groups.

An attendance should be kept track of for the groups.

Rita will have results to Karen sometime this week regarding the various committees.

There are about two hundred people involved in the Strategic Plan.

The meetings dates, times and places are being posted for the various committees.

The whole product regarding the Strategic Plan will be brought back to the Planning Commission. Co-Chairs will present the Strategic Plan to the Township Board.

DISCUSS AND PRIORITIZE TEST AMENDMENTS:

SECTION 106 - ONE STRUCTURE PER LOT:

Mike Farrell is working on this.

SECTION 300 - GARAGE HEIGHTS:

A public hearing has to be heard on this language.

RECREATIONAL STRUCTURES:

Board concern was for travel trailers or mobile homes as camps. Mike will do research on this and get back to Karen. Mike worked on this before.

This can also go back to the Board.

SIGNS FOR GOLF COURSES:

This can be sent back to the board.

Recreational Structures, Signs for Golf Courses and Garage Heights are to be dealt with right away.

SITE CONDO:

Marquette Township is dealing with site condo now. They are getting ready to put this in an ordinance form. Karen will obtain the Site Condo Language from Marquette Township.

This item will be an agenda item at the September 1995 Planning Commission Meeting.

LANDSCAPING:

This item will be an agenda item at the September 1995 Planning Commission Meeting.

ACCESS CONTROL:

This item will be an agenda item at the October 1995 Planning Commission Meeting.

PARKING REQUIREMENTS - NUMBER OF PARKING SPACES:

This item will be an agenda item at the July 1995 Planning Commission Meeting.

OUTDOOR STORAGE - SEMI TRAILERS:

This item will be an agenda item at the July 1995 Planning Commission Meeting.

MINIMUM LOT SIZES FOR C-1, C-2, C-3:

This item will be an agenda item at the October 1995 Planning Commission Meeting.

PRIVATE ROAD REQUIREMENTS & TRAILS STANDARDS:

Propose one for June 1995.

LOT CREATION:

Can't create a lot that doesn't apply with the Ordinance.

This item will be an agenda item at the October 1995 Planning Commission Meeting.

NEW BUSINESS:**REVIEW CHOCOLAY TRAIL ESTATES - SITE CONDO:**

Karen stated the Township Board approved the extension of the sewer. Bob Cambensy is overseeing the project.

Larry talked to Mr. O'Dovero about the possibility of trails being put in.

It was commented by a Planning Commission Member that the decision was made at a previous meeting that the condos would be isolated from East Main Street and the private road would not be an extension off East Main Street.

Karen will check on this and report back to the Planning Commission as to the conditions were on the approval of this project.

DISCUSS DRAFT DOCUMENT FOR MICHIGAN COASTAL NONPOINT SOURCE PROGRAM:

Mike La Points will be attending the meeting on May 9, 1995.

PLANNING DIRECTOR'S REPORT:

Information was presented regarding the Fire Department's Millage Fact Sheet.

Scrap Metal pick up within the Township will be the week of June 5, 1995.

Karen stated that there are expiring terms for the following Planning Commission Members as of May 24, 1995.

The following members terms will be expired on May 24, 1995:

Mike La Points
Scott Emerson
Dallas Peterson

Mike La Points stated he is still interested on serving on the Planning Commission. Karen contacted Dallas Peterson and he stated he is interested in serving another term on the Planning Commission. Karen left a message for Scott Emerson and waiting for his answer if he is going to service on the Planning Commission.

Karen stated a memo was written to the Chocolay Township Volunteer Fire Department regarding the usage of the Township Firehall for the June Planning Commission Meeting. It was suggested a member from the Fire Department that one of the schools be used for a meeting. Karen responded that the schools are not in session for June. The Fire Department decided that the June Planning Commission Meeting could be held in the Fire Department, but that a fireman would have to be present at the meeting. The June Planning Commission Meeting will be held in the Township Firehall.

Dan Trotochaud will be in attendance at the June Planning Commission Meeting.

Garage Heights Public Hearing will probably be at the June Planning Commission Meeting.

Estelle stated she had to work the School Election on June 12, 1994. She won't be in attendance at the Planning Commission Meeting until she is through working at the election.

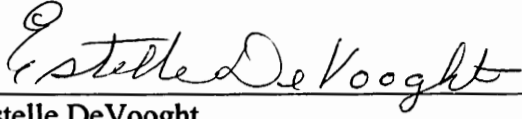
INFORMATIONAL ITEMS & CORRESPONDENCE:

- A. Correspondence from -Fred Benzie - Paul Huard's Rezoning Request.
- B. Correspondence to - Residents on Old Co. Rd. BBA - name request Township never received any response.
- C. Correspondence to - Karol Peterson Chairperson RC & D - requesting assistance for projects.

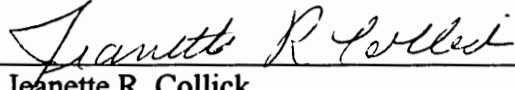
Bill Sanders reported on the Wetlands Workshop he attended. He will bring information on a Wetlands Ordinance.

ADJOURNMENT:

There being no further business Bill Sanders moved, Mike La Pointe supported that the Planning Commission Meeting be adjourned. The Planning Commission was adjourned at 10:00 p.m.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, JUNE 12, 1995

PRESENT: Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Estelle DeVooght (arrived at 8:30 p.m.)

ABSENT: Scott Emerson and Steve Kinnunen

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette Collick-Recording Secretary, Larry Gould, Mark Maki, Cathleen Gentz, Anthony Gentz, Randy Gentz, Paul Marin, Bob Cambensy, Sam Elder, Julianne Le Bouef, Jerry Le Bouef, Darlene Johnson, Jim Herkins.

PUBLIC HEARING: Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m. He explained the process of the public hearing.

PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT ON HEIGHT:

The proposed change is the definition of height. Currently our ordinance reads that height is at the maximum height. Over the last few years the Zoning Board of Appeals has dealt with a number of garage variances for heights. People find it very difficult to build under the 14' height requirement. In checking around, we found out that other community ordinances were very similar to Chocolay's, except they define the height as average on a gable roof as the average from the top to the eaves. They weren't encountering the problems that we were in terms of the ordinance. The Zoning Board of Appeals has basically brought this forth with the idea that if the definition of height was changed, people would therefore be able to build higher garages, which appears to be the custom. This would be more consistent with other communities ordinances, therefore should resolve most of the problems. This would allow for larger garages, but not as a full two story building.

There were no further comments regarding the public hearing on Zoning Ordinance Text Amendment on Height.

There were no further public hearings. The public hearing session of the June 12, 1995 Planning Commission was closed.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders called the Regular Meeting of the Planning Commission to order at 7:40 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Dallas Peterson, Mike La Pointe and Max Engle present. Estelle DeVooght (arrived at meeting at 8:30 p.m.)

Scott Emerson and Steve Kinnunen were absent.

APPROVAL OF MINUTES OF MAY 8, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated May 8, 1995.

There were three (3) corrections:

- Page 3 - top sentence should be corrected to read: Question - passes the easement and gets the design and doesn't meet all the standards and the Planning Commission could approve with conditions, subject to approval by the Zoning Board of Appeals.

- Page 2 - fourth comment, the sentence should read - Determination - The Planning Commission decide either to consider or not consider the private road request. Don't make a decision tonight on the application.

- Page 3 - second from last paragraph it should read: **DISCUSS AND PRIORITIZED TEXT AMENDMENTS:**

Bill Sanders moved, Dallas Peterson supported that the minutes of May 8, 1995 be approved as corrected.

MOTION CARRIED: 4-0

APPROVAL OF AGENDA/ADDITIONAL ITEMS:

Karen Chandler requested that the following items be placed on the agenda under Old Business:

D. Extension of Elderwood Plat - Tentative Preliminary Approval

E. Rezoning #77 R2 to R3 - Paul Huard

Bill Sanders inquired if there were any further additions or changes for the agenda. There were none.

Dallas Peterson moved, Mike LaPointe supported that the agenda be approved as changed.

MOTION CARRIED: 4-0.

PUBLIC COMMENT:

Paul Marin - 316 North Front Street - reserved time on the agenda when the Private Road Request #9 - Huefelder was being discussed.

Mark Maki reserved time to bring the Planning Commission up-to-date on Chocloy Downs Golf Course and semi-trailer issues.

There being no further public comment, the first public comment session was closed.

NEW BUSINESS:

PRIVATE ROAD #9 - ESTATE OF ELIZABETH HUEFELDER:

He stated that the Planning Commission told him that even though this was a platted street more than 100 years old that the Commission was going to require the engineering topics that are set forth in the ordinance.

The Commission also suggested that he ought to explore the prospect of getting a maintenance agreement with Mr. Herkins and Ms. Johnson, owners of the Chocloy Shores Apartment Development.

There was also concern and discussion on whether the holder of a private easement would have sufficient legal standing to file and seek the designation of an approved private road.

Following the April Planning Commission Meeting he had an opportunity to discuss this with Harley Andrews and stated he thought it was clear on the last point about the holder of an easement being able to have sufficient legal standing to seek this designation. He received correspondence from Mr. Andrews that Mr. Andrews addressed this topic at the May Planning Commission Meeting, and said that yes legally we did have standing to seek this request. The Planning Commission, you have the opportunity to vote yes or no, depending on other factors, and based on that legal opinion of the Township Attorney, he then contacted Mr. Cambensy.

Mr. Marin did not want to spend the money if it was going to be the ultimate decision of the Planning Commission that no matter how many engineering studies or surveys or reports that were given to you that we didn't have the legal standing because they held an easement to the property.

He referred to correspondence dated June 9, 1995 concerning elevations and survey from Mr. Cambensy dated last Friday, Mr. Marin also gave Mr. Herkins and Ms. Johnson a copy of that correspondence.

Mr. Marin also stated he did send a letter to Ms. Johnson and Mr. Herkins to have an opportunity to meet with them and discuss a road maintenance agreement and received no response from them until today when Mr. Marin talked with Mrs. Johnson's son Randy, who is an attorney out in Oregon. They talked for about a half hour. Mr. Marin stated he told Mr. Johnson they have looked at the maximum development on the Huefelder parcel and that three family homes would be the potential future development of this parcel.

He showed the Planning Commission the proposed layouts of where the three single family homes would sit on the bayou.

Mr. Johnson stated he did not own the property and was speaking on Darlene Johnson's behalf. He felt a great relief that Mr. Marin was only talking about three family homes out there and he

said that he would talk to his mother about the conversation that took place and that it would be worthy of exploring the possibility of a road maintenance agreement. Because the conversation took place so late in the day at this time there is no maintenance agreement to be presented.

Mr. Marin would like the Planning Commission to consider this evening approving this designation perhaps subject to the entry of the road maintenance agreement.

Comments and discussion on the private road request:

- Still does not meet a 66' right-of-way.
- Huefelder Estate would dedicate an additional 6 feet along the eastern side to meet the 66' right-of-way to meet the criteria.
- As far as the potential development for the three additional homes, Mr. Marin would anticipate that a shared driveway would be put in.
- Shared driveways are not allowed. It has to be a designated private road. Building sites need frontage on an approved private road or a public road.
- South of Mr. Riopelle's property crossing the railroad tracks - condition could be met for a cul-de-sac.
- Parking in front of the buildings at Chocolay Shores should be taken into consideration.
- Major problem with the drainage.
- Increase of traffic.

The following motion was made after the above comments:

Max Engle moved, Mike La Pointe supported that the Planning Commission deny Private Road Request # 9 - Elizabeth Huefelder Estate due to the fact we have not received the proper information as requested to make a determination of a private road and applicant doesn't seem to want to supply that information.

MOTION CARRIED: 4-0.

DISCUSS WITH RANDY GENTZ ON GOLF COURSE CONDITIONAL USE:

Randy Gentz gave an up date on the Homestead Golf Course.

There are three holes completed. Drainage is complete.

He would like to obtain permission to open the driving range for the golf course.

There was a question on what a proper buffer is. Mark Maki stated it is up to the Planning Commission to decide what a proper buffer would be for the Homestead Golf Course.

The Planning Commission reviewed the plans for the golf course.

Due to wetlands into the original drawings, a little has been moved around, but basically the plans remained the same as when they were submitted.

The drawing was done by a reputable architect, he is assuming all the proper buffers were put into the plans.

About half the parking lot is completed.

As far as establishing base line information of the chemical properties of the soil and groundwater to be used for determining changes in the levels of contaminants, this was a vague item and wanted to know what the Planning Commission wanted on this?

This would be base line information on soil test and water testing to determine what, if any contaminants were in the soil or water.

There is a manual titled "Best Management Practices" established by the DNR for fertility and they address these issues for golf courses. It clearly spells out taking the soil sample tests.

For ground water according to the "Best Management Practice" they do address this also.

It was suggested that a copy of the "Best Management Practices" be obtained for the Township.

Homestead Golf Course is not sand, it has clay in it.

Concerning monitoring wells. Randy stated he has talked to Mr. Benzie on this and he felt that one of the monitoring wells could be Randy's own personal well. Randy would like to request that the monitoring wells be waived for the driving range.

Randy's well is about 60' deep.

These items would be just waived so the driving range could be open.

After reviewing the plan submitted, the Planning Commission members felt the buffers as submitted on the plan are natural and okay.

Road is adequate. Gantz's Sod Farm has been used as a township compost site for a number of years. There are no problems with trucks getting in and out.

Bill Sanders moved, Max Engle supported to approve the opening of the driving range for the Homestead Golf Course and that conditions relating to the monitoring wells, road upgrading be complied with prior to the opening of the golf course and that condition numbers 3 and 5 follow the DNR Best Management Practice.

MOTION CARRIED: YES - 3. ABSTAIN - 1.

Conditions #1 and #2 are addressed on the site plan.
 Cathy Gantz will contact Mark regarding the golf course sign.
 Estelle DeVooght arrived at the meeting at 8:30 p.m.

DISCUSS ROAD NAME FOR OLD BAA:

Karen stated that the County Road Commission maintains the bridge and that County Road BAA is designated as a Seasonal Road.

Estelle DeVooght moved, Bill Sanders supported to recommend to the Township Board that the road in Section 12 T47N R23W with the County Road BAA designation from Sand River Road to the seasonal road marking be named Railroad Lane.

MOTION CARRIED: 5-0.

EXTENSION OF ELDERWOOD PLAT - TENTATIVE PRELIMINARY APPROVAL:

Bob Cambensy stated that the developer would like to start phase 1 of the Elderwood Plat. There are no changes from the original plans.

Lot one sold.

There is a low spot on the end of Veda Street that will be used for drainage.

Bill Sanders moved, Mike La Pointe supported that approval for Phase I of the Elderwood Plat be given and that tentative preliminary plat approval be extended.

MOTION CARRIED: 5-0.

REZONING #77 R2 TO R3 - PAUL HUARD:

Karen stated that Mr. Huard has not brought in a site plan concerning this parcel and also he has not talked to the Health Department.

There has not been an answer regarding the soil sample tests and if it is suitable for on site septic.

Comment was made that Mr. Huard told the Planning Commission that he just wants to build a parking lot and he isn't building anything else, but he knows that if he is going to build anything else that he has to have a septic system. The present septic is close to the creek now. The health department approved the septic system so they must know where it is located. It may now meet current requirements, but until it goes bad, they probably won't bother him. If Mr. Huard asks for something else, then the health department may require him to hook up to the sewer.

He is looking to rezone his property, not anything else.

Mr. Huard hasn't come in with a site plan yet, as was required.

The land goes with the owner.

Planning Commission recommends, the Township Board makes the decision.

Estelle DeVooght moved, Bill Sanders supported that the Planning Commission deny the rezoning Request #77 R2 to R 3 - Paul Huard due to the request at the April Planning Commission to bring in more information and has not done so, and that according to the Comprehensive Plan it specifies that all R-3 should be placed in the Sewer District.

MOTION CARRIED: 5-0.

NEW BUSINESS:

REVIEW CHOCOLAY TOWNSHIP FIRE HALL EXPANSION:

Larry Gould explained the fire hall expansion and the reasons for the flat roof and being put on the North Side of the Fire hall.

Some Planning Commission members felt that the addition would be more aesthetic if it matched the Township Hall. Due to the placement of the addition, it will match the firehall.

Mike LaPointe moved, Bill Sanders supported that the addition for the firehall expansion be on the North Side of the present firehall.

MOTION CARRIED: 5-0.

DISCUSS TEXT AMENDMENT ON HEIGHT:

Mark Maki stated basically the problem is with the existing height requirement -people are building higher garages and these require higher door height.

If this height amendment to the zoning ordinance is passed, this will put the township in line with other entities regarding height.

Bill Sanders moved, Dallas Peterson supported that the Planning Commission recommend to the Chocolay Township Board that the following amendment to the "Chocolay" Township Zoning Ordinance be approved .

Proposed Language: (Remove language that is bracketed and add language that is Bold and Underlined)

[HEIGHT, means the vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.]

HEIGHT, means the vertical distance between the average grade and the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; the average height between the eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof, excepting any chimney or antenna on a building.

F. No detached accessory building shall exceed fourteen (14) feet in height nor exceed the exterior perimeter dimensions of the principal structure on the lot.

Also footnote F be followed except in RR-2, RP, OS, PUD and Public Lands

MOTION CARRIED: 5-0

Mark updated the Planning Commission on Chocolay Downs Golf Course. Mr. Gibbs stated that he would have the monitoring wells in June 1, 1995. They are not in as of this date.

The Township has a problem in that there is an operation going on and has not complied with the conditions that were suppose to have been met.

Mark and Karen have talked with the Township Attorney about the enforcement of this zoning violation.

The Township Attorney felt that we could still pursue the enforcement and was willing to meet with the Township Board at some point to seek an injunction and corrective action taken.

Mark will be in the process of issuing required letters that he has to issue in order to bring Mr. Gibbs in compliance of the conditions.

It was suggested that the Best Management System from the DNR be used regarding this.

It was stated that Mr. Trotochaud guaranteed the Planning Commission the monitoring wells would be put in by June 1, 1995.

Karen stated that Dan asked her to pass onto the Planning Commission that he was going to come to the Planning Commission with the conditional use for the gazebo and also a well head cover for the condos.

Mr. Trotochaud asked that his apology be passed on the Planning Commission. He felt he has let the Planning Commission down, because he promised the Commission that the wells would be put in and they aren't there.

It was inquired what would happen if the golf course was sold? It was stated that the buyer would have to purchase the golf course with the conditions that had been set in the condition use permit.

Mark made his comments because he wanted to make the Planning Commission aware of the situation and reasons regarding it.

Karen stated that five monitoring wells were on the plans she reviewed of the Chocoley Downs Golf Course.

It was a consensus that Mr. Gibbs has been given more than ample time for the monitoring wells to be put in, but he hasn't even put any of the five in.

Semi Trailer Update:

Mark commented that the township was in court over this issue. One of the problems we have is, that in the case of the Harvey Oil, the semi trailer was put out, onto the highway right-of-way to avoid the Township's jurisdiction. County said they would require them to move it, but we aren't sure if they would or not. According to the judge the township has no jurisdiction on the highway right of way. We are powerless to do anything if it is on the right of way. She even went as far as to say the township police department couldn't do anything regarding this. That leaves it up to the State Highway Department.

The State Highway Department also told Joe Gibbs in April of 1994 that he had 45 days to remove his sign off the highway right of way, or they would charge him to remove it, but it is still there.

It was commented that the State Highway Department cannot manage the whole UP., but they could designate the Township to enforce the management for them. It was felt we should be able to do this being that it is in our township.

It was also commented that we are now stuck with the burden of enforcing the other semi trailer storage units, even though they were behind a building and off the right of way.

PLANNING DIRECTOR'S REPORT:

Karen stated that the golf course issue was covered. She will try to get a team together regarding the standards.

At the last Planning Commission Meeting it was inquired if the Chocoley River Estates private road request required a berm at the end of East Main Street. There is a requirement for a 6' high berm and vegetated barrier. That should be in there when they are done with their construction.

Karen gave the Planning Commission a calendar for July so they could make plans for the day long retreat for the Strategic Plan. Rita suggested that the calendar be filled out on the days that people could not attend or be available. July is a bad month. The Planning Commission Members are to get the calendars back to Karen by July 21 and these calendars would also be mailed out to the other Task Force Members.

On Tuesday, June 20, 1995 the Government Services Committee will meet at Wahlstrom's Restaurant at 6:30 p.m.

PUBLIC COMMENT:

Estelle DeVoght said people had been in voting and made the following inquiries:

1. Where do you get rid of old cars? It costs about \$20 for someone to pick up junk cars. West Branch Township put an ad in their newsletter of someone who would pick those vehicles up.
2. Why doesn't the Township plant flowers around the Town Hall? Larry stated that the rock had to be taken out and as soon as we get the manpower and the money, rock will be put back in. The Cherry Creek School Student Council planted the flowers around the tree by the Township Hall.
3. When will the driving range at Homestead Golf Course (Gentz's) be opened? The Planning Commission voted to allow the driving range to be opened. This item was dealt with before Estelle was able to be at the meeting.

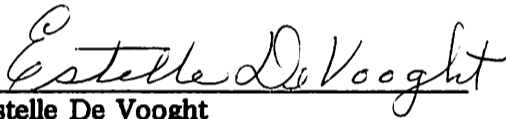
INFORMATIONAL ITEMS & CORRESPONDENCE:

- A. Information received from MCSWDA on Recycling Technologies.
- B. Correspondence from - Mark Maki - Zoning Ordinance/Mining - Public Comment RE: Sec 106 Amendment & recent Township Board Request to Study Further.
- C. Correspondence to - Scott Emerson, Mike La Pointe, Dallas Peterson - on reappointment to Planning Commission.
- D. Correspondence from - Marquette County Conservation District - Wildlife Habitat Workshop.

ADJOURNMENT:

There being no further business Max Engle moved, Bill Sanders supported that the Planning Commission Meeting be adjourned. The Planning Commission meeting was adjourned at 10:00 p.m.

MOTION CARRIED: 5-0.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION**MONDAY, July 10, 1995****PRESENT:** Bill Sanders, Mike La Pointe, Estelle DeVooght, Scott Emerson, Dallas Peterson, Steve Kinnunen**ABSENT:** Max Engle**STAFF PRESENT:** Karen Chandler, Director of Planning & Research Stacy Busch, Recording Secretary**PUBLIC PRESENT:** Roger "Pete" St. Onge**PUBLIC HEARING:** Bill Sanders called the Public Hearing to order at 7:34 pm.**CONDITIONAL USE #33** - Was presented by Karen Chandler.

The applicant, Roger N. St. Onge, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a recreational structure on the following described property

Section 12, T47N R23W

NE 1/4 of SE 1/4, excluding 1 sq. acre in NE corner thereof and excluding SW 1/4 thereof.

Roger "Pete" St. Onge was present to discuss as an agenda item.

There being no public comment, Bill Sanders closed the public hearing regarding Conditional use #33.

CONDITIONAL USE #34 - Was presented by Karen Chandler. The applicant, Chocolay Township, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a public park on the following described property:

Section 16, T47N R24W

Part of SW 1/4 beginning 1010' E and 50' N of SW corner thereof the N 969' th W 629.35' th S 969' th E along Co Rd 480 ROW 629.35 to POB.

There being no public comment, Bill Sanders closed the public hearing regarding Conditional Use #34.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the meeting to order at 7:40 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle DeVooght, Mike LaPointe, Dallas Peterson and Steve Kinnunen present. Scott Emerson arrived at 7:45 pm.

ABSENT: Max Engle**APPROVAL OF THE MINUTES OF JUNE 12 , 1995:**

Bill Sanders inquired if there were any additions or corrections to the minutes dated June 12, 1995.

There were two (2) corrections.

* Page 7- 5th paragraph from the bottom should read-It was inquired what would happen if the golf course was sold?

Dallas Peterson moved, Bill Sanders supported that the minutes of June 12, 1995 be approved as corrected.

MOTION CARRIED: 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders asked if there were any additions or changes for the agenda?

Karen Chandler asked to pull NEW BUSINESS item C. Discuss changes to PUD on Cherry Creek Road-Angel Home. She stated that land was not ready for changes.

It was suggested to move NEW BUSINESS A. Discuss Conditional Use #33 up to OLD BUSINESS letter A.

Bill Sanders moved, Dallas Peterson supported to approve agenda with the changes.

MOTION CARRIED: 6-0

PUBLIC COMMENT: No public comment.

OLD BUSINESS:**Conditional Use #33-**

Karen Chandler stated that Conditional Use #33 is out in Section 12 at the county line. Alger County line comes down the Sand River Road. This request is for recreational structures. The Township just passed an Amendment to the ordinance to allow recreational structures in the RP district. Mr. Roger "Pete" St. Onge was present to ask for a Conditional Use. Mark Maki and Karen Chandler drove out to the property to check out the area. Mr. St. Onge intends to put a 14X60 foot mobile home on this parcel. He will be bringing in electric and going to the Health Department for septic and well permits.

Mr. St. Onge will be 800 feet down the easement roadway. The trailer will be placed 300 feet from the easement.

The Planning Commission asked Karen if she felt there was enough screening and if there were any problems with the location? Karen stated " screening was fine and so was the location."

Mike LaPointe moved, Bill Sanders supported that the Chocolay Township Planning Commission approve the conditional use permit request to place a recreational structure on this parcel in the RP district with the following conditions

1. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to start of construction.
2. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.

MOTION CARRIED: 6-0

AVAILABLE WORKSHOPS

Information on a Planning and Zoning Issues seminar being held in Marquette Tuesday August 22 and Wednesday August 23, 1995 at the Holiday Inn was presented. Steve Kinnunen, Dallas Peterson, and Estelle DeVooght would like to attend. Estelle DeVooght asked how many the budget would allow to attend?

OUTDOOR STORAGE-SEMI-TRAILERS AND PARKING

Karen Chandler asked if the parking requirements are for small cars. It was mentioned that we ask the Marquette City Zoning Administrator for a copy of their requirements. The size of each space and spaces needed per square foot of the building area should be reviewed.

Dallas Peterson asked if anything could be done with the cars on the corner of Shaws Service Station at the pedestrian overpass?

The Planning Commission would like to see semi-trailers become part of the Conditional Use process.

STRATEGIC PLAN DAY LONG RETREAT

Bill Sanders asked for a letter to be sent. Scott Emerson asked if the day is ok. Karen mentioned that the date would work out good for everyone attending.

Karen mentioned that Chocolay Township would be used as an example for Strategic Plans with Michigan Townships Association.

Mike LaPointe asked for the total number of people involved.

Karen Chandler noted that she would talk to Father Thoren about using the Church basement for the retreat and their gazebo for lunch.

Dallas Peterson asked what the next step would be after this? He also explained the Planning system in Wisconsin.

Steve Kinnunen asked for a recommendation, Dallas Peterson suggested that a news letter be sent.

Scott Emerson disagreed in that we already know what the public wants from the survey done in 1991. We should give them what they want.

Mike LaPointe is concerned that this plan could sit on the shelf. He also asked when will plan be done and what will be done?

Scott Emerson believe this should be a "Media Splash" with the Board present.

Estelle DeVooght asked if it could be on "News Extra?"

Dallas Peterson states that in some way the public should be involved.

Scott Emerson is exited about plan and how something is finally being done to improve the community.

Dallas Peterson asked if a series of special meetings would be more advantageous to try attending the day long retreat to co-op a broader community. Steve Kinnunen says that everyone will get to vote on the goals.

Scott Emerson requested a special meeting before the retreat, to get public opinion.

Mike LaPointe is concerned and asked if Rita could give us examples. Where is it really working?

NEW BUSINESS:

CONDITIONAL USE #34 - The applicant, Chocolay Township, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a public park on the following described property:

Section 16, T47N R24W

Part of SW 1/4 beginning 1010' E and 50' N of SW corner thereof th N 969' th W 629.35' th S 969' th E along Co Rd 480 ROW 629.35 to POB.

Scott Emerson asked what is the reason for having more than one driveway?

Scott Emerson moved, Steve Kinnunen supported that the Chocolay Township Planning Commission approve the Conditional Use permit request to use this property as a public park with the following conditions:

1. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to use.
2. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.

MOTION CARRIED: 6-0

PLANNING COMMISSION 1996 BUDGET REQUESTS

Karen Chandler reviewed the current budget with the Planning Commission. Discussion then centered on the 1996 budget. The categories are as follows

PLANNING COMMISSION	12,440.00
ACCOUNT: <u>Per Meeting Compensation</u> #885.718	4,520.00
CATEGORY: <u>Commission members</u>	3,720.00
CATEGORY: <u>Secretary</u>	800.00
ACCOUNT: <u>Office Supplies</u> #885.727	210.00
CATEGORY: <u>Office Supplies</u>	210.00
ACCOUNT: <u>Postage</u> #885.729	400.00
CATEGORY: <u>Postage</u>	400.00
ACCOUNT: <u>Professional Services</u> #885.861	1,000.00
CATEGORY: <u>Professional Services</u>	1,000.00
ACCOUNT: <u>Membership/Publications</u> #885.882	410.00
CATEGORY: <u>Memberships</u>	260.00
CATEGORY: <u>Publications</u>	150.00
ACCOUNT: <u>Travel</u> #885.868	500.00
CATEGORY: <u>Travel</u>	500.00
ACCOUNT: <u>Advertising</u> #885.981	1,000.00
CATEGORY: <u>Advertising</u>	1,000.00
ACCOUNT: <u>Miscellaneous</u> #885.956	
ACCOUNT: <u>Capital Outlay</u> #885.957	4,440.00
CATEGORY: ☺ <u>Purchase of a Cam Corder</u>	900.00
CATEGORY: ☺☺ <u>Computer Software and Hardware</u>	3,500.00

The recording secretary has asked for an increase for public hearings. The consensus was to increase all meetings to \$50.

A memo will be written to the Township Supervisor in support of rejoining CUPPAD. We can use their expertise in several areas. It was also decided to increase Professional Services by \$500 to \$1,000. We need to be proactive and not reactive in planning and it seems we need more services to the Planning Commission.

Karen was asked to work with the Police Department for purchase of a cam corder. Other departments maybe able to use this equipment and the Board should be made aware of the benefits.

The computer software and hardware was left in the budget. It is possible other professional contracts maybe available. The Chocoley Watershed is currently mapping the area.

Scott Emerson asked what percent of the total general fund budget is spent on the Planning Department?

He would also like to see an economic report each quarter.

PLANNING DIRECTOR'S REPORT

Karen just received information today on P.A. 451. There will be a seminar on July 26 sponsored by SCA Environmental, Inc. As more information becomes available, it will be passed on to any member interested in attending.

PUBLIC COMMENT

No public comment.

INFORMATIONAL ITEMS AND CORRESPONDENCE

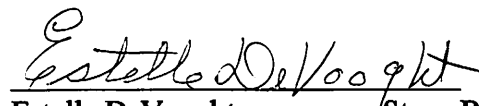

Correspondence from-Chocoley Watershed Advisory Council March 21, 1995 minutes.

Mike La Pointe stated that we should have Carl Linquist give an update on the Chocolay Watershed at the Planning Commission meeting in August. After the update is given to Planning Commission then have it presented to the Board.

Estelle DeVooght asked if any commissioners knew about the road Mead is building off Old Little Lake Road. Mike LaPointe suggested getting in touch with the DNR.

ADJOURNMENT

There being no further business, Bill Sanders moved, Mike LaPointe supported that the Planning Commission meeting be adjourned. The Planning Commission meeting was adjourned at 9:38pm.

	
Estelle DeVooght	Stacy Busch
Planning Commission Secretary	Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION**MONDAY, AUGUST 14, 1995****PRESENT:** Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Estelle DeVooght , Steve Kinnunen**STAFF PRESENT:** Karen Chandler - Director of Planning & Research**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, Rita Hodgins, Carl Lindquist, Pete La Rue, Chris Burnette, Jude Catallo**PUBLIC HEARING:**

There were no public hearings.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders called the meeting to order at 7:30 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Steve Kinnunen, Estelle De Vooght, present. Scott Emerson (arrived at meeting at 7:40 p.m.)

APPROVAL OF MINUTES OF JULY 10, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated July 10, 1995.

- Dallas Peterson noted that on page 4 the sentence that reads "Dallas Peterson states that in some way the public will be involved." The Sentence should read: Dallas Peterson states that in some way the public should be involved.
- Dallas Peterson noted that on page 4 the paragraph that reads "Dallas Peterson asks if a series of special meetings would be advantageous to try attending the day long retreat to co-op a broader community. Steve Kinnunen says that everyone will have to vote on the goals." Paragraph should be changed to read - Dallas Peterson asked if a series of special meetings would be more advantageous to try attending the day long retreat to co-op a broader community. Steve Kinnunen says that everyone will get to vote on the goals.
- Bill Sanders noted that on page 4 the sentence reads: "Bill Sanders stated that we could not get a good consensus." The sentence should be eliminated.
- Mike La Pointe noted that on page 4 the paragraph reads: "Mike La Pointe is concerned and asked if Rita could give us examples. Does it really work?"

He stated his concern was where is it working? The sentence should be corrected to read Mike La Pointe is concerned and asked if Rita could give us examples.

Mike La Pointe moved, Dallas Peterson supported that the minutes of July 10, 1995 be approved as corrected.

MOTION CARRIED: 7-0**APPROVAL OF AGENDA/ADDITIONAL ITEMS:**

Bill Sanders inquired if there were any additions or changes to the agenda?

Bill Sanders suggested to put New Business Item A. Presentation by Carl Lindquist, Project Manager for the Chocolay River Watershed Project before Old Business Item A. Discuss Final Draft Of Strategic Plan with Task Force.

Bill Sanders inquired if there were any further additions or changes for the agenda. There were none.

Bill Sanders moved, Max Engle supported that the agenda be approved as changed.

MOTION CARRIED: 7-0.**PUBLIC COMMENT:**

Pete La Rue commented that there was property that was for sale on Silver Creek Road by the Silver Creek Recreation Area and the Township was asked if they would like to purchase it. The Township did not purchase the land. It was asked why?

It was commented that the Township should be looking into the possibility of purchasing land near the recreation areas for future use.

Karen will find out why the Township did not purchase the land that was in question.

NEW BUSINESS:**PRESENTATION BY CARL LINDQUIST PROJECT MANAGER FOR THE CHOCOLAY RIVER WATERSHED PROJECT:**

Carl Lindquist made an overlay and slide presentation on the Chocoday River Watershed Project.

The following questions and comments were made after the presentation.

- Would like support for the extension of the loan provided by the Township.
- The other member townships of the Chocoday River Watershed be involved in contributing.
- Performance Bond be considered.
- Very little local enforcement for mining and logging. These are regulated by the State. Some of these are exempt.
- There is a need to have restoration of the creek.
- What is the time limit to go to the other townships for the presentation? It would probably be over the winter.
- Need to get figures together and be more aggressive to go to the government entities for enforcement.
- Next meeting of the Chocoday River Watershed is in September and may be able to approach the other townships for the proper enforcement, etc.

Scott Emerson moved, Bill Sanders supported that the Planning Commission recommend to the Township Board they consider the interest free loan for the Chocoday River Watershed be extended at least a year with the possibility of continuing renewal in the future.

MOTION CARRIED: 7-0

Bill Sanders thanked Carl Lindquist for the presentation.

OLD BUSINESS:**DISCUSS FINAL DRAFT OF THE STRATEGIC PLAN WITH TASK FORCE:**

It was noted that the possibility of the lack of attendance of the task force members at the Planning Commission meeting was that they were probably on vacation.

Rita Hodgins went over the Strategic Plan.

Comments were as follows:

- A cover page and logo will be in the final draft.

- Willing to meet with a small group in early September for a time block of a couple of hours.
- Planning Commission members felt the Strategic Plan needs more punch for completion and get more people involved.
- Whole group to meet again and not rush through the plan. Needs momentum.
- Enthusiasm is out there.
- Wednesday, September 20, 1995 from 7:00 p.m. to 9:00 p.m. a group meeting will be held for the explanation of the Strategic Plan. The Vision Statement will be included with the notices that are going to be sent out.

DISCUSS EXTENSION OF SILVER CREEK ROAD TO COUNTY ROAD 553:

Karen presented an overlay regarding an easement through the honor camp property.

Following questions and comments were made:

- Increased traffic on Silver Creek Road is a concern.
- Police and Fire Protection Services.
- Sands has their own Fire Department volunteers who live in that area and respond to the Fire Hall in that area.
- County Sheriff and State Police respond in that area.
- Children living in that area attend Marquette Area Public Schools.
- There are existing roads that needs repair.
- County is asking if Chocolay Township would support the extension of Silver Creek Rd.
- Suggestion that possibly Sands Township pay Chocolay Township for police and fire protection in that area.

After the above comments , the Planning Commission agreed unanimously that a letter be sent to the Marquette County Resource Development Department that we do not support the extension of Silver Creek Road to County Road 553.

DISCUSS REQUEST FROM RESOURCE MANAGEMENT/DEVELOPMENT DEPARTMENT ON COUNTY-WIDE TRUCK ROUTE SYSTEM:

Karen presented an overlay on the roads/highways that would be involved in the county-wide truck route system.

- Tourism is covered under major roads.
- Conditions of the roads are as follows:

County Road 545 - poor
 U.S. 41 South - fair to poor
 M 28 East - good
 County Road 480 - good

- Priority of Roads:
 - (1) U. S. 41 South
 - (2) County Road 545
 - (3) M 28 East
 - (4) County Road 480

PLANNING DIRECTOR'S REPORT:

Karen presented the following for the Planning Director's Report:

- Mary Jane Lynch - Home Occupation:

Going to the Zoning Board of Appeals to increase the number of employees.

Possibly if Zoning Board of Appeals doesn't approve the increase the number of employees, she may be coming to the Planning Commission to seek approval.

If approved by the Zoning Board of Appeals, it is approved for 3 years. It is required to renew the home occupation. It is subject to review upon complaints.

- Paul Huard

Chocolay Township Board referred this back to the Planning Commission.

The Planning Commission Members stated that Mr. Huard needs to be present at the Planning Commission Meeting and needs to present a site plan as required.

Karen informed the Planning Commission Members that Mr. Huard will not be requested to pay the \$150 fee.

- Karen informed the Planning Commission that Dallas Peterson, Estelle De Vooght and Steve Kinnunen are registered for the Basic Planning and Zoning and Putting Zoning into Practice Workshop for August 22 & 23 at the Holiday Inn in Marquette from 8:30 a.m. to 4:00 p.m.

PUBLIC COMMENT:

Karen informed the Planning Commission that there may be a good possibility of being able to obtain the GIS System approved for next year.

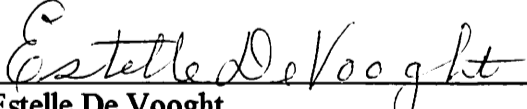
INFORMATIONAL ITEMS & CORRESPONDENCE:

- A Correspondence from - Mark Maki - Update on Golf Course Violations.
- B. Correspondence from - Mary Jane Lynch - Home Occupation.
- C. Correspondence from - Linda Rossbery and Kim Smith-Potts - results of community needs assessment.

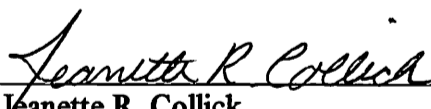
ADJOURNMENT:

There being no further business Dallas Peterson moved, Bill Sanders supported that the Planning Commission Meeting be adjourned. The Planning Commission meeting was adjourned at 9:50 p.m.

MOTION CARRIED: 7-0



 Estelle De Vooght
 Planning Commission Secretary



 Jeanette R. Collick
 Recording Secretary



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting in September, 1995.

There was no meeting scheduled.

CHOCOLAY TOWNSHIP PLANNING COMMISSION**MONDAY, OCTOBER 9, 1995****PRESENT:** Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Estelle De Vooght, Steve Kinnunen.**STAFF PRESENT:** Karen Chandler - Director of Planning & Research**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary, Betty Hill, Harold Pawley, Marla Buckmaster, Robert Mc Kee, Paul Huard, Mary Jane Lynch, Paul Capodelepo.**PUBLIC HEARING CALLED TO ORDER:****PUBLIC HEARING:**

Bill Sanders, Chairperson explained the process of the public hearing.

REZONING #80 HOME OCCUPATION - CHANGE DEFINITION OF HOME OCCUPATION:

Marla Buckmaster - 519 Lakewood Lane - opposed

- It would change the nature and character of the neighborhood.
- There are people opposed to businesses in residential areas.

Mary Jane Lynch - 271 Lakewood Lane - supports

- We can use more businesses.
- We need to compete with other townships.
- Important to have employment before you buy a building.

Betty Hill - 643 Lakewood Lane - against

- Invested in home in Chocolay Township this year.
- If this would be approved this would reduce property values.
- People don't want the noise, extra traffic, etc.
- Keep residential.

Harold Pawley - 643 Lakewood Lane - against

- Businesses should be kept in an area where it is zoned.
- Exceptional basis - people in the neighborhood should have a say.
- Decision shouldn't apply to the Township as a whole.

Mary Jane Lynch - 271 Lakewood Lane

- There would be two people working.

Bill Sanders and Estelle De Vooght read four letters into the record from:

- William Ralph - 345 Lakewood Lane - opposed to the change.
- Virginia Long - part-time resident - 729 Lakewood Lane -opposed.
- Betty J. Hill - 643 Lakewood Lane -opposed.
- James A. Hill -opposed.

There were no further public comment on Rezoning #80.

Bill Sanders closed the Public Hearing at 7:40. p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Steve Kinnunen and Estelle De Vooght present. Scott Emerson was absent.

APPROVAL OF MINUTES OF AUGUST 14, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated August 14, 1995. There were none.

Mike La Pointe moved, Dallas Peterson supported that the minutes dated August 14, 1995 be approved as presented.

MOTION CARRIED: 6-0.

APPROVE OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes in the agenda. There were none.

Bill Sanders moved, Max Engle supported that the agenda be approved as presented.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Robert Mc Kee - 633 Lakewood Lane -

Inquired how the definition of residency got to allow small businesses.

It was inquired as to when this was in the ordinance? Was it prior to 1977? Karen will find out. Estelle stated it has been long standing that people need to earn extra money. Earned in their home occupations.

Paul Capodelepo reserved comment for accessory buildings discussion.

Bill Sanders inquired if there were any further Public Comment. There were none. Bill Sanders closed the first Public Comment section.

OLD BUSINESS:**REZONING #77 - PAUL HUARD AMENDED APPLICATION:**

Karen stated that the Planning Commission has the amended application.

The Chocoley Township Board referred it back to the Planning Commission. The Board was concerned with relative issues and sewer hook up.

Karen referred to the memo dated October 9, 1977 to the Planning Commission regarding Rezoning #77 - Paul Huard.

Mr. Huard has twelve apartments and the ordinance calls for twenty-four parking spaces.

Board doesn't want to increase additional rental units.

The following comments were made by Mr. Huard:

- Presently there are seventeen vehicles and no place to plow snow.
- Parking lot is too close to the rentals.
- Thirty-six spaces would allow two spaces per tenant.
- Building has been updated inside and out.
- Presently there are only fourteen spaces.
- Thirty six spaces would also allow for visitors.
- Adding to West of the building for washers and dryers - possibly four, but will be hooked up to the Township Sewer for this building.
- Road will be double in width.
- The proposed 200 x 400 would connect to the first parcel.
- Apartment is R-3, rest of the parcel is R-2 and goes back to the Sicotte Subdivision.

The following questions/comments were made by the Planning Commission Members and the Director of Planning & Research:

- Extension of the road - 36' off the 100' for the road going out.
- It was required at a previous meeting that Mr. Huard provide a site plan.

- Rezoning is for R2 to R3. Mr. Huard plans to build a parking lot.
- There is enough room for a parking lot.
- Ordinance requires 24 spaces. Mr. Huard only has 14.
- Not planning on hooking the units up to the sewer.
- Township would be powerless to do anything if the parcel is rezoned as multi-family.

Mr. Huard drew a sketch on the black board on what he plans to do. He also showed where the septic and drain field were located. He also noted that it is the same type of drain field as Bell Memorial Hospital is using.

He has three sewer laterals on Willow Road beyond the 200' Sewer Ordinance requirement for hook-up.

Bill Sanders thanked Paul Huard for the explanation.

The following question/comments were made after the explanation and what is being planned.

- Planning Commission Members would like to see a site plan.
- You can't contract zone in a site plan.
- Karen was asked for her advise on the site plan. She stated you can't hold him to the site plan.
- Ordinance doesn't support a site plan for parking lots.
- The existing building meets the requirements in the ordinance.

After the above questions/comments were made the following motion was made.

Dallas Peterson moved, Max Engle supported that Mr. Huard consider 100 x 200 feet for a total square footage of 20,000. Less than required for additional buildings, yet enough for his parking lot. This rezoning would be a continuation of the current R-3 district in that area.

MOTION CARRIED: 5-1.

The above motion will be recommended to the Chocolay Township Board. Karen will inform Mr. Huard when this would be put on the Chocolay Township Board agenda.

It was a consensus to the Planning Commission to move New Business (A) Consider Rezoning #80 - Language change to Home Occupation before the balance of Old Business.

NEW BUSINESS:

CONSIDER REZONING #80 - LANGUAGE CHANGE TO HOME OCCUPATION:

Karen noted that copies of the following Townships home occupations were included:

Skandia, West Branch, Marquette and Sands Townships and the City of Marquette.

Sands Township gives the Zoning Administrator authority to approve home occupations. Chocolay Township gives the authority to the Zoning Board of Appeals.

It was inquired how many home occupations were in Chocolay Township? Karen will try to obtain an answer and get back to the Planning Commission as to how many home occupations are in Chocolay Township.

There are different types of home occupations, such as: beauty shops, selling insurance, office, dog grooming, etc.

It was inquired of Mary Lynch as to what type of home occupation she has. She makes caramel corn and chocolate. She has a licensed kitchen in her home.

The new definition would apply to anywhere in Chocolay Township. The definition change would allow one more person, other than the inhabitants.

The following questions and comments were made, both by representatives in the audience and the Planning Commission Members:

- Dog grooming businesses decrease property values.
- Signs advertising home occupations are in residential areas.
- When a business expands, the owner should invest in another building.
- Home occupations are subject to review every three years. You don't have to wait three years to complain on a home occupation.
- There is no way to enforce the policing of a home occupation.
- Business can grow slow and steady and be a good business.
- It is not primarily just another way for extra income.
- Residents want to remain residential.
- Can this be done on a case by case basis?
- Home Occupations is done by the Zoning Board of Appeals on a case by case basis.
- The Planning Commission was petitioned to change the ordinance, not a popularity contest.
- With low number of complaints on a home occupation, if there is a complaint then it should be looked at.
- Unfair to be on the defensive all the time.
- It was inquired on Mrs. Lynch's home occupation. Will the kitchen remain the same? Yes. The additional person is needed to make the chocolate and caramel corn. She sells and transports.
- Example was given that home occupations have no more transportation than some residents that have visitors.

Bill Sanders read Section 101 Definitions and the proposed language.

SECTION 101 DEFINITIONS

HOME OCCUPATION, means a use conducted entirely within an enclosed dwelling, but does not occupy more than one-fourth (1/4) of the total ground floor area of the dwelling unit, employs a maximum of one (1) person other than the inhabitants, thereof, is clearly incidental and secondary to residential occupancy, and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupation, any activity similar to a generally recognized retail store or service establishment as permitted in any commercial district, any activity involving any building alteration, window display, construction features, equipment, machinery, or outdoor storage of which is visible from off the lot on which located.

The proposed language change being: employs a maximum of one (1) person other than the inhabitants.

The Zoning Board of Appeals requires that a person shows a hardship and this may be able to change. A business that would be adding another person wouldn't be showing a hardship.

Applications for Home Occupations are sent out to people within 300' of the business.

In Chocolay Township there only has been one in about three years that was not approved.

Mike La Pointe moved, Estelle Devooght supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the amendment to Section 101 Definition to the Chocolay Township Zoning Ordinance be denied.

MOTION CARRIED 5-1.

This recommendation would be recommended to the Township Board. Township Board can either agree or disagree with the Planning Commission's recommendation. It will be sent for review to the County Planning Commission before it goes to the Township Board.

OLD BUSINESS:

DISCUSS FINAL DRAFT OF STRATEGIC PLAN - PRESENTATION SET FOR TUESDAY, OCTOBER 24 AT THE CHERRY CREEK SCHOOL 7:00 P.M.:

The Township Supervisor or the Chairperson of the Planning Commission will read the Vision Statement of the Strategic Plan. Task Force people will also participate. Rita will be presenting an overlay.

The notice will be advertised in the stores, newspapers, community calendar, children that attend the Silver Creek and Cherry Creek Schools, Public TV 13, Bresnan Channel 8, and the various radio stations.

Planning Commission Members gave Karen written comments regarding the Strategic Plan.

Planning Commission thanked the Chocolay Watershed for being able to use the picture on the Strategic Plan.

REPORT ON BASIC PLANNING & ZONING AND PUTTING ZONING INTO PRACTICE WORKSHOP HELD AUGUST 22 AND 23 IN MARQUETTE:

It was noted that the workshop was very informative. Karen will be able to obtain information on various ordinances, etc.

NEW BUSINESS:

CONSIDER LANGUAGE FOR BED & BREAKFAST:

Karen noted that there was one bed and breakfast presently in Chocolay Township. The name is the Bayou Bed & Breakfast.

There has been some interest in the possibility of two more, one being on M 28 near Shot Point and the other being on Green Garden Road.

Karen presented the proposed language to the Township Attorney and he had no problem with the language.

The following comments were made regarding the Bed and Breakfast:

- Health Department requires inspections and licensing of the kitchen for more than eight bedrooms.
- Concern with the R-1 Districts - keep in RP and R2 Districts.
- People look in outlying areas, not commercial.
- Need to protect our residents.
- You can have up to three unrelated people living in your home now.
- Conditions could be: (1) pre-registered guests, (2) licensing by the Township Clerk, (3) enforcement.
- Most bed & breakfasts are in historical districts.
- Obtain more information from the American Planning Association.
- Could be more disruptive than person owning the apartment.
- More traffic.
- No knowledge of the neighborhood.

The Planning Commission agreed to table the proposed Bed and Breakfast language until they are petitioned by a request.

CONSIDER MEMO FROM ZONING ADMINISTRATOR - ACCESSORY BUILDINGS IN RR-2 AND RP DISTRICTS.

Following questions and/or comments:

- Original intent was requests for pole barns and/or garages allowed on five acre lots without residence on the lot first in the R2 and RP Zoning Districts.
- Businesses may request to build storage for materials, etc. without a residence.

Paul Capodelepo informed the Planning Commission that he is in a RP Zone. His intent was to build a three bedroom house, but financially cannot put up the residence at this time. He would like to put up a pole barn first.

In order to hook up power, he must obtain an address from the Zoning Administrator. Road should be named. He was given a temporary address of 902 Cherry Creek Road.

He is looking for the proper direction to go and is flexible.

He should apply for a Conditional Use Permit for a camp.

It was advised that he talk to a building inspector for basic safety reasons, etc.

The Planning Commission agreed unanimously that the language for accessory buildings in RR-2 and RP Districts be left as is and not accept the Zoning Administrator's recommendation.

PLANNING DIRECTORS REPORT:

Karen reported on the following:

- The GEM Groundwater Coalition meeting on Wednesday, October 4, 1995.
- Township will be in Court this week with Joe Gibbs.
- Karen will be attending the MSPO Annual Conference this week in Bellaire.
- An Economic Development Grant from Wal-Mart Corporation was awarded to Ivan Fende, Supervisor winner in the American Hometown Leadership Award program. The Township received this \$5,000 grant at their last meeting and placed it in an Economic Development Capital Improvements Fund.
- Superiorland Internet Training Center is now open at the Peter White Library.
- Karen would like to join the APA's Planning Advisory Services (PAS). Planning Commission still has \$500 in the professional services account. She contacted them for information on Bed & Breakfast's ordinances and they sent a very thorough review packet. The cost of this service to Chocolay Township will be \$420. The township is trying to make arrangements with the Marquette County Townships Association to purchase this service next year with our membership dues.
- Township is purchasing Windows and Word Perfect 6.1 for the computer system at the Township Hall.
- There will be a special township board meeting after the presentation of the strategic plan. The Planning Commission felt this would be beneficial to the Township.

PUBLIC COMMENT:

Estelle inquired about the upgrading of Little Lake Road. The one side of the road was stabilized.

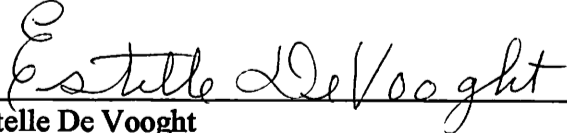
There being no further public comment, the last public comment section of the Planning Commission was closed.


INFORMATIONAL ITEMS AND CORRESPONDENCE:

- Correspondence from - MSPO - Workshop, County - Local Partnerships to protect groundwater, Grayling - November 14.
- Correspondence from - Michigan Rural Water Association - Workshop, Ishpeming - October 30.
- Correspondence from Mark Maki to Randy Gentz on golf course.
This was on the site plan that was presented at the June Planning Commission.
- Handout material from GEM.

ADJOURNMENT:

There being no further business the Planning Commission Meeting was adjourned at 10:30 p.m.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
OCTOBER 24, 1995
STRATEGIC PLAN MEETING**

The Chocolay Township Planning Commission and the Chocolay Township Board met on Tuesday, October 24, 1995 at the Cherry Creek School at 7:00 P.M. to consider the Strategic Plan. The Township Board meeting was opened by Ivan Fende At 7:00 P.M. The meeting was turned over to the Chocolay Township Planning Commission. Bill Sanders, Chairperson of the Chocolay Township Planning Commission opened the meeting at 7:05 P.M.

PLANNING COMMISSION PRESENT: Max Engle, Estelle DeVooght, Steve Kinnunen, Mike LaPointe, Bill Sanders, Scott Emerson.

ABSENT: Dallas Peterson.

Karen Chandler, Director of Planning and Research was also present.

TOWNSHIP BOARD PRESENT: Ivan Fende, Max Engle, John Greenberg, Don Wickstrom, Lois Sherbinow, Richard Bohjanen.

ABSENT: Arlene Hill

- 1) **OPENING STATEMENT & VISION STATEMENT - Bill Sanders**
- 2) **GOALS**

Community at Large

- a) Survey Community to assess acceptance of a community foundation & 'community center' concept - **John Renfrew**
- b) Develop a plan to communicate/educate people about planning goals and community issues - **Estelle DeVooght**
- c) Develop a promotional theme/campaign - **Estelle DeVooght**
- d) Create more community involvement activities - **Nheena Ittner**
- e) Form a committee to research/explore ways to work positively with the Keweenaw Bay Indian Community - **Steve Kinnunen**

Business Development

- a) Prepare a graphic representation of "The Vision" - **Ron Thorley**
- b) Define and implement development standards that will create our vision of a natural park-like business district with an identifying architectural theme that highlights the township's "natural" beauty - **John Weting**

Community Development

- a) Maintain the rural/natural landscape by preserving open space - **Bill Sanders**
- b) Earmark tracts of land for acquisition to fit with master plan. Include provisions for maintenance, tax support connectivity and green belt concepts - **Mike LaPointe**

Environment

- a) To inform residents, businesses and government about local environmental issues via an annual awareness/action day - **Chris Burnett**

Infrastructure

- a) Initiate a comprehensive recycling strategy - **Steven Kinnunen**
- b) Master plan, zoning ordinance and expanded infrastructure will reflect the "New Vision" of Chocolay - **Scott Emerson**

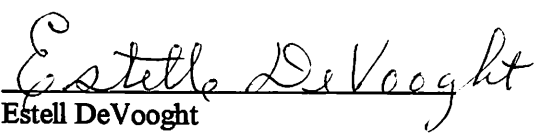
Implementation


- a) Review progress on the strategic plan in 6 months and 1 year to assess action - **Max Engle**

Rita Hodgins, MSU Community and Economic Development Agent spoke on the Chocolay Township Strategic Plan and its ability to assist future planning

The Planning Commission meeting was adjourned at 7:45 pm. By Chairperson Bill Sanders.

The Township Board meeting was recessed at 7:45 pm. By Ivan Fende. The Board will reconvene at 8:30 pm. On the Harvey groundwater contamination.


Estelle DeVooght
Planning Commission Secretary


Mary L. Sanders, CMC
Deputy Clerk

CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, NOVEMBER 13, 1995

PRESENT: Bill Sanders, Dallas Peterson, Mike LaPointe, Max Engle, Steve Kinnunen, Estelle DeVooght (arrived at 7:40 p.m.), Scott Emerson (arrived at 7:45 p.m.)

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick - Recording Secretary, LeRoy Blondeau, David Blondeau, Mark Maki

PUBLIC HEARING:

Bill Sanders, Chairperson explained the process of the public hearing.

CONDITIONAL USE PERMIT #32 - CHOCOLAY DOWNS GOLF COURSE:

Karen stated that Conditional Use Permit #32 was for the gazebo at the Chocolay Downs Golf Course.

Bill Sanders stated this was a supplement to the original use for a gazebo structure at the Chocolay Downs Golf Course.

Karen informed the Planning Commission that one person came into the office inquiring what this was about and she gave them a copy of the original application, but had not heard anything back from anyone else.

There was no further public comment on Conditional Use Permit #32

Bill Sanders closed the Public Hearing at 7:38 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Dallas Peterson, Mike LaPointe, Max Engle and Steve Kinnunen. Estelle DeVooght arrived at 7:40 p.m. Scott Emerson arrived at 7:45 p.m.

APPROVAL OF MINUTES OF OCTOBER 9, 1995 AND OCTOBER 24, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated October 9, 1995 and October 24, 1995.

Karen noted that the October 24, 1995 minutes had only one correction which on page 1 under 'Community at Large, item 2 (e) Form a committee to research/explore ways to work positively with the Keweenaw Bay Indian Community' instead of Jim Carter it should be Steve Kinnunen.

Max Engle moved, Bill Sanders supported that the minutes dated October 9, 1995 and October 24, 1995 be approved as corrected.

MOTION CARRIED: 5-0.

APPROVE OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes in the agenda. It was suggested that under New Business, A. Discussion on Site Condo - LeRoy Blondeau be moved before Old Business.

Mike LaPointe moved, Dallas Peterson supported that the agenda be approved as changed.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Bill Sanders inquired if there were any further Public Comment. There were none. Bill Sanders closed the first Public Comment section.

Estelle DeVooght arrived at 7:40 p.m.

NEW BUSINESS:

DISCUSSION ON SITE CONDO - LE ROY BLONDEAU:

Karen informed the Planning Commission that Larry, Mark, and she went over the conditions from the private road request # 8 and the Site Condo Development prints, dated November 10, 1995.

The following were concerns:

- #8 - That a cul-de-sac easements be placed at the end of the road as per County Road Commission detail.

There was concern regarding a T as opposed to the round cul-de-sac. Maybe it should be passed along to the Fire Department or write to Bob Menard, County Road Commission and have him look at it. The County Road Commission doesn't have jurisdiction over private roads, but one of the conditions it does say that a cul-de-sac be put in according to the County Road Commission details.

- All the lot sizes seem to be in compliance with the Zoning Ordinance.
- The bridge design be certified by an engineer as to its weight capacity and that the bridge's weight capacity not be less than 80,000 pounds.

At present there is only one home there, but if more were going to be developed there's more need for emergency services and we need a certified copy of the bridge design and capacity.

- The State Condo Acts requires that the Master Deed be filed with the Supervisor. It was suggested that copy also be filed with the Planning Commission.

Questions and comments were as follows:

- Why the T as opposed to the round cul-de-sac?

Wanted to preserve some trees and by putting a T cul-de-sac in instead of a round cul-de-sac, some trees would be able to be preserved.

- Would emergency vehicles be able to turn around?

There would be no problem for trucks, school buses, or emergency vehicle to turn around.

It was suggested that the Fire Department take a look at the private road to be sure that emergency vehicles would be able to turn around without a problem.

- Mr. Blondeau informed the Planning Commission that he has obtained all the necessary permits from the County Health Department for the well and septic.

Scott Emerson arrived at 7:45 p.m.

- T cul-de-sac was on the original set of plans for the private road.
- Bridge Certification was a requirement for the private road.
- Are there any plans for dealing with the land that joins the river? Each property owner will deal with the land joining the river.
- Bob Cambensy will provide the township with the necessary documentation.

OLD BUSINESS:**CONSIDER CONDITIONAL USE PERMIT #32:**

Bill Sanders stated this would be a supplemental hearing for Conditional Use Permit #32.

The reason for the supplemental hearing was that the motion never stated the reason why the Planning Commission denied the original request. We either need to supplement that motion by giving our reasons or change the motion.

The following were comments and questions regarding the Conditional Use Permit #32:

- Mr. Gibbs never responded to the questions that the Planning Commission specifically addressed in the letter of September 12, 1994.
- It was stated that according to the township attorney's letter dated October 11, 1995 to Mr. Gibbs' attorney that it was his understanding that Mr. Gibbs' voluntarily installing the monitoring is conditioned upon the Township granting to him whatever approvals may be necessary in order to enable him to complete his gazebo. In the same letter it was also stated that one of the conditions that would be recommended would be that the permit will not become effective unless the monitoring wells are installed and operational in accordance with Health Department recommendations within forty-five days; and, if those wells are not so installed within that period of time, the conditional use permit would be null and void.
- There was also a letter from Mr. Gibbs' attorney placed on file.

After the comments and discussion between the Planning Commission and Township staff, the following motion was made:

Mike LaPointe moved, Bill Sanders supported that Conditional Use Permit # 32 for the addition of a gazebo to Chocolay Downs Golf Course be approved with the following conditions:

- 1) That the permit will not become effective until the monitoring wells are installed and operational, in accordance with Marquette County Health Department recommendations, by December 5, 1995 and if those wells are not so installed within this period of time the conditional use permit would be null and void.
- 2) The Best Management Practices as printed by the DNR for Michigan Watershed/with the golf course supplement will be followed.
- 3) No alcohol will be consumed at the gazebo.
- 4) The gazebo will be operational only during daylight hours.
- 5) Proper screening be established to make the cart storage facility and the gazebo generally inconspicuous from the adjacent land uses.

MOTION CARRIED: 7-0.

DISCUSSION ON BMP'S FOR GOLF COURSES:

Karen informed the Planning Commission that the information provided in the agenda packet for Best Management Practices (BMP) is the information that she obtained that would be suitable for golf courses which are:

1. Fertilizer Management
2. Pesticide Management for Turfgrass and Ornamentals
3. Application Calculations and Calibration

The Planning Commission unanimously agreed that the Township follows the Best Management Practices (BMP) for any golf course in the Township.

It was also stated that when these are updated/revised for golf courses that the Township will have these available.

A letter to Randy Gentz dated August 29, 1995 from Mark Maki and another one dated November 8, 1995 were discussed.

Karen informed the Planning Commission that she went through the letter and looked at the minutes and some of the questions in the letter to Randy were answered.

She also has a copy of the site plan that Randy brought to the Planning Commission Meeting in July 1995. It is different that what he submitted in 1991 when he first came in.

It was stated that Randy changed it because of the wetlands and had to design the golf course around the wetlands.

The Planning Commission agreed that the site plan presented in July 1995 developed by Bills/Childs Associates, P.C. dated June 8, 1992 is the one that the Township work with.

BMP's address questions #3 and #5, questions number (3) Estimate contaminant loading amounts and number (5) Establish base line information on the chemical properties of the soil and groundwater to be used for determining changes in the levels of contaminants.

It was inquired what Randy Gentz is supposed to provide to the Township? It was stated that he should be documenting the samples and have a record of these according to the BMP.

It was stated that the Planning Commission waived the installation of the monitoring wells until he opened the golf course.

It was decided that the Planning Commission write Randy a letter to provide and clarify that the following items are being done on his golf course.

1. To follow the BMP base line data.
2. Sample water testing according to the Health Department regulation on his personal well.
3. Water usage estimates.
4. Clarification on pro shop and club house. Original plan call for a pro-shop and the revised plan calls for a club house. Are they the same thing?

Karen stated that another question she had was that Mark thinks that the Planning Commission is requesting that the road be paved. That was a recommendation from the County Road Commission. But was inquiring if that was a part of the Planning Commission's request. Mark referred to the letter from the Marquette County Road Commission of April 1, 1991.

NEW BUSINESS:

DISCUSSION ON CHOCOLAY RIVER ACCESS:

Bill Sanders inquired if this was a DNR project? Karen stated she was under the impression that the DNR was coming to the Township.

The site on Green Garden Road was a low priority, not the site that the DNR was talking about at present.

There were some questions at a Township Board Meeting whether or not we would want to include the DNR property in our Recreation Plan and make a decision on what the priority would be.

It was inquired if we would need a public hearing to add this to the Recreation Plan.

We could add this as a non-township source of recreation. We should inquire ways to team up with other agencies to improve recreation areas. Also inquire monies for grants, etc. resources for recreation should be considered.

It was suggested that Karen correspond back to the Board that this site would be discussed when the Recreation Plan is being reviewed in January.

DISCUSSION ON OFF-PREMISES SIGNS IN C-1 DISTRICT:

Karen informed the Planning Commission that Jeff Glass came into the office to obtain permission to put a sign advertising Gitche Gumee Campground on his father's property on Kawbawgam and M 28.

At one point we were talking about rezoning some of the property on Kawbawgam and M 28.

It was noted that the majority of the land use was residential. A public hearing needs to be done to get this resolved.

The citizens are the ones that want the rezoning too residential.

The office building on M 28 and Kawbawgam would then become non-conforming.

It was commented that multiple small signs advertising the campground may be better than one big sign.

It was suggested that Gitche Gumee Campground have a logo and then try to get the Department of Transportation blue signs with the logo on it.

DISCUSSION ON MEMO'S FROM MARK MAKI:

1. **Zoning Ordinance Amendments**
2. **Pole Barn & Garages in RR-2 & PR**
3. **Proposed Private Road "Deer Trail:**

Comments regarding pole barns & garages:

Mark informed the Planning Commission what is happening throughout the county is that people want to put up storage buildings, barns, garages to house the building materials and equipment as they are building their home site. It isn't so common in subdivision because typically when someone buys a lot in a subdivision, everything is put up at once.

When someone purchases a forty-acre lot, they may have a long range plan to develop it, but need something to store their materials and equipment. They need an address for their utilities, etc.

Chocoy Township Zoning Ordinance presently states you can't build an accessory building before your principal structure is on the site.

In the farming districts and rural areas it wouldn't be so uncommon because it would be similar to camps.

He commented that it may be more proper for the Planning Commission to make these decisions instead of the Zoning Board of Appeals. The Zoning Board of Appeals is supposed to be granting variances.

The Planning Commission could treat this as a conditional use and could probably put restrictions and also possibly a time limit on when the home site would have to be built.

Also, notifications are sent to the adjacent property owners.

Mini warehouses would not be allowed.

Comments regarding Zoning Ordinances changes:

Karen commented on Mark's memo regarding the zoning amendment changes discussed in May of 1995 by the Planning Commission to resolve a number of outstanding Zoning Amendment issues. She spoke with Ivan Fende, Township Supervisor regarding a joint meeting with the Planning Commission and the Township Board and he seemed to think that it probably wouldn't take place until at least January.

Some of these issues have been long term and we need to sit down, discuss, and group these. The Planning Commission has sent recommendation after recommendation to the Board and they send them back to the Planning Commission with little or no direction as to exactly what direction they want the Planning Commission to go.

Comments regarding Signs for Golf Courses:

About six months ago language was sent to the Township Board and they referred it back to the Planning Commission and it never got resolved.

It was commented that one word was to be clarified. The Planning Commission did clarify this was for the Golf Course, but apparently the wording never got back to the board.

Karen will check through the minutes on this wording.

Other changes that went back from the Township Board to the Planning Commission were the height requirement and one structure per lot language.

Comments on "Deer Trail":

It was inquired as why this was a trail and not a private road. Karen informed the Planning Commission that the private road requirements are not addressed in the RP and OS District.

This particular request ends up to be four established parcels for building sites. They are there and are building on them. The addresses are off Cherry Creek.

Karen informed the Planning Commission she will ask to Mark about why road frontages were not being required in the RP District.

Comments regarding the height requirement were discussed. It was suggested that we inform the Township Board that this is the fourth time this has come back to the Planning Commission and request from the Township Board exactly what do they want to be done on this?

Karen informed the Planning Commission that this was published, but then there was a problem with the Fire Department and we're waiting for their response to come back and then this will be taken back to the Township Board for their adoption. There was a question on the 30' height.

PLANNING DIRECTOR'S REPORT:

- 1) I attended the MSPO Annual Conference in Bellaire during October. The theme of this year's conference was "Vision Equals Reality." One major presentation was the "Michigan's Trend Future - Patterns on the Land - Our Choices-Our Future." I have the working papers for the ten of the eleven topics and I've included a handout for each of you. If you'd like to review each of the working papers, I have them on file and can lend them out for review.
- 2) I received information on Friday for a workshop titled "Anatomy of a Development." If anyone would like to go, please let me know.

- 3) Ivan Fende had reviewed the language proposed for the Bed & Breakfast that we discussed last month. He reported in his Supervisor's Report to the Township Board that the Planning Commission had reviewed the wording and decided to wait to be petitioned before working on the Bed & Breakfast amendment. The Board agreed to ask the Planning Commission to consider working on the amendment. I have copies for each of you on the "Bed & Breakfast Facilities - Zoning Controls" published by the Professional Association of Innkeepers International.
- 4) I will be meeting with CABA members on Wednesday morning to discuss the Strategic Plan. This is their regular monthly meeting held at Wahlstrom's at 7:30 a.m. I have prepared a list of committees and those who have signed up. Copies have been made for each of you.

PUBLIC COMMENT:

Karen informed the Planning Commission that the Fire Department's annual Santa Christmas party will be December 10, 1995 from 3:00 p.m. until 5:00 p.m.

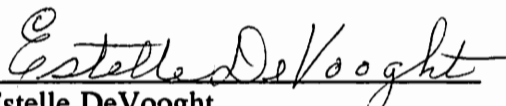
There being no further public comment, the last public comment section of the Planning Commission was closed.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Correspondence from - MTA - attempts to disrupt meetings
 B. Correspondence from - Mark Maki - Strategic Plan/Comments - height amendment/definition of height
 C. Correspondence from - Stephen D. Dice - on "Chocolay plans for it's future."

ADJOURNMENT:

There being no further business the Planning Commission Meeting was adjourned at 10:15 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, DECEMBER 11, 1995**

NO PUBLIC HEARING

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting to order at 7:33 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Mike La Pointe, Max Engle and Estelle De Vooght present.

ABSENT: Steve Kinnunen, Dallas Peterson and Scott Emerson.

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary

APPROVAL OF MINUTES OF NOVEMBER 13, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated November 13, 1995. Estelle DeVooght moved, Mike La Pointe supported that the minutes dated November 13, 1995 be approved as presented.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes in the agenda?

Karen requested that the Planning Commission look at Conditional Use Permit #32 under Old Business.

Max Engle moved, Mike La Pointe supported that the agenda be approved as changed.

MOTION CARRIED: 4-0.

PUBLIC COMMENT: Bill Sanders inquired if there were any further Public Comment.

Karen informed the Planning Commission that Rita Hodgins will be holding a meeting on Tuesday, December 12, 1995 at 7:00 p.m. at the Chocoy Township Hall for an evaluation of the Mining Journal. CABA, 5 or 6 staff members, Board Members will be present. The meeting will last about one hour. She urged the Planning Commission Members to attend if they were interested.

There was no further Public Comment.

OLD BUSINESS:

DISCUSSION ON REZONING AT M-28 AND KAWBAWGAM ROAD:

Karen went over the information from her memo to the Planning Commission dated December 7, 1995. She noted that in March of 1991, Steve Blondeau wanted to rezone the corner parcel from C-1 to C-2. This request was denied.

In October 1991, Judd Johnston requested the rezoning of several lots from C-1 to R-3. The Planning Commission members at that time were leaning to R-1.

The following questions and comments were made:

- Eliminate spot zoning.
- Class A Status would be automatic.
- There was a concern regarding the motel/apartment building being non conforming and would burn down would they be able to build again? It was required that Karen would find out this information and report back to the Planning Commission.

- In reviewing the notes there didn't seem to be a problem with turning the Township property on M 28 from C-1 to R-1, but looking at the corner property and the other R-3 property there may be.
- On the corner property of Kawbawgam & M 28 there has been a stop work order.
- The residents don't want it rezoned too commercial. They want the entire area R-1.
- With nonconforming what percentage has to take place if the building was destroyed, such as fire to rebuild. Karen will check and report back to the Planning Commission members.

After discussion on the above topic it was decided that a Public Hearings be held in May 1996.

DISCUSSION ON HEIGHT OF ACCESSORY BUILDINGS:

Karen stated that at this time the language regarding the height of accessory buildings was still between the Fire Department and the Township Supervisor.

A representative from the Building Codes Department was in last week and don't see a problem with the height the way they would interpret our zoning ordinance.

The following questions and comments were made on the language for the accessory buildings:

- The 14' height has been Mark's interpretation and that is also what the Zoning Board of Appeals has ruled on.
- The language is foggy in our ordinance on what the height is for accessory buildings.
- The problem that comes in with the Fire Department at this point is because we would be changing the definition of height to average height, then not only your accessory building, but any building could be higher than what they may be able to approach.
- Building Codes has suggested that we add "the grade" as a definition and not horizontal slope.
- What if we added and no building should exceed the height of 30'? This way we could have the definition of average height with the stipulation that no building exceed 30' from grade to top of the building.
- It was also suggested that the accessory building height conform with the existing building (home).
- The word that the Board has trouble interpreting is average height. It was requested of the Township Board to be specific to exactly what they wanted the Planning Commission to write into the ordinance when they send it back and they haven't done that.
- It was requested that Karen check to see if the Township Board sent the height language back to the Planning Commission.
- If it was sent back to the Planning Commission then change the average height definition to no building can exceed 30' from the lowest grade to top of the building.
- The point of the height definition was to allow a garage to have a steeper roof to blend in with the house.
- If this has not been requested to go back to the Planning Commission, let the language go as is.
- This language has been published once. It needs at least four votes to pass. There was a quorum present at the Board Meeting to have this published. It has not been adopted.

DISCUSSION ON MEANING OF RESORT VS BED AND BREAKFAST:

Karen informed the Planning Commission that Bob Johnson, North Big Creek Road will be applying for a Conditional Use Permit. He came in and talked to Mark regarding a Zoning Compliance for a Bed and Breakfast, Mark informed him that we do not have a Bed & Breakfast.

Karen informed the Planning Commission that we do have resorts in RP District and Mr. Johnson is in Resource Production District, which consist of 20 acres or more.

Karen wanted to inform the Planning Commission that Mr. Johnson would be back with a Conditional Use for a Resort.

In the information that was presented to the Planning Commission on Bed & Breakfast at the November meeting, there is mention of Bed & Breakfast being a boarding house. Chocolay Township has no boarding house definition.

With Bed & Breakfast you can serve food, in resorts you cannot serve food. You would allow them to bring their own food in and prepare it in their kitchen. Our definition doesn't read this way. It is the health department's language.

Mr. Johnson doesn't want the license to serve food.

Resort is recreational, such as fishing etc.

Karen also reported that a lady on M 28 in a LS/R District would probably want a Bed & Breakfast. She could probably apply for a Resort as long as it meets the conditions of a resort.

In a LS/R District a resort could be applied for with conditions as long as it meets the conditions of a resort and it doesn't interfere with the surrounding land use.

Karen read the definition of a resort in various districts. Karen will meet with Mark and obtain his interpretation of a resort. It was commented that if restrictions are written out, it is better for both parties concerned.

DISCUSSION ON RECRUITING MEMBERS FOR COMMITTEES:

Karen informed the Planning Commission that Rita Hodgins is working on getting information from Ball State University on the expertise in visioning graphics. Once this process is started, the spark on interest will begin again. Finding a visual picture of Chocolay Township and our vision should start the other groups in the plan.

The cost for this would be from \$6,000 to \$10,000. We have about half the cost. Some of the topics that could be done by this committee could be the following:

- Map of Zoning Districts
- Graphics of buildings in commercial districts
- Landscape ordinance
- Water System
- What types of business are going to come in?
- Strategic Plan
- Will give use direction

CONDITIONAL USE #32 - CHOCOLAY DOWNS:

Karen informed the Planning Commission she met with Mark Maki, Harley Andrews and Mike Farrell last Friday for about one hour.

Harley informed her that the attorneys signed a court document that the monitoring wells will be in place by March 5, 1996. If the monitoring wells were not in by March 5, 1996, Mr. Gibbs would be in contempt.

She talked with Harley and he had asked if we could extend the action that took place at the Planning Commission in November 1995.

Estelle De Vooght moved, Bill Sanders supported that we do not extend the action that took place at the November 1995 Planning Commission on Conditional Use #32.

MOTION DENIED: 1-3.

Max Engle moved, Mike La Pointe supported that we extend the action that was taken the November 1996 Planning Commission regarding Conditional Use #32 from December 5, 1995 to March 5, 1996.

MOTION CARRIED: 3-1.

NEW BUSINESS:

DISCUSSION ON MEETING DATES FOR 1996:

The Planning Commission Members agreed unanimously that the meeting dates of the Planning Commission be held on the second Monday of each month for 1996.

PLANNING DIRECTOR'S REPORT:

Karen presented the following for the Planning Director's Report:

- 1) Met with CABA members on November 15. Rita Hodgins also attended. It was suggested a copy of the plan with an appendix (the outcome of all meetings) be distributed throughout the Township.
- 2) The Township has been encouraged to participate in the CABA Quarterly, which is one goal in our strategic plan.
- 3) We have received our membership information papers to PAS. As soon as possible, I will be working to get our first reports from them using our prioritized list of projects.
- 4) I have been in contact with MSPO, Executive Director David Downey about the Grass River Wetland Area near Traverse City. This area has been developed by a nonprofit corporation and the same concept should be looked into here to preserve our riverfront or bayou properties.
- 5) Rita Hodgins has been in contact with Ball State University about their community charrette's addressed in our Strategic Plan. The University planning staff would meet with Township officials in a pre-meeting conference to prepare for the charrette. After that meeting, they bring facility and students. They stay with area families, go to churches, eat at local restaurants and also prefer to have lunches made by the members of the community. This must be a local effort. The earliest they can meet with us would be May. The cost is between \$6,000 and \$10,000.

PUBLIC COMMENT:

There was a discussion on a house on Little Lake Road. It was brought to the Planning Commission's attention that this house was placed in a high area. There was a Zoning Compliance Permit issued. It was suggested that Karen check with the Health Department on the drain field, septic, etc.

There being nor further public comment, the second public comment section of the Planning Commission was closed.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

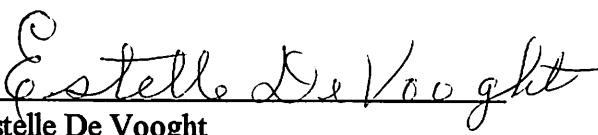
- A. Correspondence to - Mark Maki - memo w/letter to Randy Gentz.


It was asked if Mark was clear on information regarding Randy Gentz? He has not heard from Randy yet. It was stated by members of the Planning Commission that Mark is treating both golf courses the same. Randy was given permission on some of the items, but Joe was not. They are both different. Both of the golf courses are to follow Best Management Practices.

- B. Correspondence from - MSPO - Managing Traffic in Your Community. UP coordination efforts. Need to get more involvement and interest in the area.
- C. Correspondence from - Peter White Public Library - on upcoming INTERNET training center classes.

ADJOURNMENT:

Mike La Pointe moved, Bill Sanders supported that the Planning Commission meeting be adjourned. The Planning Commission Meeting was adjourned at 9:20 p.m.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JANUARY 8, 1996**

PRESENT: Bill Sanders, Max Engle, Steve Kinnunen and Estelle De Vooght

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Melvin Sweeney, Mark Heikkila, Carolyn Basal, Robert Basal, Robert Johns, Linda Johnson

PUBLIC HEARING:

CONDITIONAL USE PERMIT #35:

Bill Sanders, Chairperson called the Public Hearing to order at 7:35 p.m.

He informed those present of the procedures for the public hearing. You can comment now regarding the conditional use permit or reserve time during the Regular Planning Commission Meeting when this item is discussed.

Karen gave the background information regarding Conditional Use Permit #35. The applicant, Robert and Linda Johnson has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a resort on the following described property:

Section 9, T47N R24W

That Part of SE 1/4 of SE 1/4 Lying S of Chocolay River Exc Th W 75' Lying N of S 376.5' of and Exc E 50' of W 125' Lying N of S 426.5' Thereof.

She presented an overlay showing the property involved from the plat map. She read the definition of a resort in our Zoning Ordinance. **Resort**, means any parcel or tract of land under the control of any person wherein buildings or building space are offered for the use of the public or members of an organization, either free of charge or for a fee, for temporary living quarters incident to recreational use for any period less than one month.

Resort is in the ordinance as a conditional use in the RP Zoning District, which Johnson's are in. Resorts are allowed on lots 20 acres or more. This parcel meets the requirement.

Melvin Sweeney - 1715 Fitch Avenue:

Are there going to be any snowmobiles at this resort?

Bob Johnson - 545 N. Big Creek Road:

No. It is just what is out there presently, which is a dog kennel. He has had requests for people to take sled rides and would like to stay all night instead of driving back to a motel.

Robert Basal - 400 North Big Creek:

Concerned about the following:

- Increased traffic.
- Snowmobilers/four wheelers.
- Prison is there.
- Hunting.
- Needs more information.
- Some residents were against the resort because they thought it was going to be a large resort, not just used for sled dog rides.

Bill Sanders informed the residents in the audience that they will be given time during the Planning Commission Meeting when this topic is being discussed for questions and comments.

Bill Sanders read three letters into the record that were received from the following residents:

1. Mary Basal - dated January 2, 1996 - against.
2. Mary Sweeney - dated January 8, 1996 - against.
3. Eugene W. & Celia Blondeau - dated January 2, 1996 - against.

Karen spoke with Mrs. Blondeau over the phone and she stated she was definitely against the rezoning. Karen explained to her that it was not for a rezoning, but that it did come to the Planning Commission as a conditional use. The Planning Commission has more oversight with a Conditional Use and could put requirements on that Conditional Use as opposed to a rezoning.

The residents present stated that when the notices were sent the resort was not clearly defined. It doesn't specify what exactly is in the plan until you look at the plan. The reason for the public hearing is to be able to review the plans presented and everyone is on an even basis.

Bill Sanders closed the public hearing at 7:47 p.m.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting to order at 7:47 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Max Engle, Steve Kinnunen and Estelle De Vooght present.

ABSENT: Mike La Pointe, Dallas Peterson and Scott Emerson.

APPROVAL OF MINUTES OF DECEMBER 11, 1995:

Bill Sanders inquired if there were additions or corrections to the minutes dated December 11, 1995. Estelle De Vooght noted that on page 4 under Discussion on Meeting Dates for 1996 it reads: "The Planning Commission Members agreed unanimously that the meeting dates of the Planning Commission be held on the end Monday of each month for 1996." **It should be changed to read:** "The Planning Commission Members agreed unanimously that the meeting dates of the Planning Commission be held on the second Monday of each month for 1996."

Karen noted that on page 3 under Discussion on Meaning of Resort vs. Bed and Breakfast it reads: "Karen informed the Planning Commission that Bob Johnson, North Big Creek Road took out a Conditional Use Permit. He came in and talked to Mark regarding a Zoning Compliance for a Bed and Breakfast, Mark informed him that we do not have a Bed & Breakfast. Mark informed him that he would have to do a rezoning." **It should be changed to read:**

"Karen informed the Planning Commission that Bob Johnson, North Big Creek Road will be applying for a Conditional Use Permit. He came in and talked to Mark regarding a Zoning Compliance for a Bed and Breakfast, Mark informed him that we do not have a Bed & Breakfast."

Max Engle moved, Bill Sanders supported that the minutes dated December 11, 1995 be approved as corrected.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes in the agenda?

Max Engle requested that the Planning Commission move Conditional Use Permit #35 under New Business before Old Business.

Estelle De Vooght moved, Bill Sanders supported that the agenda be approved as changed.

MOTION CARRIED: 4-0.

PUBLIC COMMENT:

Melvin Sweeney - inquired as to how many dogs the Johnsons' had?

Bob Johnson - informed them that they had forty-three dogs presently and are licensed for fifty. There are no plans to run snowmobiles in that area. No access other than hiking trails.

Bill Sanders inquired if there were any further Public Comment.

There were no further Public Comments. The first Public Comment Section of the Planning Commission was closed.

NEW BUSINESS:

DISCUSSION ON CONDITIONAL USE PERMIT #35:

Bill Sanders informed the residents present that when he stated that the Planning Commission would be making a decision on Conditional Use Permit #35 tonight that doesn't necessarily mean that it has to be approved or disapproved. Another option would be to table this item.

He informed them that the advertisement in the paper was short to save costs on publishing. We weren't trying to be vague.

Bob Johnson - informed the Planning Commission that they presently have a home with five bedrooms and three baths. They presently have foster children, but plan to retire. They do give sled rides now. They have received requests from people to spend the night. The legal way for him to charge for people spending the night is to change the title to a resort.

He has no intentions of starting a resort of buildings/cabins for hunting and snowmobiling. The proposal is let people have access to travel and be able to rent a room. He needs the official designation to be able to be covered by insurance.

Karen went through and discussed the permitted uses and conditional uses in resource production. A permitted principal use under resource production is a kennel. Our definition of a kennel is four or more adult dogs. A commercial zone is not necessary because they meet the definition of a kennel in our zoning ordinance.

Regarding the concern for increased traffic: if the Johnson's intend to rent out four of their rooms, it could mean four more cars. It is more traffic, but we are not talking about a twenty-room resort. They estimate about 45% occupancy and there wouldn't be more than three cars every day.

The added noise could be a concern, but the dogs are already there and the kennel does meet the ordinance.

No food would be served by the Johnson's, but people could bring their own food and prepare it. In checking with the health department, if the Johnson's would be preparing the food, they would need to obtain a license. That is not their intention.

He has obtained a kennel license through the County and is licensed for up to fifty dogs.

Bob Johnson drew the trail on the overlay where the sled dogs would go. He has obtained permission from the adjacent property owners that he would need to go on for the trail.

People would not be bringing their dogs for sled rides.

Bob Johnson would be serving as a guide. As a licensed guide the State makes the rules and regulations to be followed.

It was stated that if there is a complaint that if a condition would be violated, a conditional use could be reviewed and terminated because of the violation.

After the questions, answers and discussion the following motion was made regarding Conditional Use #35.

Max Engle moved, Bill Sanders supported that the Chocoley Township Planning Commission approves the conditional use permit request to allow a resort on the following described property:

Section 9, T47N R24W

That Part of SE 1/4 of SE 1/4 Lying S of Chocoley River Exc Th W 75' Lying N of S 376.5' of and Exc E 50' of W 125' Lying N of S 426.5' Thereof.

With the following conditions:

1. That the existing single family residence is used as the resort and no additions or other detached buildings are used to house tenants.
2. That all hunting, fishing, and sled dog rides' take place on the private property of the applicant, or those lands permitted to be used by the property owner on designated trails or on State land.
3. Size of the kennel is limited to fifty dogs.
4. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to use.
5. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.

MOTION CARRIED: 4-0.

Bob Johnson thanked the Planning Commission.

OLD BUSINESS:

There was a question on the absences of Dallas Peterson and Scott Emerson? Karen informed the Planning Commission members that Mike La Pointe contacted her and said he would be out of town for this meeting. The other two members never contacted her. She will check on how many absences they have had on the Planning Commission.

ANNUAL REVIEW OF RECREATION PLAN:

The 1993 Recreation Plan is on file with the DNR for Recreation Grant applications. If we were going to make any changes, a public hearing would have to be submitted to the Township board. The grant application is normally in the DNR hands by the first of April. The Planning Commission reviewed the plan at their first meeting in February last year. The 1993 Recreation Grant is good until 1998.

Karen went over the Recreation and Tourism meeting notes in the Strategic Plan. The number one hope, dream and vision was for a Master Plan for parks, picnic areas, residential areas, bike paths, trails and other recreational facilities and schools, then connect them improving access.

In updating the recreation plan we need to point more toward trails and bike paths.

Karen informed the Planning Commission that February 1, 1996 there is going to be a meeting with the Marquette County Tourism and basically the snowmobile organizations that want to talk about snowmobile trails throughout the area. They wouldn't be just talking about developing snowmobile trails, but also using them in the summer time and would hook up to North Country Trails.

Karen distributed the 1993 Action Program. During the Summer Youth Program in 1995 the complaint as that there was no shelter. Basically it is the same application as last year except the irrigation system. The Strategic Plan needs to be incorporated and emphasis for bike trails from schools etc.

After discussion on the lack of shelter for the recreation program and the amount of use the Beaver Grove Recreation area gets, it was suggested that maybe the pavilion get moved from the second phase to the first phase and other items in the first phase get moved to the second phase.

After comments and discussion on the recreation grant, the following motion was made.

Estelle De Vooght moved, Bill Sanders supported that the Planning Commission recommends to the Township Board that under the Recreation Grant that the pavilion be moved from the second phase to the first phase.

MOTION CARRIED: 4-0.

Another concern was for the expansion of the parking area.

It was suggested we keep the Recreation Plan on the agenda for their future meetings.

DISCUSSION ON CHOCOLAY RIVER ACCESS:

After discussion on the Chocoday River Access the Planning Commission members unanimously agreed that a letter be sent to the Township Board with a courtesy copy to Larry Gould that the township denies the request of developing access to the Chocoday River from Mangum Road and follow the Recreation Plan for development of the Township owned land on Green Garden Road.

It was also suggested that a letter be written to Mr. Dameworth thanking him for the work he has done on the river.

DISCUSS TOPICS FOR JOINT MEETING WITH TOWNSHIP BOARD:

Karen informed the Planning Commission that the joint meeting with the Township Board and the Township Planning Commission will be held on Monday, February 19, 1996.

The following items were suggested for the joint meeting:

1. Support of the Strategic Plan.
2. Ball State University community charrette's program.
3. Logo Contest - do advertisements - get community involved.
4. Ordinance updates. Height revision.
5. Home Occupations.

NEW BUSINESS:

DISCUSS ATTENDANCE AT WORKSHOP "BUILDING COMMUNITIES FROM THE INSIDE OUT":

The meeting is January 11, 1996 in the Peninsular Room at the Ramada Inn, Marquette. Karen is planning on attending.

PLANNING DIRECTOR'S REPORT:

Karen presented the following for the Planning Director's Report:

- 1) I have included information in your handout material from the County Health Department on Bed & Breakfast food service requirements. I have also included the State law on Bed & Breakfast and Mark's interpretation of the Bayou House Bed & Breakfast.
- 2) I have spoken with Ivan Fende about the Ball State University community charrette's program. If we can get the total commercial community behind this concept, he'd be willing to budget for such a project.
- 3) Supreme Court wouldn't hear the Sand River Aggregate case.
- 4) Judge Quinnell ruled against Dan Di Loretto. The road stays the same as it is.

PUBLIC COMMENT:

There was a question on the house located on Little Lake Road, such as if a Zoning Compliance Permit was obtained. Karen will find information on this and get back to the Planning Commission.

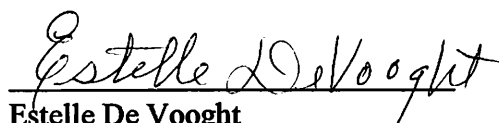
Karen informed the Planning Commission that Jane Surrell, Marquette County Health Department obtained a list of property owners from the Ridgewood, Fernwood, Candace area from the tax roll. There apparently has been a high nitrate in the water. They will be doing water sample testing on a door to door basis and hope to obtain at least 25 tests results.

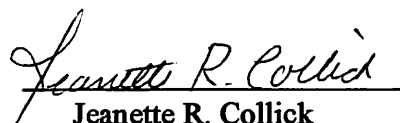
INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Correspondence to - Mark Randolph, Mgr. - Grass River Natural Area

ADJOURNMENT:

Max Engle moved, Estelle De Vooght supported that the Planning Commission meeting be adjourned. The Planning Commission Meeting was adjourned at 10:15 p.m.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, FEBRUARY 12, 1996**

PUBLIC HEARING: No public hearings scheduled.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting to order at 7:35 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle De Vooght, Mike La Pointe, Scott Emerson present. Max Engle (arrived at 8:05 p.m.)

ABSENT: Steve Kinnunen (out of town). Dallas Peterson.

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, and Dale Stephenson, Zach Aeschliman - NMU students.

APPROVAL OF MINUTES OF JANUARY 8, 1996:

Estelle De Vooght moved, Bill Sanders supported that the minutes dated January 8, 1996 be approved as presented.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes in the agenda? There were none.

Bill Sanders moved, Estelle DeVooght supported that the agenda be approved as presented.

MOTION CARRIED: 4-0.

PUBLIC COMMENT:

Bill Sanders inquired if there were any public comment. There were none. The first Public Comment Section of the Planning Commission was closed.

OLD BUSINESS

DISCUSS "BUILDING COMMUNITIES FROM THE INSIDE OUT":

Karen informed the Planning Commission that Michigan State University Extension will be conducting a meeting entitled "Communities Committed to Youth and Families" in two or three sessions. The first session will be held Tuesday, February 20 at 7:00 p.m. at the Chocolay Township Hall. The next session(s) will be held on the following Tuesday(s). This project is being conducted with the financial support of the W.K. Kellogg Foundation. Upon conclusion of the community plans, each community will have the opportunity to apply for some seed money to get started on or finish a project that has been identified.

This will fit in with our Strategic Plan goals of the Community at Large category in creating more community involvement activities for the community.

DISCUSS LAND USE SATELLITE CONFERENCE:

Karen informed the Planning Commission Members that she received information on the conference on Land Use with a satellite hook up. We've received the book and have asked that the Township receive a copy of the video tape of the conference. She urged the Planning Commission Members to review these at their convenience.

DISCUSS POSSIBLE WORDING FOR TEST AMENDMENTS:

HEIGHT:

The Planning Commission Members stated that in ordinances throughout the County and U.P. the word average is used. It was also stated that the Fire Department can still meet the requirements for fire protection if the word average is used.

The Planning Commission unanimously agreed that the Height language should be acted on as is on the agenda for the joint meeting of the Planning Commission and Township Board.

SITE CONDO:

Karen went over the Condominium language that she obtained from various other units. It was stated this language be passed onto the Assessor/Zoning Administrator to see if he would be able to enforce this language.

It was suggested that another requirement be added for Private Roads and frontage requirements.

Karen informed the Planning Commission that she would talk to the Onota Township Supervisor and report back to them regarding how this is working in their township.

Scott Emerson stated that he would like to see landscaping requirements along with underground power included in this ordinance, but felt it could be written into the total ordinance.

Karen was asked to also obtain Mark's opinion on the Condominium Language and bring this back to the Planning Commission.

BED & BREAKFAST:

Karen informed the Planning Commission that the Bed & Breakfast was approved in the City of Marquette.

Karen informed the Planning Commission that Judy Smith would probably be coming back to the Planning Commission regarding the property on M 28. Should this be handled as a Bed & Breakfast or a Resort? Karen went over the language pertaining to the resort.

The difference with the resort is that you cannot serve food without a food service license. The County Health Department issues permits for food service.

It was inquired as to how other Townships handle the Bed & Breakfast in their ordinances?

Max Engle arrived at 8:05 p.m.

Karen informed the Planning Commission that Bed & Breakfast was allowed in the Rural Residential in Sands Township.

It was suggested that Bed & Breakfasts be allowed in the Commercial District as a Permitted Used and Resorts be allowed in other districts with proper licensing for food. Resorts are allowed on lakeshore property as long as it is not obtrusive to neighbors.

Bill Sanders moved, Scott Emerson supported that Bed & Breakfast, means a use that is subordinate to a single-family detached dwelling unit in which transient guests are provided sleeping rooms (not to exceed four (4) rooms) and a breakfast only, in return for payment; is the owner's personal residence; is occupied by the owner at the time of rental; and, the length of stay of any guest is not to exceed 14 consecutive days and 30 days in one year as a permitted principal use in Commercial Districts.

This will be presented at a public hearing in March.

MOTION CARRIED: 5-0.

SECTION 106 PRINCIPAL USE OR MAIN BUILDING ON A LOT:

Karen went over the language she received on Section 106 at an MTA Conference workshop she attended.

In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwellings, contained within a single, integrated complex, sharing parking, access, and other similar site features.

Karen pointed out shared access and parking would take place if this language would be adopted.

It was required that Karen contact the Zoning Administrator and obtain what he thought of the proposed language and submit this back to the Planning Commission in March 1996.

It was stated that this language would allow more than one building per lot as long as the groups were of related nature.

The Planning Commission wants more concentrated uses in the commercial districts. Access is of great concern.

PUD is restrictive and too expensive.

It was suggested that Karen obtain information from the consultant to see what the track record of this language has been versus a PUD and bring the results back to the Planning Commission in March.

The following questions were suggested to ask the consultant.

- Has this created any problems?
- Address specific problems.
- Are developers happy with this?
- Track records, does this work?

DISCUSS & PRIORITIZE THE JOINT MEETING AGENDA:

After discussion of the various items the following were suggested for the Joint Meeting of the Planning Commission and the Township Board Meeting to be held on February 19, 1996.

1. Strategic Plan - Logo
2. Trails
3. Ball State University
4. Text Amendments

NEW BUSINESS

DISCUSS WATERFRONT SETBACK ORDINANCE LANGUAGE:

The following hi-lighted sentence was the topic of discussion regarding Section 403 Waterfront Setback.

These provisions do not apply to any nonconforming parcel of land or use on a recorded plant, or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance. (May 1977).

It was suggested that Karen obtain in writing from Mark his interpretation of the sentence in question regarding taking it out of the ordinance and also run this past the Township Attorney.

PLANNING DIRECTOR'S REPORT:

Karen informed the Planning Commission of the following:

- Dallas Peterson returned his Planning Commission packet on Friday. He said his traveling has kept him from too many meetings and he would resign his position. Bill Sanders asked to get his resignation in writing.
- A letter from Township Attorney has been placed on file regarding the DiLoreto case.
- February 24, 1996 Workshop - Planning & Zoning Issues.
- Township Board is looking for an alternate for Library Council Representative.
- Township Board will be advertising for Planning Commission, Library Representative and Ad Hoc Committee for trails.
- The township is taking a wait & see attitude regarding the judge's ruling on the Casino. The Federal government has 60 days to appeal the decision.
- March 1, 1996 is the Court hearing for the Golf Course - the next step would be a fine of \$100 per day.

PUBLIC COMMENT:

Mike La Pointe informed the Planning Commission on some of the issues from the Chocolay Watershed Council.

It was stated that under Informational Items, the Kilmar property on Little Lake Road did have a permit.

It was suggested that Karen contact Pat Farrell at NMU to obtain specifics on a GIS system for the Township.

There was a question on how West Branch Township received a grant to improve their water system. Chocolay should look into this. We still have some residents on bottled water.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

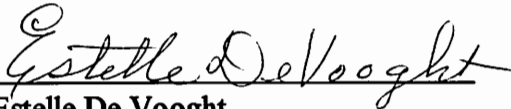
- A. Correspondence to - Chocolay Twp. Board - Chocolay River Access
- B. Correspondence to - Carl Lindquist - Chocolay River Access
- C. Correspondence from - Larry Gould - memo to Board
- D. Correspondence from - Ann Joyal, Seaborg Center - Chocolay Water Supply
- E. Correspondence from - Co. Health Dept. - Kilmar permit
- F. Troubleshooting your Zoning Ordinance - Workshop handout
- G. Memo from Mark Maki - Zoning Report
- H. Michigan Development Strategies Conference


ADJOURNMENT:

Mike La Pointe moved, Bill Sanders supported that the Planning Commission meeting be adjourned.

MOTION CARRIED 5-0.

The Planning Commission Meeting was adjourned at 10:15 p.m.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
JOINT MEETING - CHARTER TOWNSHIP OF CHOCOLAY BOARD
FEBRUARY 19, 1996**

PRESENT: Bill Sanders (Chairperson), Steve Kinnunen, Estelle De Vooght, Mike La Pointe, Scott Emerson and Max Engle (Board Representative).

ABSENT: None

STAFF PRESENT: Karen Chandler, Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick - Recording Secretary

Bill Sanders called the Planning Commission Meeting to order at 7:30 p.m.

Ivan Fende, Township Supervisor called the Board meeting to order.

Ivan Fende opened the Public Comment section of the joint meeting. He informed the public they could make comments on the agenda items after discussion unless they wanted to make comment at this time. Unlike regular Board meetings where comment can be reserved for agenda items, the nature of the joint meeting was for the Planning Commission and the Township Board to discuss items of common concern. There was no public comment at this time.

HEIGHT AMENDMENT:

Planning Commission stated that the language for height amendment has gone back and forth a few times. Planning Commission would like to know specifically what the Township Board wants regarding this language. Planning Commission has obtained information from the Fire Department on what information they needed and both have been satisfied with the outcome. Planning Commission would like the Board to take action on the Height Amendment language.

Township Board passed along information to the Planning Commission members regarding the use of average from the dictionary and provided other usages.

Planning Commission stated that there have been too many variance requests to the Zoning Board of Appeals. This definition as presented to the Board would probably eliminate 99% of the variances for height.

Planning Commission - most ordinances in the U.P. use the word average.

Fire Department - The Fire Department has a 14' roof ladder and a 35' extension ladder. Can't get much over a 25' angle. There are some potential problems.

Planning Commission - suggested using average height not to exceed 30'.

Township Board - appearance of separate structure relates to the principal structure.

Township Board - Main concern with the height is of the separate structure in how it would relate according to the neighborhood. Not offensive to neighbors or out of character with the neighborhood.

Township Board - Present day - 14' height is not high enough.

Planning Commission - Zoning Board of Appeals granted some variances as long as it wasn't out of character with the neighborhood.

Township Board - this may not solve all of the problems, but it would probably solve some of them.

Planning Commission - concern was if the maximum height would go more than 30 feet, the space may be used for living space.

Township Board - a maximum height should be picked for height of surrounding buildings.

Planning Commission - maximum height for the Fire Department to perform their duties should be not to exceed 25'.

Fire Department - Maximum height of 30' could be used and confident that maximum height not to exceed 30' would work.

Zoning Administrator - Maximum height would solve the majority problems of variances for the Zoning Board of Appeals.

Zoning Administrator - 30' height limit is the common maximum height with other ordinances.

Planning Commission - It seems that the main problem with the height amendment that there is no maximum height for the surround structures.

Planning Commission - there is a track record that the word average works in other ordinances, but an additional sentence onto the proposed language of maximum height could work.

Planning Commission asked for the Board's support for the proposed language as suggested with a height not to exceed thirty feet.

The height amendment portion of the joint meeting was closed.

ONE PRINCIPAL USE - SECTION 106:

The following language was read regarding Section 106 - One Principal Use:

In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwelling contained within a single, integrated complex, sharing parking, access, and other similar site features.

Township Board - see more benefits in the above proposed language.

Planning Commission - supports this suggested language and would like to see this included in our ordinance.

Township Board - Similar to a PUD regarding green areas and architectural designs.

Planning Commissioner - PUD is limited to 2 acres and that a PUD would rule out some of the smaller businesses.

Township Board - propose this language with a Site Plan Review and as a Conditional Use.

Planning Commission and Township Board agreed that this suggested definition would be moving in the correct direction.

SEMI- TRAILERS AND OUTDOOR STORAGE:

Township Board - okay for temporary storage as long as there isn't a large amount of semi-trailers in the township and are not creating a nuisance.

Planning Commission - agrees with the Zoning Administrator for flexibility.

Township Board - Memo dated October 19, 1994 - last sentence "This will prevent the possibility of the use of semi-trailers for cheap storage along the U.S. 41 highway frontage which I don't believe adds to the business appearance." This sentence should be omitted if the memo is used to set conditional use criteria.

Planning Commission - Depending on the parking of the trailer and not becoming a part of a sign.

Planning Commission - Suggested this be treated as a Conditional Use on a case by case basis.

Township Board - Not to be used as an alternative to outdoor storage.

Township Board - Conditional Use you could put limits.

Township Board - supports as a Conditional Use.

STRATEGIC PLAN:

Logo:

Planning Commission - Possibly a contest could be held to develop a symbol representing Chocloy Township with an identifying community spirit.

We could possibly coincide this activity with the Police Department. This process could be combined with unifying the township.

Planning Commission - the Police Department logo didn't entail community involvement. Need broader involvement of the whole township.

Township Board - The way the Police Department patch was designed it wouldn't do it justice in black and white.

Planning Commission - Contests would get community spirit and involvement.

Township Board inquired as to how long would it take to select a logo. It would probably take about two to three months. Possibly by June.

Township Board - This would delay the Police Department. Board may want to go separately for a Police Department Patch.

Planning Commission - gave examples of the Chocloy Watershed Council. There has been a great amount of work and hours in putting the Strategic Plan together. One of the top priorities in the Strategic Plan was more community involvement.

It was suggested that we use Northern as guidance and suggested that the Township Board advertise for logos within the community.

COMMUNITY'S CHARRETTE PROGRAM - BALL STATE UNIVERSITY:

Planning Commission - In the Strategic Plan the vision is "Where do we want to be in the future?"

Ball State would send a team to stay with residents in the Township and they would provide a graphic of our township vision as written in the Strategic Plan.

They can define, develop standards, landscape ordinance and a hub concept. And put it in a visual image for the future.

Township Board inquired as to the cost and where the money would come from if this was to be considered?

Planning Commission said the cost would be \$6,000 to \$10,000 and there was a grant from Wal-Mart that could possibly be used for this project.

Township Board - inquired as to how many communities have been involved in this process.

The Director of Planning & Research will inquire on how many communities have done a charrette and would like to see a project that this has been done and contact some of the customers where this has been done. Township Board wanted specific contacts.

Planning Commission - doesn't want to see this go by the way side.

TRAIL DEVELOPMENT MULTI USE TRAILS:

Planning Commission - trails are a big element in the Strategic Plan.

Planning Commission has done some preliminary work with the North Country Trails. There is a general interest in the community.

Planning Commission - there are grants available. Some of the interests regarding the trails in the Township were:

- 1) Trail to connect the two grade schools in the Township.
- 2) Bike Paths
- 3) Explore easements from the property owners.
- 4) Township abatements for easements from property owners.
- 5) Safety and Community interest
- 6) Hiking Paths.
- 7) Motorized in winter and hiking in summer.

Community at Large is interested in the above.

Township Board - Police Department should be drawn into this also - for seasonal restrictions, etc.

Township Board - concern for liability. Will have to obtain information on the state level regarding information on insurance, etc.

Planning Commission - There are a couple of subdivisions in the township that have granted easements for bikes and hikers.

Planning Commission - Township to advertise for Ad Hoc Committee to develop trails.

COMMERCIAL ACCESS CONTROL:

Township Board - Township is trying to get businesses to connect together. Example of Snyders, Holiday, M 28 was given.

Planning Commission - future access control off the four lanes in Harvey.

Businesses have to get involved.

Planning Commission commented to get community involvement may take a lot of dollars, but we need to get a structure going for the future.

PUBLIC COMMENT:

Bill Sanders opened the Public Comment Section of the joint meeting.

Steve Blondeau - Text amendment - will go to a future Planning Commission to give input on this.

Pete La Rue - Close to the highway for an access road. Ivan Fende stated the township would have to obtain information with the proper agencies.

Gary Menhennick - Strategic Plan - Communication with business and CABA. The Public Hearing was the same date and time as the annual CABA meeting.

Township Board - A Township representative went to the CABA meeting following the annual meeting and explained the Strategic Plan.

Gary Menhennick - Developers may need flexibility.

Township Board - Township has designated representatives to attend CABA meetings for communication and input to share concern and ideas and obtaining feed back from each other. This has to be a two-way communication.

Planning Commission - development standards cannot happen without CABA support. Focus groups must work together. It is very important for involvement to move forward. Ordinances should reflect what businesses and community want.

Le Roy Blondeau - snowmobile insurance liability. Ivan addressed that the township would have to address the proper state and federal agencies as to the extent of the liability for insurance for snowmobilers use of private property.

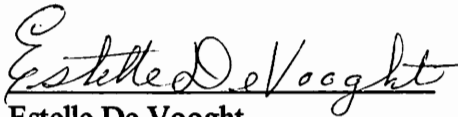
There being no further Public Comment Bill Sanders closed the public comment section of the joint Planning Commission meeting.

ADJOURNMENT:

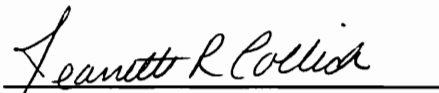
Steve Kinnunen moved, Scott Emerson supported that the joint meeting of the Planning Commission and Township Board be adjourned

MOTION CARRIED: 6-0

The joint meeting was adjourned at 9:10 p.m.



Estelle De Vooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
WEDNESDAY, MARCH 27, 1996**

PRESENT: Estelle De Vooght, Mike La Pointe, Scott Emerson, Max Engle, Bill Sanders (arrived at 7:55 p.m.)

ABSENT: Steve Kinnunen (out of town)

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Dale Stephenson, Jon Wennerberg

PUBLIC HEARING:

Mike La Pointe, Vice-Chairperson, called the Public Hearing (rescheduled from March 11, 1996) to order at 7:42 p.m.

CONDITIONAL USE PERMIT #36:

Karen presented an overlay regarding the property and site plan. The applicant, Star Industries, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a warehouse, storage, transfer station and processing of recyclables for re-use on the property. The property is located behind the Varvil Center on Industrial Drive.

Presently there are three large pines on the property and Jon Wennerberg said he plans to preserve these trees.

Mike La Pointe inquired if there were any public comment concerning Conditional Use Permit #36?

Karen informed the Planning Commission that a letter from Mr. Sherbinow was received. He had no objections to the conditional use. She also received two calls, both inquiring where our recycling center was going in so they could start bringing their recyclables in and she informed them that this was not a commercial enterprise for disposal of recyclables and that Mr. Wennerberg was doing all his own hauling. Another call was a competitor from Gwinn and wanted to know what kind of recycling he was doing. She explained what it was and they were satisfied also.

There were no further public comments regarding Conditional Use Permit #36.

There being no further Public Hearings, Mike La Pointe closed the public hearing section of the Planning Commission Meeting.

REGULAR MEETING CALLED TO ORDER:

Mike La Pointe, Vice-Chairperson called the Regular Meeting to order at 7:50 p.m.

ROLL CALL:

Roll call was taken with Estelle De Vooght, Mike La Pointe, Scott Emerson, and Max Engle present. Bill Sanders (arrived at 7:55 p.m.)

ABSENT: Steve Kinnunen (out of town).

Karen informed the Planning Commission that Bob Whitaker was appointed at the last Township Board Meeting for the Planning Commission.

APPROVAL OF MINUTES OF FEBRUARY 12, 1996 & FEBRUARY 19, 1996:

Scott Emerson moved, Max Engle supported that the minutes dated February 12, 1996 and February 19, 1996 be approved as presented.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike La Pointe inquired if there were any additions or changes in the agenda? It was suggested that New Business (A) being moved up on the agenda before Old Business.

Scott Emerson moved, Estelle DeVooght supported that the agenda be approved as changed.

MOTION CARRIED: 4-0.

PUBLIC COMMENT:

Mike La Pointe inquired if there were any Public Comment.

Mark Maki commented to the Planning Commission on the Height Amendment and Section 106 Amendment. He commented that at the last meeting of the Township Board there seemed to be an agreement on behalf of the Board that they would find the language proposed, acceptable. Regarding height Amendment - take the existing height amendment as it was written and add that no principal structure could go over 30'. That would not be conclusive to farms, agricultural zones, etc. This language is what the Township Board and the Fire Department were comfortable with because they do not want to get buildings too high. The only buildings in the Township that is over 30' are the Togo building and also Benson House on M-28. Section 106 as put as a conditional use would probably work. He urged the Planning Commission to move on with this proposed language.

Mike La Pointe inquired if there were any other public comment. There were none. The first Public Comment Section of the Planning Commission was closed.

NEW BUSINESS:**CONSIDER CONDITIONAL USE PERMIT #36:**

The following questions and comments were asked and made regarding Conditional Use Permit #36:

- Is this property in a C-3 Zoning District? Yes.
- How are oil filters dealt with? They are crushed, picked up, and put in 55-gallon drums. State and Federal requirements are followed. Will there be a barrier between the sand and the bottom of the barrel. These are not stored outside.
- It was suggested that under conditions number two, the word "hazardous" be changed too combustible.
- A floor plan is already required from all businesses in the Township. This is to be submitted to the Fire Chief along with the Firefighter's Right to Know survey.

Bill Sanders arrived.

- Star Industries will not pick up any boxes of medical waste that are opened nor properly sealed. He disposes medical waste from various medical businesses throughout the U.P. He has had no problems with medical waste not being properly disposed of.
- Would there be any future plans to include the Township recycling? It may be feasible in the future. This presently is not a recycling business.
- There are no immediate plans to expand in the future.

Mike La Pointe inquired if there were any further question's and/or comments regarding Conditional Use #36. There were none.

Scott Emerson moved, Bill Sanders supported that the Chocolay Township Planning Commission approves the conditional use permit request to allow a warehouse, storage, transfer station and processing of recyclables for re-use on the following described property

Section 10, T47N R24W

Part of the SW 1/4 of NW 1/4 more fully described as commencing at the quarter corner common to Sections 9 and 10; thence N01°38'04"E, 183.09 feet along the line common to said Sections; thence S83°51'56"E, 353.86 feet to the Point of Beginning on the Southerly right of way line of a 66 foot wide private road easement; thence continuing S83°51'56"E, 255.28 feet along said right of way line; thence S89°11'57"E, 275.68 feet along said right of way; thence N00°02'57"W, 344.97 feet to the centerline of an overhead electric transmission line; thence N80°24'11"W, 525.06 feet along said electric line; thence S01°38'04"W, 401.54 feet to the Point of Beginning. Containing 4.57 acres, and subject to said 66 foot private road easement and the Southerly 10 feet of a 20 foot wide utility easement centered on the Northerly line of said described parcel.

with the following conditions

1. That on the site plan, the use of semi-trailers for medical waste be indicated and the semi-trailer for the shredded paper also be indicated.
2. That in addition to the site plan submitted, an actual floor plan indicating placement of combustible materials be submitted to the Fire Chief along with the Firefighter's Right to Know survey.

- 3. That any expansion of this conditional use permit, as indicated on the application, be brought back to the Planning Commission for review.
- 4. That Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator prior to use.
- 5. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.

There was a question on use of semi-trailers as storage units. It was commented that the semi trailers are moving out on a regular basis. They are all licensed and should not be confused with the semi-trailer issue currently being discussed.

MOTION CARRIED: 5-0.

Bill Sanders, Chairperson chaired the meeting at 8:05 p.m.

OLD BUSINESS:

Mike La Pointe informed Bill Sanders of the comments that were made by Mark Maki regarding the Height Amendment and Section 106 amendments and stated Mark had no objections to the proposed wording of the amendments.

Karen informed the Planning Commission that the Township Board passed the Sign Ordinance with only one minor correction and that was the use of setback used as two words. We can now put signs on golf courses.

DISCUSS POSSIBLE WORDING FOR THE TEXT AMENDMENTS:

- 1. **HEIGHT:**
After discussion it was suggested that the F be omitted from RR-1 and C-3.

The following motion was made regarding Height Amendment.

Mike La Pointe moved, Bill Sanders supported that the Chocoday Township Planning Commission recommends to the Chocoday Township Board that the following amendment to the Chocoday Township Zoning Ordinance be approved as presented including the Table deleting F from RR-1 and C-3.

REPEALER AND AMENDMENT

That portion of Section 101 of the Charter Township of Chocoday Zoning Ordinance entitled "DEFINITIONS:" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets.

SECTION 101 DEFINITIONS: As used in this Ordinance.

[HEIGHT, means the vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.]

HEIGHT, means the vertical distance between the average grade and the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; the average height between the eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof, excepting any chimney or antenna on a building, providing that no structure shall exceed thirty (30) feet from the highest point on the structure to the average ground level of the grade where the walls or other structural elements intersect the ground unless specifically provided elsewhere in this ordinance.

REPEALER AND AMENDMENT

That portion of SEC. 300 of the Charter Township of Chocoday Zoning Ordinance entitled "HEIGHT AND PLACEMENT REGULATIONS." as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the

addition thereto of the language, which is underlined and the removal thereto of the language that is in brackets.

[SEC.] SECTION 300 HEIGHT AND PLACEMENT REGULATIONS.

- (A) Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel, but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or side lot line. All distances are measured in feet.

SCHEDULE OF REGULATIONS

<u>District</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Height</u>
R-1	30	10B	35	30 F
R-2	30	10B	25	30 F
R-3	30	10B	25	30 F
R-4	30			30 F
LS/R	30	10B	30	30 F
RR-1	30		30	
RR-2	30			A
C-1*	30	5	20	30 F
C-2*	40	5	20	30 F
C-3*	40	5	20	30
RP	30			A
OS	30			A
PUD	E			
Public Lands	40	20	30	30

<u>District</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Width C</u>
R-1	25,000 sq. ft. D	125
R-2	25,000 sq. ft. D	125
R-3	25,000 sq. ft.	125
R-4	20 acres**	none
LS/R	25,000 sq. ft.	125
RR-1	2 acres	200
RR-2	5 acres	300
C-1	none	
C-2	none	
C-3	none	
RP	20 acres	none
OS	20 acres	none
PUD	2 acres	200
Public Lands	none	

Footnotes:

- A. Height at any point on a structure shall not exceed the horizontal distance to any lot line.
- B. A detached accessory building not exceeding 14 feet in height and not exceeding 720 square feet may be located within six feet of a side lot line and 20 feet from a rear lot line.

A detached accessory building less than 100 square feet and so located that no portion is located in the front yard setback is exempt from the provisions of this ordinance.

- C. Lot width shall be measured at front setback line.
- D. 18,750 sq. ft. where lot is served by public sewer and/or water supply.
- E. Setbacks and height limits are to be determined as required by the original zoning district. Any modifications are subject to the final approval of the Final Development Plan.
- F. No detached accessory building shall exceed fourteen (14) feet in height nor exceed the exterior perimeter dimensions of the principal structure on the lot.

* See Section 400

** See Section 205 (D) (1)

- (B) In Districts R-1, R-2, R-3, RR-1, RR-2, LS/R, RP, and OS, the minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as lot in a recorded plat, or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance.
- (C) There shall be a maximum floor area ratio of 25 percent in District R-3 and 80 percent in Districts C-1, C-2, and C-3.
- (D) There shall be a maximum ground coverage ratio of 30 percent in District R-3 and 40 percent in Districts C-1, C-2, and C-3.
- (E) There shall be a minimum landscaped open space of 30% in District R-3 and 10% in Districts C-1, C-2, and C-3. There shall be a minimum of 2.5% landscaped open space within the front yard setback.

MOTION CARRIED: 5-0.

SECTION 106: (One Principal Use)

Karen inquired if there was a public hearing on Section 106. The Planning Commission informed her that Section 106 was discussed at various times. A Public Hearing needs to be done.

According to the Zoning Ordinance, the Planning Commission doesn't do a site plan review, that is all up to the Zoning Administrator. It was suggested we put in the site plan review by the Planning Commission and the Zoning Administrator when changing Section 106. This would be the similar to the as review for PUD.

The Planning Commission members agreed to add the site plan into the ordinance when changing Section 106.

The following language was suggested for Section 106:

In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwellings contained within a single, integrated complex, sharing parking, access, and other similar site features as a conditional use in the R-3, C-1, C-2 and C-3 zoning districts.

It was suggested that the Township Attorney review the language for the Section 106 and also the Site Plan Review language that was in the packet and report back to the Planning Commission.

A public hearing needs to be set for May 1996 Planning Commission Meeting for the Site Plan Review and the language for Section 106.

Karen will draft the Site Plan Review for the Planning Commission for their April meeting to review it and possibly a Public Hearing will be held at the May 1996 Planning Commission Meeting.

Semi-Trailers and Outdoor Storage:

These will be dealt with as a Conditional Use by a case-by-case basis.

There was discussion on the various places that have semi-trailers used as storage.

Language will be worked on and a public hearing to be held, possibly May 1996.

Golf Course Signs:

Karen informed the Planning Commission members that now that the Board has passed the on premise sign amendment, Dan Trotochaud was in and what he has been suggesting to Joe Gibbs is that Joe use the property that is between the railroad tracks and M 28 and trade the property for property along that access road, it would be a continuous piece of property and he could place his sign then on his property.

The Planning Commission members felt that if you started changing this off premise signs you may be asking for trouble. We should wait and see what happens.

The Planning Commission members were informed that the Zoning Administrator has spoken with the State Highway Department regarding signs.

Site Condo:

Karen informed the Planning Commission Members that she had no further information on a site condo, but has spoken with Mr. Tim Hayden, Onota Township Supervisor regarding the Site Condo information that is used in his township. They have had no problems with this ordinance. It was suggested that we may be able to model after Onota Township. Onota Township is an adjoining township to Chocolay Township.

Waterfront Setback:

There was concern, could a residence be rebuilt if the house burned down. Would they fall under being grandfathered in or would they have to meet the 100' setback?

As the ordinance states presently if a house would burn down, the property owner would be non-conforming and would have to go back to the Zoning Board of Appeals for a variance.

The Planning Commission suggested that a letter be sent to Carl Lindquist and West Branch Township from Bill Sanders stating that we did discuss the setback about a year ago and we have a 100' setback.

NEW BUSINESS:

DISCUSS 1995 PLANNING COMMISSION ANNUAL REPORT:

There was a question regarding the \$4,200 for meeting compensation. Karen informed them that the meeting compensation is standard and noted that only 55% of the budgeted amount was used.

It was also inquired if there were monies left over in the Planning Commission budget could these monies be used to purchase items the Planning Commission would like to purchase. Karen informed the Planning Commission that she would come back to the Planning Commission in October with a balance that would be left in the Planning Commission budget and may be able to expend for books, etc.

The Planning Commission would like to see monies that may be left be contributed to the Ball State Charrette project.

Estelle questioned had Karen heard anything regarding the Ad Hoc Committee or the Logo Contest. Karen informed the Planning Commission that she received one call for the logo contest and six or seven people for the trail committee.

She also informed them that there will be a paid advertisement in the Mining Journal regarding these. She also informed them that Mark Maki volunteered to be on the trail's committee.

Scott Emerson informed her that he would be willing to come to the first meeting of the trail committee, but due to his schedule wouldn't be able to commit any further.

Bill Sanders will sign the copy of the 1995 Planning Commission Annual Report and forward to Ivan Fende, Township Supervisor.

DISCUSS KENNEL MEMO FROM MARK MAKI:

There was a memo dated March 6, 1996 from Mark Maki regarding kennels. He has received complaints from residents on North Big Creek.

After discussion on the memo, the Planning Commission agreed that the township has a kennel designation and it is working well and to leave as it is. They do not perceive it as a problem.

DISCUSS POLICY ON SEASONAL ROADS FROM MCRC:

After discussion on the literature received from the Marquette County Road Commission that was in the agenda packet, if a road was designated a seasonal road and became year round access, the Township would have to pick up a 50% of upgrading the road or portion of the road petitioned to be removed from the seasonal road system.

The Planning Commission agreed to have the road remain a seasonal road.

PLANNING DIRECTOR'S REPORT:

1. GIS System with NMU - no new developments on the grants for this project with the Chocoley Watershed.
2. Youth & Family meetings - Linda Rossberg has conducted three meetings here at the Township. Our next meeting will be Tuesday, April 2, 1996.
3. Golf Course Signs on Premises - Board has moved to publish and adopt.
4. Ad Hoc Committee for trails has been advertised once and I have been asked to advertise it again with the Logo Contest.
5. I have received a list of four communities, from Rita Hodgins, that have been involved with the Charrette's. I will be making contact within the next week.
6. I have picked up the Land Use video and the handbook. Both are available for your review.
7. Rita Hodgins and I met with the Lion's Club on Wednesday, March 6. I presented the Strategic Plan. I mentioned the Township Board has approved the logo contest and the Ad Hoc Committee for Trails. Rita talked about the community charrette. We received some good feedback from those present and met with them for about 45 minutes.
8. There may be a need to hold a special Planning Commission Meeting regarding Blondeau & Son's. We are looking at April 22, 1996 for the Special Planning Commission Meeting to be held for this purpose, if they come into the office with a request for a conditional use or PUD.

PUBLIC COMMENT:

The Planning Commission Members were informed that the Downs Golf Course has received another extension to get the monitoring wells in. The date of the extension for the monitoring wells to be put in is May 1, 1996.

The Planning Commission requested that this be the last extension granted.

Scott Emerson suggested that a letter be written to the Township Board supporting the D.P.W. Supervisor's recommendation that Chocoley Residents have an option regarding the tag issue versus a bin and pay a set fee for the use of the bin. The Planning Commission was in agreement for support to the Township Board that the Township give the residents' the option of leasing bins or purchasing garbage bag tags.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

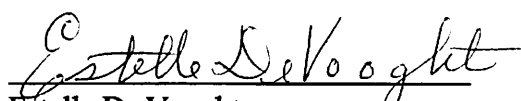
- A. Correspondence to - Chocoley Township Board - Recreation Plan Review
- B. Correspondence to - Steve Dupras - trail development
- C. Correspondence to - Dallas Peterson - thank you
- D. Correspondence from - MCSWMA - 1995 Annual Report

ADJOURNMENT:

Scott Emerson moved, Mike La Pointe supported that the Planning Commission meeting be adjourned.

MOTION CARRIED 5-0.

The Planning Commission meeting was adjourned at 9:50 p.m.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, APRIL 8, 1996**

PRESENT: Bill Sanders, Estelle De Vooght, Mike La Pointe, Max Engle, Bob Whitaker, Steve Kinnunen, Scott Emerson (arrived at 7:55 p.m.)

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Dale Stephenson, Cathy De Vooght, Judy Smith

PUBLIC HEARING:

Bill Sanders, Chairperson, called the Public Hearing to order at 7:35 p.m.

Bill Sanders welcomed new Planning Commission Member, Bob Whitaker.

REZONING #81 BED & BREAKFAST:

Judy Smith - 2441 M 28 E - She made an inquiry in September of 1995 to Karen that she would like to open a Bed & Breakfast. The property is 7 miles down M-28 on the lake side of the highway. The property has been in the family since 1922. She informed the Planning Commission of the history of the property. The property is about 900' off the highway. The house is in a quiet area and can't be seen off the highway. She presented photographs of the house and property to the Planning Commission.

Cathy De Vooght - 6341 U S 41 S - informed the Planning Commission of the letter that was in their packet from her dated April 4, 1996. She noted that two words in her letter needed correction. In the first paragraph the word formally be changed too formerly and the second paragraph the word sight be changed to site. She requested that the letter presented in the Planing Commission packet be read aloud into the record.

Gerald Vashaw - 500 Baraga #3- (Brother of Judy Smith) and adjacent property owner stated he was in favor of the Bed & Breakfast.

Bill Sanders read the letter that was presented in the Planning Commission packet from Cathy De Vooght dated April 4, 1996 into the record.

April 4, 1996

Chocolay Township Board and Chocolay Township Planning Commission
Chocolay Township Hall
Marquette, Michigan

Re: Rezoning Request #81 PUBLIC HEARING RECORD
Bed and Breakfast Inns, Commercial Zones Only????

Dear Chocolay Township Board and Chocolay Township planning Commission

Across the country, Bed and Breakfast Inns are more often dotted in residential neighborhoods and rural areas than commercial zones. Why? Because they've almost always formally been someone private home, or an abandoned lighthouse, or barn, or etc. They are places that offer tranquility, beauty, interesting history, lovely vistas, or some other attribute. They are nothing like hotels and motels on e typically finds in commercial zones.

The new Bed and Breakfast Inn in Harvey, The Bayou Place, used to be someone home, though, for years, it's been zoned commercial. That commercial zoning isn't what makes it a sensible sight for a Bed and Breakfast. It's the lovely old house that's situated beside a quiet bayou, along with the general charm of the place that does that.

Kim and Chet Taylor aren't stupid people. They didn't turn their commercially zoned carlot with it's cement parking areas, into a Bed and Breakfast. They turned their lovely old house into a wonderful Bed and Breakfast.

To make room for Bed and Breakfast Inns in commercial zones only, while excluding residential and rural areas in ridiculous. Commercial zones are generally too noisy, busy and completely opposite of what Bed and Breakfast Inns represent.

I am very opposed to rezoning request #81 as applied for because it doesn't make wise planning sense. In fact, if it were to be adopted a is, it would only cause future problems for the Township, mainly discrimination issues. Bed and Breakfast Inns should be allowed in all zoning districts, not just commercial ones.

To permit Bed and Breakfast places in commercial zones only creates unfair monopoly. Last I heard, monopolies like that are illegal.

Whatever you decide to do, you will have had plenty of food for thought before you act.

Sincerely,
Cathy DeVooght

cc: Marquette County Planning Commission

Bill Sanders inquired if there were any further public comment regarding Rezoning #81 Bed & Breakfast?

There were no further public comments regarding Rezoning #81.

There being no further Public Hearings, Bill Sanders closed the public hearing section of the Planning Commission Meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting to order at 7:40 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle De Vooght, Mike La Pointe, Max Engle, Steve Kinnunen and Bob Whitaker present. Scott Emerson (arrived at 7:55 p.m.)

APPROVAL OF MINUTES OF:

Max Engle moved, Estelle De Vooght supported that the minutes dated March 27, 1996 be approved as presented.

MOTION CARRIED: 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes in the agenda? It was suggested that New Business (A) be moved up on the agenda before Old Business.

Max Engle moved, Bill Sanders supported that the agenda be approved as changed.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Bill Sanders inquired if there were any Public Comment.

Mark Maki commented on the March 27, 1996 Planning Commission Meeting Minutes.

Concerning page 7, Section 106. Site Plan Review for all Conditional Uses. This language should also be considered for all Zoning Districts.

Concerning page 8, Waterfront Setback. The sentence reads As the ordinance states presently if a house would burn down, the property owner would be nonconforming and would have to go back to the Zoning Board of Appeals for a variance.

They are exempt from the 100' setback.

Mark Maki commented to the Planning Commission and urged the Planning Commission to move on with this proposed language.

Bill Sanders inquired if there were any other public comments. There were none. The first Public Comment Section of the Planning Commission was closed.

NEW BUSINESS:**CONSIDER REZONING #81 BED & BREAKFAST:**

Only Section 209, 210 & 211 were advertised to indicate Bed & Breakfast.

If we accept other district as indicated in Staff report we will need to advertise again.

C-1, C-2, C-3 doesn't make sense. RP conditional use for resorts requires a 20-acre parcel.

Dog Kennels are more disturbing and are treated as principal uses.

Generally people are not building new buildings for Bed & Breakfast.

Scott Emerson arrived at the Planning Commission Meeting at 7:55p.m.

Sarah Russell - 2441 M 28 East - commented on the commercial/residential area Bed & Breakfast.

It was commented that Bed & Breakfasts are considered more of a business than a residence.

Home occupation only has one person working.

According to the Strategic Plan residents want to keep their neighborhoods quiet.

Cathy De Vooght - 6341 U S 41 South - Zoning Ordinance is a living document, not a covenant.

Gerald Vashaw - The Bed & Breakfast that is being proposed is family oriented.

There was a question on the Bed & Breakfast in Sands Township. Karen stated the Bed & Breakfast in Sands is located next to her. The Bed & Breakfast is no problem. There is increased traffic in a neighborhood with teenagers and not necessarily with a Bed & Breakfast. She also stated Sands rewrote their Zoning Ordinance and Bed & Breakfast is not included in the R-1 districts.

It was stated that as a conditional use, we could put conditions on this.

Usually in a Bed & Breakfast people stay the night, eat and are usually gone.

Judy commented that she discussed the opening on a Bed & Breakfast in September, but due to the proposed language of a Bed & Breakfast that she put off opening the Bed & Breakfast until the language was passed. She questioned why it wasn't advertised to include the zoning district she was in.

After the questions and comments the following was decided.

Max Engle moved, Bob Whitaker supported that the Bed & Breakfasts be tabled and readvertised and that a Public Hearing be held to include all zoning districts.

MOTION CARRIED: 6-1.

Karen stated that Bed & Breakfasts need to be readvertised in areas as a conditional use on a case by case basis. It will take about two weeks to readvertise.

Judy Smith stated she would be willing to wait.

It was decided that this be done for the next regular scheduled Planning Commission, which will be May 13, 1996.

OLD BUSINESS:**DISCUSS POSSIBLE WORDING FOR TEXT AMENDMENTS:**

SECTION 106 - It was noted that there was a public hearing for Section 106 in April 1992.

Max Engle moved, Bill Sanders supported that Section 106 language as presented in the Planning Commission packet for March be returned to the Township Board for approval.

MOTION CARRIED: 7-0.

SEMI TRAILERS AND OUTDOOR STORAGE:

It was noted that the language presented in the March Planning Commission packet regarding the Semi trailers and outdoor storage is published for a public hearing for the May 13, 1996 meeting.

SITE CONDO - It was noted that language pertaining to the Site Condo will be available for discussion at the May 13, 1996 Planning Commission Meeting.

PLANNING DIRECTOR'S REPORT:

Karen informed the Planning Commission of the upcoming MSPO workshop on Site Plan Review to be held May 9, 1996. If anyone interested, please contact her.

June 10, 1996 Planning Commission Meeting is scheduled to be held the same day of the School Election. It was suggested that since the school election is going to be held at the Township Hall Meeting room that we see if we could hold the June Planning Commission Meeting either at Silver Creek or Cherry Creek School. Karen will make contacts with the principals of the two schools and inform the Planning Commission at their May meeting.

Karen informed the Planning Commission that Steve Blondeau, Dave St. Onge, Ivan Fende, Mark Maki, Larry Gould, Greg Zyburt and she met and went over various options and suggestions in a pre-conference meeting, for a PUD request at the L. Blondeau & Sons Trucking, Inc. property.

Karen informed the Planning Commission that the township will be getting the Township Attorney's opinion next week. The Planning Commission members requested that they receive information regarding the Special Planning Commission meeting for April 22 as early as possible.

The Planning Commission was also informed that Dave St. Onge of TriMedia Consultants gave a presentation on the contamination situation at L. Blondeau & Sons Trucking, Inc at the Township Board meeting on April 1.

Planning Commission members thanked Mark for the memo and information.

PUBLIC COMMENT:

It was inquired on how the meetings on the trails were going. It was suggested that a letter be written to Gene Elzinga regarding the trails.

Bob Whitaker gave the Planning Commission a brief history of himself.

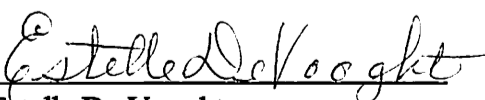
Karen brought the Planning Commission up-to-date on the Downs Golf Course.


INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Correspondence to - Robert P. Whitaker - appointment to Planning Commission.
- B. Correspondence to - Lawrence E. Coehoorn - thank you for application.
- C. Correspondence to - Thomas D. Budgick- thank you for application.
- D. Correspondence to - Dr. Kendall Tabor - thank you for application.
- E. Correspondence to - Robert Weisenberger - thank you for application.
- F. Correspondence from - MWEA - Watershed Management Conference.
- G. Correspondence from - Mark Maki - memo to Steve Blondeau.

ADJOURNMENT:

There being no further business, the Planning Commission meeting was adjourned at 9:55 p.m.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, APRIL 22, 1996**

PRESENT: Bill Sanders, Mike La Pointe, Estelle De Vooght, Bob Whitaker, Scott Emerson (arrived at 7:40 p.m.), Max Engle (arrived at 8:50 p.m.)

ABSENT: Steve Kinnunen (out of town)

STAFF PRESENT: Karen Chandler - Director of Planning & Research, Mark Maki - Zoning Administrator

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Dave St. Onge, Steve Blondeau, Joe Morgan, Eleanor Morgan, Matthew Williams, Lee Blondeau, David Blondeau, Jim La Cosse, Sharon La Cosse, Margaret Meiss.

PUBLIC HEARING:

Bill Sanders, Chairperson called the Public Hearing to order at 7:35 p.m. He explained the process of the public hearing. He noted there were two items for the public hearing, which were (1) Rezoning #82 C-2 to C-3 and (2) Rezoning #83 C-2 to PUD.

Karen informed the Planning Commission the applicant on this request is L. Blondeau Trucking Company and asked Dave St. Onge, Consultant for Blondeau's to make his presentation.

Dave St. Onge stated that his comments and presentations will be for both items. Bill Sanders asked Dave to hold his presentation until after public comment.

Mark Maki - Chocolay Township Zoning Administrator commented on the several key points to the rezonings and that would apply for both of the rezoning requests, which were

1. **Procedural Issues (Township Attorney's Correspondence).**

Problems with the procedural application are: (1) pre-application conference process, in his opinion, was not followed. (2) Submit written & graphic requirements. The applicant has not met these requirements.

2. **Eligibility Requirements:** Mark advised the applicant that they do not meet the requirements for the PUD.

3. **Substance Request.** He gave the history of this parcel. He commented that it is his contention and has been his contention for the last ten years that rezoning this property to an industrial purpose surrounded by commercial retail and residential will constitute spot zoning. The Comprehensive Plan is a guide that the Planning Commission is supposed to use in making those decisions. He gave examples of duplexes in Harvey and the Planning Commission recommended denial of that because it would be spot zoning. He also gave the example of a denial of a warehouse in Beaver Grove because it would be spot zoning.

4. **This is not a new issue.** In 1986 The Township Planning Commission recommended denial because it was spot zoning. Marquette County Planning Commission commented that the rezoning of this property would basically ruin the integrity of the commercial retail business. The Zoning Board of Appeals denied expansion in 1986 and 1988.

5. **In January 1987 the Chocolay Township Board also denied the zoning request based on their interpretation of spot zoning.** Mark read various motions from the Township Board minutes.

6. **Environmental Issue - Basically from the DNR's position, regardless of any decision made regarding the rezoning of the L. Blondeau Trucking, they are required to submit plans to alleviate the contamination in this area.** If the contamination has reached a point that the building has to be removed, as Mark stated in one of his reports in the pre-application process that it would be an opportune time to bring the property into conforming land use,

as has been the Township Comprehensive plan for the last 20 years.

7. There have been a number of nuisance factors that have been identified over the years respective to the property, for example the double tandem trucks accessing off U.S. 41 is not a good access situation. There are also noise activities, diesel fuel, fumes, etc. that do not make that land use compatible with the adjoining area.
8. PUD - the purpose of a Planned Unit Development (PUD) is to create an innovative land use for a variety of building types, etc., preserving natural settings in open space. Mark used the condominiums as an example.

Pertaining to this request, this is not a PUD. The site is clear, there is no natural setting, asphalt is in place, no open space, doesn't meet the intent of a PUD.
9. If rezoned, he has no doubt that there will be future expansion, as the expansion has been continual since 1983. The proposed building is larger than the existing building.
10. The overall development plans of the township have been too not rezone this property. The township has rejected the rezoning in the past.
11. The applicant has the option of going to the Zoning Board of Appeals without rezoning the parcel, but would be restricted to expansion on Parcel B only.

Joe Morgan - 111 E. Wright Place: He has lived across from Le Roy Blondeau since 1942. The building was just a garage. The only time they were bothered was at 5:00 a.m. and was when they backed the trailer to get items off or on the trailer. Noise doesn't bother them at all.

Milwaukee/Northwestern Railroad trains make more noise and goes through 4 - 5 times daily.

Feels they need a new garage to drive the vehicles in and out of. No complaints. Benefit employment in the area.

Jim La Cosse - 116 W. Wright Place: He has lived there for about 5 years. His son lives there presently. He has no problem with noise or dust. A fence is next to the garage.

Joe Morgan: stated that Mrs. Blondeau at one time told him not to call the garage if the noise was a nuisance to him, but to call her personally.

Sharon La Cosse - 116 W. Wright Place: No problem with rezoning the property.

Joe Morgan: commented on the road - the Road Commission left the road as it was on the old map.

Eleanor Morgan - 111 E. Wright Place: No complaints. Very nice people.

Bill Sanders inquired if there were any further comment regarding the public hearing issues?

He reminded the public and Planning Commission present that all the comments received would pertain to both rezonings #82 and 83.

Karen informed the Planning Commission that when the notices went out both rezonings were advertised at the same time and were not sent out separately.

Bill Sanders read a letter from Kim Amon, 158 E. Wright Place into the record. Kim Amon was against the rezoning because of the dust, fumes and noise. This letter was placed in the rezoning # 82 file.

Margaret Meiss - 105 W. Wright Place: She is a 20-year resident of Chocolay Township. Can't go out of her house before 11:00 a.m. because of the diesel fumes, dust, etc. Trucking garage shouldn't be in a residential area. She also stated that the Board wonders why people don't attend township meetings. Some of the people feel they are just banging their heads against the

wall and aren't being heard.

Feels the trucking garage should be in another area. Blondeau's do have other land that would be able to be used for the trucking business. As far as having to tear down the garage to clean up the pollution, it is just an excuse to build a new bigger garage and expand more on the number of vehicles.

They also bought U.P. Moving and Storage on land contract. They used that property to obtain access onto the highway. It will be just a matter of time that they will be parking vehicles there. Last fall they did.

Bill Sanders inquired if there were any more comment for the public hearing? There were none. He closed the public hearing regarding rezoning 82 and 83.

SPECIAL MEETING CALLED TO ORDER:

Bill Sanders called the Special Planning Commission Meeting to order at 8:05 p.m.

ROLL CALL:

PRESENT: Bill Sanders, Mike La Pointe, Estelle De Vooght, Bob Whitaker, Scott Emerson (arrived at 7:40 p.m.), Max Engle (arrived at 8:50 p.m.)

ABSENT: Steve Kinnunen (Out of Town)

PUBLIC COMMENT:

Bill Sanders inquired if there were any Public Comment. There were none. He closed the first public comment session of the Special Planning Commission Meeting.

OLD BUSINESS:

This being a special meeting, there was no Old Business.

NEW BUSINESS:

CONSIDER REZONING #82 - C-2 TO C-3:

Bill Sanders reminded the Planning Commission and people present that the comments received during the public hearing are pertaining to both the #82 and #83 rezoning requests. Each will be decided upon separately.

Dave St. Onge, Consultant for L. Blondeau Trucking made a presentation.

He commented that Chocolay Township has an opportunity to deal with the ground water contamination and to obtain a very quick resolution.

The underground tank was removed in December 1994.

He explained the contamination process regarding (1) soil, (2) free product and (3) groundwater impact.

A monitoring system has been constructed on the property and has been operating for the past 12 months. There are about 650 cubic yards of impacted soil under the existing garage.

There are various options that could be done for the contamination, which are:

1. Don't do anything.
2. Take down existing garage and treat soil.
3. Combination -soil wash and soil treatment.

The following questions and comments were received:

- Concentration is very high.
- Tank was next to building.
- Approximately 11,000 gallons of free product has been recovered to date.

- Small diesel contaminant in the ground water table.
- DEQ -not waiting, contaminant soil has to be cleaned up.
- Is there a potential for a run-off? Yes there is always a potential.
- Yes the trucking company wants to clean it up.
- Dual stage cleanup - will be a central collection point.
- Impact ground water and free product.
- Not causing groundwater to get worse. Will continue with a monitoring system.
- How long will this take to be cleaned up, if building remains as is? Depends on how the groundwater table fluctuates. Possibly 5-20 years. If the building is torn down, can remove contaminated soil faster.

Mr. St. Onge presented a demonstration of the proposed garage on Parcels A, B, & C.

- Remove portions of building to get to soil impact.
- Proposed new building 80' x 100'. Existing building is 70' x 100'.
- If new building - vehicle maintenance will be more effective and will eliminate the number of times the vehicles have to be in and out of the garage.
- Not proposing additional use.
- Small office and clean up area for employees. Will be hooked up to the Township sewer.
- Use and operation of hours will remain the same.
- Had a pre-conference meeting with the Township Supervisor, Director of Planning & Research, Zoning Administrator, D.P.W. Supervisor, Police Chief and Township Attorney.
- Both applications provide same use of property.
- Concerning the lack of written documentation, feels they are providing all the documentation and everything has been submitted.
- Concerning the eligibility requirements. They need and have 2 acres for a PUD.
- Concerning Spot Zoning - Being open with the facts. Don't know all the options. At one time this was zoned a C-2.
- Planning Commission and Township doesn't allow enough flexibility.
- Physically would improve the property and dealing with the soil contamination at the same time. At the present time trucks are half in and half out of the garage when being maintained.
- New building will meet MIOSHA Requirements.
- What does the Township get if they don't approve the rezoning? In simple terms the trucking company has to deal with the soil in some capacity regardless of the decision on the rezoning. Soil has to be treated in some capacity. It could maybe take 10 years for clean up. If rezoning goes through maybe three years.

Max Engle arrived at 8:50 p.m.

- What about potential growth and expansion? Can't say what it will be in the future.
- If soil is washed what happens in 10 to 12 years? Burden is on the owner and operator of the property.
- Who is going to be policing the soil? DEQ has the responsibility to see that the owners of the property are dealing with cleanup. The storage tank has been removed.
- Blondeau Trucking did black top and did purchase the U.P. Moving & Storage property.
- It was suggested that a possibility would be for the business to move to C-3 property and sell the present property for a business in the C-2 zoning district.
- New building is needed to keep up with modern technology. Old building is 25 years old.
- What is the difference now than when the rezoning was denied in 1987? None.
- The 1994 court settlement was not to allow future expansion.
- Zoning goes with the land. Who knows what the future is going to hold.
- The Strategic Plan wants good buffers between commercial and residential districts.
- There is not enough frontage and doesn't meet the requirements for a PUD.
- Not good township planning, if this business is allowed to expand.
- Court has upheld the Zoning Ordinance.
- Parcel B has a non-conforming use designation.

After the above questions and comments the following motion was made regarding the rezoning of C-2 to C-3.

Scott Emerson moved, Estelle De Vooght supported that the Chocolay Township Planning Commission recommends to the Chocolay Township Board denial of the rezoning request from Blondeau Trucking for C-2 to C-3 on the following parcels

Parcel B: Part of the northeast quarter of Section 7, T47N, R24W, described as: commencing at the north 1/4 corner of said Section 7; thence north 88° 32' 00" east, 976.62 feet along the north line of said Section 7 to the point of beginning; thence continuing north 88° 32' 00" east, 524.23 feet along the said north line of Section 7; thence south 1° 28' 00" east, 150.00 feet; thence south 88° 32' 00" west, 324.23 feet; thence south 14° 29' 50" west, 206,16 feet; thence north 1° 28' 00" west, 200.00 feet to the point of beginning. Containing 83,635 square feet or 1.92 acres.

Parcel C: Part of the northeast quarter of Section 7, T47N, R24W, described as: commencing at the north 1/4 corner of said Section 7; thence north 88° 32' 00" east, 1500.85 feet along the north line of said Section 7; thence south 1° 28' 00" east, 150.00 feet to the point of beginning; thence south 88° 32' 00" west, 324.23 feet; thence south 74° 29' 50" west, 206.16 feet; thence south 71° 59' 10" east, 359.83 feet; thence north 88° 32' 00" east, 185.00 feet; thence north 1° 28' 00" west, 170.00 feet to the point of beginning. Containing 63,766 square feet or 1.46 acres.

based on this rezoning being inconsistent with the comprehensive plan and the concept that this rezoning would constitute a "spot zoning."

MOTION CARRIED: 6-0.

CONSIDER REZONING #83 C-2 TO PUD:

The comments received during the Public Hearing and some of the questions and comments made in the rezoning request #82 were considered for the #83 request. The following additional questions and comments were made regarding rezoning #83 request.

- The only legal access was off Wright Place. Entered an agreement with Mr. Ball.
- The PUD requirement is 200' lot width.
- Planning Commission needs to address the Zoning Administrator's concern for the procedures, etc.
- Planning Commission doesn't want the trucking company to move out of the township. This is a much needed service for the township.
- Cannot approve the PUD without the proper access.
- Planning Commission needs to do the following regarding consideration for this rezoning request, which are: (1) passing the request, (2) denying the request or (3) tabling the request.
- We may be setting ourselves up to yet another litigation situation.
- We aren't making everyone happy, the situation isn't going to go away. Possibly could make the situation better.
- The purchase of the Dry Dock was suggested.
- We have an obligation to generations to come to make good planning decisions.
- PUD requirements have to be met and the Planning Commission will consider the requirements.
- Procedures have to be met.
- Blondeau's to submit the potential plan of the new building.
- We need answers to various questions.

After the questions and comments the following was decided regarding the #83 zoning request:

Mike La Pointe moved, Scott Emerson supported that the Chocolay Township Planning Commission table Rezoning Request #83 to the next regular meeting on May 13, 1996 to allow time for the Planning Director to meet with other Township Department Heads and the Applicant to discuss completion of the PUD application and to address existing concerns on the following parcels:

Parcel B: Part of the northeast quarter of Section 7, T47N, R24W, described as: commencing at the north 1/4 corner of said Section 7; thence north 88° 32' 00" east, 976.62 feet along the north line of said Section 7 to the point of beginning; thence continuing north 88° 32' 00" east, 524.23 feet along the said north line of Section 7; thence south 1° 28' 00" east, 150.00 feet; thence south 88° 32' 00" west, 324.23 feet; thence south 14° 29' 50" west, 206,16 feet; thence north 1° 28' 00" west, 200.00 feet to the point of beginning. Containing 83,635 square feet or 1.92 acres.

Parcel C: Part of the northeast quarter of Section 7, T47N, R24W, described as: commencing at the north 1/4 corner of said Section 7; thence north 88° 32' 00" east, 1500.85 feet along the north line of said Section 7; thence south 1° 28' 00" east, 150.00 feet to the point of beginning; thence south 88° 32' 00" west, 324.23 feet; thence south 74° 29' 50" west, 206.16 feet; thence south 71° 59' 10" east, 359.83 feet; thence north 88° 32' 00" east, 185.00 feet; thence north 1° 28' 00" west, 170.00 feet to the point of beginning. Containing 63,766 square feet or 1.46 acres.

Parcel A: Part of the southeast quarter of Section 6, T47N R24W, described as: commencing at the south 1/4 of said Section 6; thence north 88°32'00" east, 972.50 feet along the south line of said Section 6 to the point of beginning; thence continuing north 88°32'00" east, 207.35 feet along the said south line of Section 6; thence north 13°56'23" west, 84.44 feet; thence north 8°18'34" east, 98.81 feet; thence north 62°19'13" west. 163.98 feet along the southerly right-of-way line of Wright Street; thence south 27°39'13" west 60.00 feet along the easterly right-of-way line of Green Bay Street; thence north 62°19'13" west, 30.00 feet along the southerly right-of-way line of Wright Street; thence south 0°24'33" west, 222.00 feet to the point of beginning. Containing 43,252 square feet or 0.99 acres.

MOTION CARRIED: 6-0.

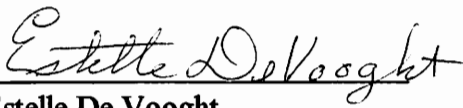
PUBLIC COMMENT:

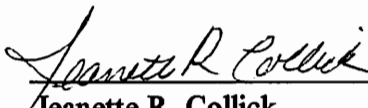
Bill Sanders inquired if there was any public comment.

Margaret Meiss commented that the owners are trying to wear the Planning Commission members down to pass the PUD.

ADJOURNMENT:

There being no further business and/or comments the Special Meeting of the Planning Commission was adjourned at 10:35 p.m.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, MAY 13, 1996

PRESENT: Bill Sanders, Estelle De Vooght, Mike La Pointe, Max Engle, Bob Whitaker,

ABSENT: Steve Kinnunen, Scott Emerson

STAFF PRESENT: Karen Chandler - Director of Planning & Research, Mark Maki - Director of Assessing & Zoning

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Cathy De Vooght, Peg Iery, Deborah Retaskie, Judy Smith, Marci Thieme, Bob Mc Kee, Tom Hedeniemi, Margaret Meiss

PUBLIC HEARING:

Bill Sanders, Chairperson, called the Public Hearing to order at 7:30 p.m.

REZONING #81 BED & BREAKFAST:

Bill Sanders inquired if there was any public comment regarding Rezoning #81 Bed & Breakfast?

Bob Mc Kee - 653 Lakewood Lane: Is Rezoning #81 in a particular area?

Bill Sanders informed the public and Planning Commission that Rezoning #81 includes all zoning districts in Chocolay Township.

Cathy De Vooght - 6341 U S 41 South: Good to act on all zones.

There was a comment made that 20 acres in RR-2 seems like a lot when a house is allowed in 5 acres. Shouldn't be denied because they do not have 20 acres.

Peg Iery - 2035 M 28 E: Judy Smith shouldn't be stopped because they don't have 20 acres. They are in an LS/R Zoning District.

Marci Thieme - 1895 M 28 E: Would like R-1 to remain the same as it is presently.

Mark Maki - Township Zoning Administrator: R-1 zoned single family. Subdivision on Lakewood Lane objects to home occupations and is not enthusiastic about Bed & Breakfast being along Lakewood Lane.

Bill Sanders inquired if there were any further public comment regarding Rezoning #81 Bed & Breakfast? There was no further public comments regarding Rezoning #81 or Public Hearings, Bill Sanders closed the Public Hearing section of the Planning Commission meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Meeting to order at 7:40 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle De Vooght, Mike La Pointe, Max Engle, and Bob Whitaker present. Scott Emerson and Steve Kinnunen were absent.

APPROVAL OF MINUTES OF APRIL 8, 1995 & APRIL 22, 1996:

Bill Sanders inquired if there were any corrections and/or additions to the April 8, 1996 Planing Commission minutes?

On Page 3 the sentence that read: **Cathy De Vooght - 6341 U S 41 South - Zoning Ordinance is a living document, not a covenant. Planning Commission member - people want personal service that is in a Bed & Breakfast.**" The last sentence should be omitted.

Bill Sanders noted the motion on Bed & Breakfast on page 4 should read: **Motion Carried 6-1, not 7-0.**

Bill Sanders moved, Max Engle supported that the minutes dated April 8, 1996 be approved as corrected.

MOTION CARRIED: 5-0

Bill Sanders inquired if there were any corrections and/or additions to the April 22, 1996 Planning Commission minutes. There were none.

Max Engle moved, Estelle De Vooght supported that the April 22, 1996 Planning Commission minutes be approved as presented.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes in the agenda? There were none.

Bill Sanders moved, Estelle De Vooght supported that the agenda be approved as presented.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Bill Sanders inquired if there was any Public Comment.

Karen introduced Shane Wolf, a student intern working at the Township this summer from Northern Michigan University.

Margaret Meiss inquired if Rezoning #83 was tabled?

Bill Sanders informed everyone present that another public hearing on rezoning #83 wouldn't be held. The Planning Commission would be discussing Rezoning #83 under Old Business tonight. He informed everyone that now is the time to make comment on that issue or reserve time when that topic would be discussed.

Margaret Meiss inquired on what can Blondeau Trucking do now? She was informed that nothing has been changed as far as the Township is concerned.

PUD hasn't been approved at this time. Planning Commission tabled this at the April 22, 1996 meeting for more information. Bob Whitaker stated that a PUD is different for every situation. Blondeau's do not qualify at present for a PUD and needs to supply the Planning Commission with more information.

The removal of the contaminated soil is up to the DNR to enforce, not the Township. The township doesn't set State and Federal laws regarding environmental issues. The Township Zoning Ordinance helps protect the health, safety and welfare of the residents of the township.

Mark Maki stated that after the April 22, 1996 Planning Commission meeting, a meeting with Dave St. Onge, Karen Chandler, Ivan Fende and himself was held to discuss the frontage issue. At the present time there has been no further graphics or written documentation submitted to the Township.

Mark Maki inquired if the Planning Commission would consider any action to have any documentation regarding the Rezoning #83 be submitted at least one week in advance of the next meeting so the information could be reviewed by the staff and public.

There being no further public comment, the first public comment section of the Planning Commission was closed.

OLD BUSINESS:

CONSIDER REZONING #83 PUD/BLONDEAU & SONS TRUCKING, INC:

The following motion was made pertaining to Rezoning #83.

Bob Whitaker moved, Bill Sanders supported that a letter be sent to L Blondeau & Sons Trucking, Inc. from the Planning Commission stating that Rezoning #83 will be tabled until June 10, 1996 and to request that all information necessary to complete the application for a PUD be submitted at least one week in advance to allow for staff review before that meeting.

MOTION CARRIED: 5-0.

DISCUSS POSSIBLE WORDING FOR TEXT AMENDMENTS:

Site Plan Review - The following comments were made regarding the site plan review:

- Site plan will be review by the Planning Commission, the Planning Director and the Zoning Administrator.
- Township attorney should be asked to review the changes and refer them back to the Planning Commission for their review.

Bill Sanders moved, Estelle De Vooght supported that a letter be sent to the township attorney from the Planning Commission for his review of the suggested Site Plan Review.

MOTION CARRIED: 5-0.

Site Condo - The following discussion and comments were made pertained to the language for Site Condo:

- General Requirements (1) Sentence reading "No permits for erosion and sanitary sewage facilities shall be issued for property in a site condominium development until a final site plan therefore has been approved by the Planning Commission and is in effect. After discussion it was decided that the above sentence be omitted.
- There was discussion on item (J) Monuments and Lot Irons. The sentence that reads: Lot irons shall be set at all condominium lot corners and deflection points of condominium lot line. After the discussion on Item (J) it was decided that the above sentence be omitted.
- The same term, condominium lot or condominium unit, should be used through out the document.

Mike La Pointe moved, Bill Sanders supported that the Site Condo language and changes be sent to the Township Attorney for his review .

MOTION CARRIED: 5-0.

Semi-Trailers and Outside Storage - Karen informed the Planning Commission that she would have language put together for the Planning Commission at their June 10, 1996 meeting.

REPORT ON AD HOC COMMITTEE - TRAILS DEVELOPMENT:

Shane Wolfe gave a report on the trails development which included:

- I. **Liability**
 - A. Laws to be found that protect residents.
 - B. What have other trails done and are doing (FTA)
- II. **Problems To Be Considered:**
 - A. Fire Control
 - Trespassing
 - Stealing of Property
 - Littering
 - Very difficult to become a Federal trail
 - Using private property for the trails.
 - B. To Be Done:
 - Possible patrol groups (Hikers w/Authority
 - Putting up signs
 - Join Hiking Associations
- III. **Main Goal Now**
 - A. Map out hiking trail
 - B. Install trail

Planning Commission members thanked Shane for the fine report.

REPORT ON CHOCOLAY DOWNS GOLF COURSE - MONITORING WELLS:

Karen informed the Planning Commission that the township attorney hadn't received any further information than what was presented in their agenda packet and had not heard from Don Bays, Joe Gibb's attorney.

The following motion was made pertaining to the Chocolay Downs Golf Course:

Bill Sanders moved, Estelle De Vooght supported that a letter be sent from the Planning Commission to the Township Attorney notifying him that the Planning Commission is not in favor of extending the dead line pertaining to the installation of monitoring wells past June 10, 1996.

MOTION CARRIED: 5-0.

NEW BUSINESS:

CONSIDER REZONING #81 - BED & BREAKFAST - Karen presented an overlay regarding the zoning districts in the township.

Bill Sanders read a letter into the record from Marla Buckmaster, 519 Lakewood Lane pertaining to Bed & Breakfast and opposing the Bed & Breakfast language. This letter will be placed in the rezoning # 81 file.

The following comments were received regarding Bed & Breakfast:

- Doesn't see a difference between Bed & Breakfast and a home occupation.
- Nursing homes, day cares are more of a problem than a Bed & Breakfast.
- Can see a problem with Bed & Breakfast in R-1 and R-2.
- Personal experience with Bed & Breakfast is good. Doesn't see a problem with them being disruptive.
- Residents want their areas to remain the same as it is every day with the regular people living in the neighborhood and not different traffic and/or people that are with a Bed & Breakfast.
- Don't want increased traffic. Traffic could be at least double than the people living there.
- Bed & Breakfast could be less of a problem than some of the conditions present now.
- If conditions are met Bed & Breakfast would have to be allowed.
- Parking - one space is required for each room.
- Landscaping - People wouldn't want to lose their landscaping appeal.
- Each Bed & Breakfast would have to be dealt with on an individual case by case.
- If Bed & Breakfast are going to be allowed in one area, should be allowed in all areas.

After the above comments pertaining to Bed & Breakfast were made, the following motion was made to include R-3 along with the Planning Directors recommendation.

Max Engle moved Mike La Pointe supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendments to the Chocolay Township Zoning Ordinance be approved.

AMENDMENT

That portion of Section 101 of the Charter Township of Chocolay Zoning Ordinance entitled "**DEFINITIONS**" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 101 DEFINITIONS

Bed & Breakfast, means a use that is subordinate to a single-family detached dwelling unit in which transient guests are provided sleeping rooms (not to exceed four (4) rooms) and a breakfast only, in return for payment; is the owner's personal residence; is occupied by the owner at the time of rental; and, the length of stay of any guest is not to exceed 14 consecutive days and 30 days in one year.

REPEALER AND AMENDMENT

That portion of Section 204 of the Charter Township of Chocolay Zoning Ordinance entitled "**DISTRICT R-3**" as adopted May 9, 1977, and any and all Amendments adopted

subsequent thereto, shall be and the same hereby is amended by the deletion thereto of the language in [brackets] and addition thereto of the language, which is underlined.

[SEC.] SECTION 204 DISTRICT R-3.

- (A) **INTENT.** To establish and preserve neighborhoods for medium density residential uses, free from other uses except those which are both compatible with and convenient to the residents of such a district.
- (B) **PERMITTED PRINCIPAL USES.** Single and two-family dwellings, and multiple dwellings.
- (C) **CONDITIONAL USES.** The same conditional uses as permitted in District R-1, subject to the same conditions, and also group day care facilities. Hotels, Bed & Breakfast, nursing homes, and clinics are also conditional uses.
- (D) **DISTRICT REGULATIONS.**
 - 1) Each apartment building shall provide refuse containers of sufficient size to contain all refuse generated by the residents within.
 - 2) All refuse containers shall be located on concrete stands, abutting and level with grade, which shall be surrounded, except on the entrance side, by a wood or masonry fence or wall at least six feet high.

REPEALER AND AMENDMENT

That portion of Section 209 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 209 DISTRICT C-1.

- (A) **INTENT.** To establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they service.
- (B) **PERMITTED PRINCIPAL USES.** Barber and beauty shops, general and specialty food and beverage stores, drugstores, restaurants, clothing and dry goods stores, offices, bakeries without additional sales outlets, Bed & Breakfast, dry cleaning and laundry pick-up stations, coin operated laundry and dry cleaning establishments, provided, however, that drive-in restaurants and establishments cooking or preparing food for consumption off the premises are excluded.
- (C) **CONDITIONAL USES.** Schools, where the type of school is compatible with nearby residential uses. Specialty retail sales where the type of sales has no outdoor display or storage and is compatible with nearby residential uses.
- (D) **SPECIAL REGULATIONS.** No establishment may occupy more than 3,000 square feet of floor space.

REPEALER AND AMENDMENT

That portion of Section 206 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT LS/R" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the deletion thereof the language in [brackets] and addition thereto of the language, which is underlined.

[SEC.] SECTION 206 DISTRICT LS/R.

- (A) **INTENT.** This district is intended to establish and maintain for residential and recreational use those areas with frontage on inland lakes and rivers and the Lake Superior shoreline which, because of their natural characteristics and accessibility, are suitable for development.
- (B) **PERMITTED PRINCIPAL USES.** Single-family dwellings.
- (C) **CONDITIONAL USES.** Marinas, boat liveries, bathing facilities, fishing piers, resorts, Bed & Breakfast, fish markets, commercial fishing docks, and associated facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

REPEALER AND AMENDMENT

That portion of Section 208 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT RR-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the deletion thereof the language in [brackets] and addition thereto of the language, which is underlined.

[SEC.] SECTION 208 DISTRICT RR-2.

- (A) **INTENT.** To establish and maintain for low intensity use those areas which, because of their location and accessibility to existing utilities, paved public roads, community facilities, and public services, are suitable for wide range of very low density residential and recreational activities.
- (B) **PERMITTED PRINCIPAL USES.** The growing and harvesting of timber, and the raising of livestock. Agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single family dwellings are permitted on lots five acres or more with 300 feet of lot width. Boarding stables on lots of 20 acres or more.
- (C) **CONDITIONAL USES.** Resorts, Bed & Breakfast, riding stables, parks, campgrounds, kennels, and day camps on lots of 20 acres or more. Hunting and shooting preserves, winter sports facilities, and trails on lots of 20 acres or more. Unlighted golf courses on lots of 60 acres or more.

REPEALER AND AMENDMENT

That portion of Section 212 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT RP" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the deletion thereto of the language in [brackets] and addition thereto of the language, which is underlined.

[SEC.] SECTION 212 DISTRICT RP.

- (A) **INTENT.** To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses.
- (B) **PERMITTED PRINCIPAL USES.** The growing and harvesting of timber, livestock, campgrounds, day camps, riding or boarding stables, winter sports facilities, parks, kennels, trails, agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single-family dwellings are permitted on tracts of 20 acres or more.
- (C) **CONDITIONAL USES.** Resorts, Bed and Breakfast and lodges on lots of 20 acres or more. Hunting and shooting preserves on lots of 20 acres or more. Unlighted golf courses on lots of 60 acres or more.

REPEALER AND AMENDMENT

That portion of Section 213 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT RP" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the deletion thereto of the language in [brackets] and addition thereto of the language, which is underlined.

[SEC.] SECTION 213 DISTRICT OS.

- (A) **INTENT.** To preserve as open space those lands which because of their soil, drainage or topographic characteristics, are unsuitable for development.
- (B) **PERMITTED PRINCIPAL USES.** Growing and harvesting of timber and bush fruit, and agricultural produce, livestock, and wildlife management.
- (C) **CONDITIONAL USES.** Single-family residences, resorts, Bed & Breakfast, and other recreational uses, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact.

AMENDMENT

That portion of Section 500 of the Charter Township of Chocolay Zoning Ordinance entitled "OFF-STREET PARKING REQUIREMENTS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 500

USE
Bed & Breakfast

SPACES REQUIRED
One space per room for transient guests in addition to spaces required for single family dwellings.

MOTION CARRIED: 3-2.

Karen informed the people present and the Planning Commission that the Bed & Breakfast language will be presented to the Marquette County Planning Commission for their review and comments as required by State law and the Charter Township of Chocolay Board could consider the amendment at their June 17 meeting.

Judy Smith thanked the Planning Commission for their support.

PLANNING DIRECTORS REPORT:

- 1) In reviewing the Planning Commission Bylaws, June is your annual meeting. Election of officers should take place at the regular monthly meeting in June. Keep this in mind for next month.
- 2) Put the You into Youth Campaign was kicked off on May 3 at Northern Michigan University. I attended the day long session and was quite impressed with the efforts of the Kellogg Foundation in our area to date and the number of talented youth in attendance.
- 3) I attended the Site Plan Review workshop in Marquette. This was a distance learning workshop with NMU being the remote site and CMU hosting the instructor. I facilitated the session for MSPO and they paid my fee. If anyone is interested in reviewing the Site Plan Review Handbook, please let me know.
- 4) The CABA Quarterly will be coming out again in June. If you have any ideas or suggestions for articles, please let me know.
- 5) I have made initial contact with the list of four communities, from Rita Hodgins, that were involved with the Charrette's. I will be making a second contact again soon. I was only able to reach one community.
- 6) I will be working on a questionnaire to be sent out addressing the Community Center "concept" as suggested in the Strategic Plan. I had hope to have it for your review for this meeting. However, when I get it complete, I will send it to you for individual comments. The survey itself will be approved by the Township Board before it is sent out.
- 7) I have talked with Carl Linquist about the first annual awareness/action day for environmental issues to be addressed. This was a goal of the Environment section in our Strategic Plan.
- 8) The Township Board voted on the Height Amendment and it failed on a 3-3 vote.
- 9) The Township Board voted unanimously to support on Section 106.

PUBLIC COMMENT:

Tim Hedeniemi - Champion, Michigan: complimented the Planning Commission on the fine way the Planning Commission meeting was conducted and for allowing the public to comment during the discussion of agenda items. He complimented Shane Wolf, student intern for the fine report on the trail development. And he commented on the Chocolay Township Zoning Ordinance and the fine way it is written.

Karen informed the Planning Commission that due to the Marquette School System not being in session on June 10, 1996, we will not be able to hold the June Planning Commission meeting at Silver Creek or Cherry Creek Schools. It was suggested that the June Planning Commission meeting be held in the Township's front office or the fire hall, depending on the amount of business that we would have.

Mike La Pointe reported on the Munising Bay Watershed Groundwater Protection. He also stated that the GIS System from NMU was used for this project. He suggested that the township look into using this system. The Planning Commission could discuss and put this request into the 1997 budget when it is discussed in July or August.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

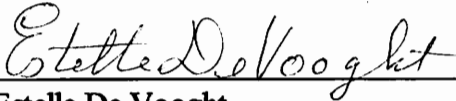
- A. Michigan Week Activity Lists - taken from the Michigan Assessor
- B. Correspondence from - Ann Joyal, Seaborg Center - Water & Groundwater Issues in Marquette County (A Handbook for Teachers on file in the office)
- C. Correspondence from - Linda Rossberg, County Extension Director - Township Plan outcome from Youth & Family meetings.

ADJOURNMENT:

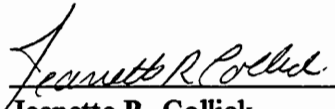
Mike La Pointe moved, Bill Sanders supported that there being no further business the Planning Commission meeting be adjourned.

MOTION CARRIED: 5-0.

The Planning Commission meeting of May 13, 1996 was adjourned at 9:15 p.m.



Estelle De Vooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JUNE 10, 1996**

PRESENT: Bill Sanders, Estelle DeVooght, Mike LaPointe, Bob Whitaker, Steve Kinnunen, Scott Emerson (arrived at 8:05 p.m.)

ABSENT: Max Engle

STAFF PRESENT: Karen Chandler - Director of Planning & Research, Mark Maki - Director of Land Use Development

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Dale Eltman, Hope W. Dunne, Harry C. Smith, Andrea Beckman, Judd Johnston, Lois Sherbinow, Gladys H. Unmuth, Michelle J. Barnett, Patrick Barnett, Bud Sargent, Maggie Meiss, Louis Weiland, Betty H. Weiland, David Johnson, Linda Johnson, Gary Loehn

PUBLIC HEARING:

Bill Sanders, Chairperson, called the Public Hearing to order at 7:30 p.m.

CONDITIONAL USE #37:

Bill Sanders informed the public of the process for the public hearing. He inquired if there were any public comment regarding Conditional Use #37.

Karen Chandler, Director of Planning & Research stated that the applicants, Larry and Barb Sterzik, have requested that the Chocoday Township Planning Commission consider granting a conditional use permit to allow a motel on the property located at 131 Kawbawgam Road. The property is zoned R-3 which includes multi family. The R-3 district does allow for motels as a conditional use.

Judd Johnston - 1943 M 28 East: commented on a neighbor's standpoint, stating that he got hit when the casino was put in and couldn't do anything about it. There is an increase for traffic, safety and noise. He is concerned about some of the conditions that have to be met regarding a motel. One of the items he is concerned with is the glare. Since the casino was put in the southern horizon there is a glare.

There will be more noise, snowmobilers and doesn't fit into the character of the neighborhood. There has always been a problem with spot zoning in this particular area.

Hope Dunne - 2029 M 28 E: She doesn't see why a motel/apartment is there? We don't need more people living there. She agrees with Judd Johnston's comments.

Harry C. Smith - 2029 M 28 E: Spent a good many years as a building consultant and based decisions on the logic of the situation, very simple. Chocoday Township Planning Commission should carry out its functions. Regulation doesn't control behavior. It's time to go back to the simple, making decision's righter than wronger. Transients are not healthy in every neighborhood. Planning Commission should fulfill their responsibility.

Andrea Beckman - 6208 U S 41 South and owner of Marquette Motor Lodge: Belongs to a motel organization and doesn't support the proposed motel. She has mixed feeling regarding this proposal. The location is in a residential neighborhood. She has been in the motel business for 14 years and transients have not caused any problems.

Gary Loehn - 1975 M 28 East: Concern is that there is going to be an erosion of residential neighborhoods. A hotel/motel moves in, then there will be requests for truck stops, gas stations, etc. Another concern is for increased lighting in the parking lot. On M 28 there is an S curve and would be a problem with increased traffic. Can't see what it is going to add to the community.

Lois Sherbinow - 228 Kawbawgam Road: The neighborhood has been taken away from them already and doesn't see the need for this project to be granted.

Pat Barnett - 1971 M 28 East: Sent a letter already opposing this project. We need to protect this neighborhood. People are going to move and abandon their homes and property if this type of development is allowed to continue.

Louis Weiland - 227 Kawbawgam Road: Inquired where the proposed motel site was located? The property is located between the railroad tracks and the existing rental units. Everyone was against the housing project being put in. Has no problem with extra traffic. Has lived in his present residence for the past five years and they are retired. They have more police protection and more common sense as far as young people go in their neighborhood than they ever did before. Doesn't see why area should be downsized. He is for business and is for the proposed motel.

Dale Eltman - 2026 M 28 E: The proposed motel is almost in his back yard. What is going to be proposed next? He is against the proposed motel.

Bud Goin - 2015 M 28 E: Agrees with comments that were made against the proposed motel. He is against the proposed motel.

Maggie Meiss - 105 W. Wright Place: It will mushroom and go on and on. There will be business after business.

Linda Johnson - 200 Kawbawgam Road: Opposed to the proposed motel.

Dave Johnson - 200 Kawbawgam Road: Opposed to the proposed motel.

Michelle J. Barnett - 1971 M 28 E: Opposed to the proposed motel.

Bill Sanders read the following letters into the record that were received from people concerning the proposed motel. These letters will be placed on file at the Township Office in the Conditional Use # 37 file.

Glen & Connie Barto - 1975 M 28 East: Opposed to the proposed motel.

Linda Rossberg - 1975 M 28 E: Opposed to the proposed motel.

Patrick Barnett - 1971 M 28 E: Opposed to the proposed motel.

Curt Rife - 202 Wanda: Opposed to the proposed motel.

John Weting - Architect: For the approval of the proposed motel.

John W. English - 450 E. Ohio: No objection to the proposed motel as long as conditions are followed.

Nancy Rife - 202 Wanda Street: Opposed to the proposed motel.

Bill Sanders inquired if there were any further public comment regarding Conditional Use #37? He informed everyone present that this would be discussed during New Business. There were no further comments regarding Conditional Use # 37 or public hearings. Bill Sanders closed the public hearing section of the Planning Commission meeting.

REGULAR MEETING CALLED TO ORDER:

Bill Sanders, Chairperson called the Regular Planning Commission Meeting to order at 8:00 p.m.

ROLL CALL:

Roll call was taken with Bill Sanders, Estelle DeVooght, Mike LaPointe, Steve Kinnunen and Bob Whitaker present. Scott Emerson arrived at 8:05 p.m.

Max Engle was absent.

APPROVAL OF MINUTES OF May 13, 1996:

Bill Sanders inquired if there were any correction's and/or additions to the May 13, 1996 Planning Commission Minutes?

He noted on the May 13, 1996 minutes that the motion concerning the Bed & Breakfast that instead of reading the motion carried 5-0. It should have read 3-2.

Bill Sanders moved, Estelle DeVooght supported that the minutes of May 13, 1996 be approved as amended.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Bill Sanders inquired if there were any additions or changes in the agenda?

Mike LaPointe suggested that New Business Item A Conditional Use #37 be moved before Old Business.

Mike LaPointe moved, Estelle DeVooght supported that the agenda be approved as amended.

MOTION CARRIED: 5-0.

Scott Emerson arrived at 8:05 p.m.

PUBLIC COMMENT:

Bill Sanders inquired if there was any Public Comment.

Maggie Meiss asked the status was regarding Blondeau Trucking. She commented on the U.P. Moving & Storage Building being used by Blondeau Trucking for their trucks and they stated they weren't going to use the building for that purpose. She informed the Planning Commission that the U.P. Moving & Storage Building is being used for their trucks.

She was informed that a decision on the PUD request would be made under Old Business when that topic was discussed.

Hope Dunne commented she was happy to see information on the refuse collection in the Action Shopper. She stated this type of advertising should be done regarding agenda items, such as the Conditional Use #37.

It was noted that a notice was placed in the Mining Journal once. Publications are costly.

Maggie Meiss had a question regarding the refuse collection.

Karen informed everyone that residents must have tagged refuse placed at curbside for the recyclables to be picked up. Recyclables must be separated and can be placed in brown grocery bags. There will not be a charge for recyclables as long as there is tagged refuse to be picked up.

It was suggested that a dumpster purchase fee along with recycling containers be considered for future use in Chocolate Township.

Planning Commission is an advisory board. The Township Board makes the final decisions.

A question was asked as to how long the township is committed to the present hauler? Karen informed everyone present that the township has signed a 5-year contract.

Will there be a substantial increase in five years after the contract expires?

Bob Whitaker commented that there are only three companies in the area to pick up refuse. In five years there should still be adequate competition to keep the costs down.

Andrea Beckman commented that they have had the present hauler and are very well satisfied.

There being no further public comment, the first public comment section was closed.

NEW BUSINESS:**CONDITIONAL USE #37:**

Larry Sterzik (applicant) commented that basically we have no control over what the casino does. He feels private industry is being penalized and doesn't feel it is fair because of the casino.

The following comments and questions were made regarding Conditional Use #37:

- Two wrongs doesn't make a right.
- Spot Zoning - convenience store, gas station was proposed in the past. Planning Commission went through about four months of work to get rid of spot zoning, but due to other pressing business has not been dealt with. We have to deal with as proactive and concentrate on rezoning this area from C-1 too residential. Keep this area residential.
- Casino is in litigation.
- Opposed to the motel being there. Doesn't fit in with the neighborhood. Doesn't feel it improving the area. Planning Commission has to be consistent with the Comprehensive Plan to coral a commercial development in one area.
- It is the Planning Commission's job to make sure this doesn't go array and stay with the intended use and would be escalating the rezoning out there.
- Was a quiet neighborhood 25 years ago - no noise - no increased traffic. Moved because of the development even before the casino was being built.
- Previous motel couldn't make a go of the business.
- Need to make a decision on Conditional Use #37 on its own conditions, not on the casino's.
- Would change the character of the neighborhood.
- The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. This area has been zoned R-3. An apartment building is across the street and a four-unit apartment building is on the same parcel.
- The conditional use shall represent an improvement to the property under consideration and the surrounding area in general. This parcel is currently vacant and the development of a building with frequent occupancy would improve the property and increase the tax base of the Township.
- The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan. This application meets the intent and purpose of the ordinance.
- An Architect is planning to do extensive landscaping, possibly buffers will be added to make it harmonious with the area and the social impact with the traffic, etc.
- Applicants are trying to be sensitive to their neighbors.
- There is an existing structure on the property - about four apartments, does the applicant plan to remove them and rebuild the motel on that same spot or is this adjacent to that property?
- The only plans for the apartments is a face lift to the present building.
- The 20 unit motel is in addition to the apartments.

Mike LaPointe moved, Scott Emerson supported that the Planning Commission deny Conditional Use #37 based on not being able to meet the following general standards:

1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The conditional use shall not change the essential character of the surrounding area.
3. The conditional use shall not interfere with the general enjoyment of adjacent property.
4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.

And because the proposed motel doesn't fit in with the surround area. The Planning Commission recognizes this area as a spot zoning and in the past this was a deviation from the intent of the Comprehensive Plan and the conditional use would interfere with the surrounding area.

MOTION CARRIED 6-0. TO DENY THE APPROVAL OF THE CONDITIONAL USE #37.

Harry Smith thanked the Planning Commission for their support.

OLD BUSINESS:

DISCUSS REZONING #83 - PUD/BLONDEAU & SONS TRUCKING INC.

The applicant has not come back with any further information. Karen sent a letter from the Planning Commission and hasn't received a response. She called L. Blondeau & Sons Trucking and left a message for Steve Blondeau. She also called Dave St. Onge (consultant). He hasn't received any further information from Blondeau's.

The following comments were made regarding Rezoning #83:

- The applicant hasn't responded to the Planning Commission's letter and has been given ample time to respond. Rezoning #83 should be denied.
- Planning Commission has been very fair and hasn't received any response. Rezoning #83 should be denied.

Bob Whitaker moved, Estelle DeVooght supported that the Chocolay Township Planning Commission recommends, to the Chocolay Township Board, denial of the application for a Planned Unit Development by L. Blondeau & Sons Trucking, Inc. on following parcels

Parcel B: Part of the northeast quarter of Section 7, T47N, R24W, described as: commencing at the north 1/4 corner of said Section 7; thence north 88° 32' 00" east, 976.62 feet along the north line of said Section 7 to the point of beginning; thence continuing north 88° 32' 00" east, 524.23 feet along the said north line of Section 7; thence south 1° 28' 00" east, 150.00 feet; thence south 88° 32' 00" west, 324.23 feet; thence south 14° 29' 50" west, 206.16 feet; thence north 1° 28' 00" west, 200.00 feet to the point of beginning. Containing 83,635 square feet or 1.92 acres.

Parcel C: Part of the northeast quarter of Section 7, T47N, R24W, described as: commencing at the north 1/4 corner of said Section 7; thence north 88° 32' 00" east, 1500.85 feet along the north line of said Section 7; thence south 1° 28' 00" east, 150.00 feet to the point of beginning; thence south 88° 32' 00" west, 324.23 feet; thence south 74° 29' 50" west, 206.16 feet; thence south 71° 59' 10" east, 359.83 feet; thence north 88° 32' 00" east, 185.00 feet; thence north 1° 28' 00" west, 170.00 feet to the point of beginning. Containing 63,766 square feet or 1.46 acres.

Parcel A: Part of the southeast quarter of Section 6, T47N R24W, described as: commencing at the south 1/4 of said Section 6; thence north 88°32'00" east, 972.50 feet along the south line of said Section 6 to the point of beginning; thence continuing north 88°32'00" east, 207.35 feet along the said south line of Section 6; thence north 13°56'23" west, 84.44 feet; thence north 8°18'34" east, 98.81 feet; thence north 62°19'13" west 163.98 feet along the southerly right-of-way line of Wright Street; thence south 27°39'13" west 60.00 feet along the easterly right-of-way line of Green Bay Street; thence north 62°19'13" west, 30.00 feet along the southerly right-of-way line of Wright Street; thence south 0°24'33" west, 222.00 feet to the point of beginning. Containing 43,252 square feet or 0.99 acres.

For the following reasons

1. This Planned Unit Development (PUD) does not accomplish the requirement for the intent of a PUD which is a zoning district intended to accommodate innovative land use developments with mixed or varied uses.
2. This request is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated objectives of a PUD.
3. This PUD does not follow the objectives as stated in the Zoning Ordinance
 - a) to permit more flexibility in land development than is generally allowable under conventional zoning regulations where such development will not be contrary to the intent of the Chocolay Township Zoning Ordinance or inconsistent with the Chocolay Township Comprehensive Plan;
 - b) to encourage innovative approaches in developing land;
 - c) to recognize that the timing of development should be consistent with capital improvement planning and that it is both a public and private responsibility to minimize adverse community impacts; and
 - d) to encourage and ensure a continual pattern of compatible land use.

MOTION CARRIED 6-0 TO DENY REZONING #83.

Maggie Meiss thanked the Planning Commission for their decision and support. She inquired what can she do regarding the concern on the use of the U.P. Storage Building? She was informed to write a letter to Zoning Administrator with a copy to be sent to the Township Board.

Rezoning #83 goes to the County Planning Commission for their review and comment. The Township Board has the final decision.

DISCUSS POSSIBLE WORDING FOR TEXT AMENDMENT (SEMI-TRAILERS):

Karen informed the Planning Commission that the wording went to the township attorney and she hasn't received any information back yet.

REPORT ON CHOCOLAY DOWNS GOLF COURSE - MONITORING WELLS:

Karen informed the Planning Commission that the monitoring wells are in per the 1992 letter from the County Health Department.

Concerning the Gazebo - this would be an amendment to the Conditional Use, but has to go through the process, may need a new application. Has no approval of the gazebo.

Karen will check in the past minutes concerning the approval of the conditional use, the gazebo and if the monitoring wells were installed by a certain date.

NEW BUSINESS:

CONSIDER UPDATE TO RECREATION PLAN:

Planning Commission and Township Board have to hold a public hearing to incorporate language in the Recreation Plan to include trails.

If the township were to apply for a DNR grant funding in the future for trails, trail language would need to be added.

Scott Emerson moved, Steve Kinnunen supported that the Planning Commission hold a public hearing in July to present proposed language for inclusion of multi purpose trails as an update to the Recreation Plan.

MOTION CARRIED 6-0.

ANNUAL MEETING ELECTION OF OFFICERS:

Bill Sanders notified the Planning Commission that because of added responsibilities (work related) that he has considered resigning from the Planning Commission and will be making his decision soon.

The Planning Commission was informed that due to Max Engle being a Township Board representative that he cannot hold an office on the Planning Commission.

Bill Sanders moved Scott Emerson supported that Mike LaPointe be nominated as Chairperson of the Planning Commission. Nomination for the Chairperson was closed.

MOTION CARRIED: 6-0.

Steve Kinnunen moved, Bill Sanders supported that Scott Emerson be nominated as Vice-Chairperson of the Planning Commission. Nomination for the Vice-Chairperson was closed.

MOTION CARRIED: 6-0

Bill Sanders moved, Mike LaPointe supported that Estelle DeVooght be nominated as Secretary of the Planning Commission. Nomination for the Secretary was closed.

MOTION CARRIED: 6-0

Scott Emerson moved, Mike LaPointe supported that Steve Kinnunen be nominated as Vice-Secretary of the Planning Commission. Nomination for Vice-Secretary be closed.

MOTION CARRIED: 6-0

Bill Sanders moved, Bob Whitaker supported that the nominated officers be elected to their respective positions as the Executive Committee of the Chocolay Township Planning Commission for 1996.

MOTION CARRIED: 6-0

The above officers will serve a one year term.

REVIEW OF QUESTIONNAIRE ON PUBLIC OPINION:

Planning Commission members commented that the questionnaire only needs to be very brief.

#20 regarding the advertisement for the Action Shopper. Karen informed them it doesn't cost anything to put information in the Action Shopper with the CABA Quarterly. The only cost is for the staff to type the actual information for submission to CABA.

#10 regarding the support of the community center: This has already been done in the Strategic Plan.

The Planning Commission suggested that the \$600 come from the Planning Commission budget rather than the Economic Development.

We need to utilize the information that we have in the Strategic Plan.

The 1991 Survey had a good response and before that there was a survey done in the 70's.

PLANNING DIRECTORS REPORT:

- 1) We received information on the well testing at the Homestead Golf Course - Randy Gentz. Maximum level is 10.0 mg/L and their test indicated 2.2 mg/L.
- 2) Kellogg Foundation is offering a \$2,000 grant for communities involved with youth and families. A letter of application should be going out this week. I attended a meeting with Linda Rossberg, Rev. Bruce Ulstad, Dan Chartier and Nhenna Ittner and we decided to request the monies to enhance the Township's summer youth program.
- 3) I attended a groundwater educational meeting on Thursday, May 30. Mike LaPointe was also in attendance. Discussion centered on groundwater protection, an update on groundwater stewardship programs, community wellhead protection, aquifer testing and sealing abandoned wells.
- 4) I have again contacted the list of four communities, that were involved with the Charrette's. I was able to reach two communities. I received a newsletter from one small town. I will try to get a report ready for the Township Board for their meeting in June.

PUBLIC COMMENT:

Planning Commission unanimously agreed that a letter be submitted to the Township Board that a research assistant and clerical help be obtained and be put into the budget to provide help to the Director of Planning and Research so she could commit more time to planning issues.

GIS System - It was suggested that a combined meeting of the Planning Commission and Township Board be held. Have a representative from NMU present the GIS System and how it could help all the various departments of the Township.

There was more discussion on the Kawbawgam Road area rezoning issue from a few years ago. Karen had put together a file on the previous requests.

Scott Emerson moved, Bill Sanders supported that Kawbawgam Road and M-28 be advertised for a public hearing to be held in July to rezone the C-1 and R-3 districts to R-1 and the township owned land now zoned C-1 be rezoned PL (public lands). And that the current uses of the buildings would be made non-conforming and be grand fathered in.

MOTION CARRIED: 6-0.

Notices would have to be sent to the property owners within the specified feet according to the zoning ordinance.

Karen informed the Planning Commission that Mark Maki received a phone call that the bank building located at Kawbawgam and M-28 E is being considered for use as a convenience store and a specialty retail (art gallery) is being proposed.

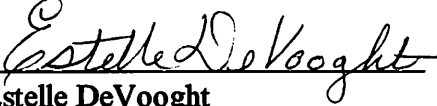
Steve Kinnunen informed the Planning Commission that there are huge brush piles that are being dumped into the lake along M 28 E.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

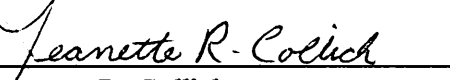
- A. Correspondence to - Estelle DeVooght - reappointment to Planning Commission.
- B. Correspondence from - Mark Maki - semi-trailers/outdoor storage
- C. Information on Greenways taken from Winter Cities Theme.
- D. Information on Refuse Route changes and new curbside recycling instructions.

ADJOURNMENT:

There being no further business, the June 10, 1996 Planning Commission was adjourned. The Planning Commission Meeting was adjourned at 10:00 p.m.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JULY 8, 1996**

PRESENT: Bill Sanders, Max Engle, Estelle DeVooght, Mike LaPointe, Steve Kinnunen, Scott Emerson (arrived at 7:50 p.m.)

ABSENT: Bob Whitaker

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Stacy L. Busch-Recording Secretary, Judd Johnston, Lois Sherbinow, Michelle J. Barnett, Patrick Barnett, Linda Johnson, Gary Loehr, Vivian Glass, Nancy Rife, Cathy DeVooght, Larry Sterzik, Barb Sterzik, Mike Kolasa, Lincoln Frazier, Gary Johnson

PUBLIC HEARING:

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:30 p.m.

CONDITIONAL USE #38:

Karen Chandler gave a quick over view of the application by Fraco, Inc. Fraco, Inc. Has requested a change from the original conditional use permit.

The proposed site plan would extend the parking lot and remove most of the screening now in place on the north property line.

Mike LaPointe inquired if there was any public comment regarding Conditional Use #38.

Cathy DeVooght- asked if moving more industrial into the area. Why do they need conditional use permit? Are they in spot zoning?

Lyn Frazier- Explained the need for the conditional use.

REZONING #84:

Karen stated rezoning application was from the Planning Commission.

Vivian Glass 501 Co Rd 553-Read letter stating that it is not in the best interest of Chocolay Township to rezone the property for two reasons: First it goes against the 1991 Comprehensive Plan of the Township in her opinion, and secondly, it will prove costly to the Township.

The complete letter is on file within the Rezoning #84 file. A letter from Vivian's Attorney, Raoul Revord, is on file.

Cathy DeVooght 6341 US 41 South-Asked if Planning Commission was trying to get rid of spot zoning and why?

Mike LaPointe-stated yes and that they were taking comment on this rezoning issue now.

Cathy DeVooght-stated that there was spot zoning on Silver Creek Road. Why not change it. Also stated that there is checkerboard zoning on Wright Street. She feels that there has never been any fairness.

Mike Kolasa 128 West Spring Street-Attorney for Larry & Barb Sterzik-Currently evaluating the denial for their Conditional Use #37. Concurs with Vivian Glass's opinion. Opposed to rezoning. Would leave them with a nonconforming use. Considers any rezoning to be retaliatory and discriminatory in nature.

Judd Johnston 1943 M-28 East-For rezoning.

Patrick Barnett 1971 M-28 East-For rezoning. Do not exploit Township, Planning Commission should be courageous.

Gary Loehr 1975 M-28 East-For rezoning. Has detracted from surrounding area.

David Johnson 200 Kawbawgam Road-For rezoning.

Nancy Rife 200 Wanda-area is an eye sore, for rezoning.

Patrick Barnett 1971 M-28 East-For rezoning. Bank building has sat and nothing has been done with it.

Vivian Glass-stated that Mr. Glass has owned the property before 1977 and that there was a nice convenience store there. People who moved there knew it was commercial.

Judd Johnston 1943 M-28 East-Planning Commission should do something about this area.

Vivian Glass-Asked how Casino enters into your mind? It has nothing to do with their property.

Patrick Barnett-Stated that there is too much development occurring here.

Michelle Barnett-weeds and remnants of old store, why is it not going now. It is an eye sore. Why is the motel not existing still.

Larry Sterzik-stated that he should have brought the drawings of his motel plan.

Vivian Glass- asks if this rezoning issue is because of the Casino?

Judd Johnston-stated that this issue goes way back before the Casino.

Mike Kolassa-Studied spot zoning and says this must be justified. Also stated that if approved bank and apartment building may sit.

Nancy Rife-asked what will happen if it is rezoned?

Lois Sherbinow 228 Kawbawgam Road -She has lived there for 27 years and bought their place from Leo Glass. Never has been anything on that corner that has looked good.

Linda Johnson 200 Kawbawgam Road-For rezoning.

Gary Loehr 1975 M-28 East-For rezoning.

Letters received from Margaret Verburg, Michael Kolasa, Vivian Glass and Raoul Revord were placed in Rezoning #84 file.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe, Chairperson called the Regular Planning Commission Meeting to order at 8:15 pm.

ROLL CALL:

Roll call was taken with Mike LaPointe, Estelle DeVoght, Bill Sanders, Max Engle, Steve Kinnunen present. Scott Emerson arrived at 7:50 pm.

Bob Whitaker was absent.

APPROVAL OF MINUTES OF JUNE 10, 1996:

Mike LaPointe inquired if there were any corrections and/or additions to the June 10, 1996 Planning Commission Minutes?

Emerson moved, Sanders second that the minutes of June 10, 1996 be approved as presented.

MOTION CARRIED: 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions or changes in the agenda?

Emerson moved, DeVooght second that New Business B & A be moved before Old Business A & B.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any Public Comment. There was none.

NEW BUSINESS:

REZONING #84:

Mike LaPointe asked Karen Chandler if it was rezoned what will happen.

Karen Chandler referenced the memo from Mark Maki stating that:

1. They will automatically become nonconforming if they are rezoned to R-1.
 2. Upon rezoning they will become Class B nonconforming uses subject to the limits contained in the zoning ordinance. Typically this means only normal maintenance is allowed.
 3. The house would still be conforming if changed from R-3 to R-1.
- Property owners could request expansion to the Zoning Board of Appeals. This would be through a Class A request for expansion.

The following questions and comments were made regarding the Rezoning #84:

- What would happen if the property is sold?
- What properties are zoned Public Lands?
- What is the current use of the 5 properties?
- Apartment Complex.
- Residence.
- Building previously used as a bank at another location.
- Apartment complex
- Vacant land.
- It was mentioned that Class A & B are different. Class A-would need to go to the Zoning Board of Appeals for expansion. Class B-does not allow for rebuilding if it is burned and only normal maintenance is allowed.
- 3 properties would really be effected, 2 in R-3, 1 C-1.
- Mr. Sterzik is not in favor of rezoning, has the Township heard from the other apartment owners on the other side.
- Scott Emerson stated that his house is nonconforming also and wasn't worried about it.
- Rezone it to R-1, it is an eye sore.
- This section has been discussed off and on for 5 years. Continues to be a problem.
- Possible development getting out of hand. Needs to be rezoned. Residents want to keep it that way.
- This rezoning is not a personal vendetta against Mr. Sterzik.

Sanders moved, DeVooght second that the Chocoley Township Planning Commission recommend to the Chocoley Township Board that the rezoning request # 84 be approved for the following parcels

1) the following parcel from a current zoning classification of C-1 to R-1.

Section 7, T 47 N, R 23 W

All that part of Gov't lot 4 lying W. of County Road BI and S. of M-28.

2) the following four parcels from a current zoning classification of R-3 to R-1.

Section 7, T 47 N, R 23 W

a. Part of NW 1/4 of SW 1/4 & SW 1/4 of NW 1/4 Beg at a pt on C/L of Co Rd BI 6' S of N Line of NW 1/4 of SW 1/4 th E 100' th N 151' th E 100' th N to M-28 ROW th W'yly alg ROW 59.4' M/L th SW'yly 201' M/L to C/L Co Rd BI th S'yly alg C/L to POB exc Co Rd ROW.

b. Part of NW 1/4 of SW 1/4 & SW 1/4 of NW 1/4 Beg at a Pt on C/L of Co. Rd. BI 6' S of N Line of NW 1/4 of SW 1/4 Th S 194' Th E 350' Th N 200' Th W 150' Th N 145' TH W 100' TH S 151' TH W 100' to POB.

c. The S 100' of N 130' of that part of NW 1/4 of SW 1/4 lying W of Co Rd BI.

d. The N 30' of that part of NW 1/4 of SW 1/4 lying W of Co Rd BI.

3) And the following parcel from a current zoning classification of C-1 to PL.

Section 7, T 47 N, R 23 W

That Part of NW 1/4 of SW 1/4 lying N of Soo Line R/W exc the N 130' lying W of Co Rd BI & exc the N 200' of W 350' E of C/L of Co Rd BI.

MOTION CARRIED: 6-0

CONDITIONAL USE #38:

The applicant, Fraco Inc. has requested that the Chocolay Township Planning Commission consider a Conditional Use permit to allow a change to the original conditional use. This request is to improve the driveway and expand their parking lot. The effect of granting this request would allow for a reduction in the planted screening buffer between Fraco and Willow Farms.

Lincoln Frazier explained that he needs the Conditional Use because he wants the requirements for his previous Conditional Use changed. He is worried about the safety of his customers and he feels the current situation is a safety hazard.

Scott Emerson feels he should add another buffer.

Bill Sanders feels he should keep the green space.

Sanders moved, Engle second that the Conditional Use #38 be tabled until the next meeting for more information and a revised site plan.

MOTION CARRIED: 6-0.

OLD BUSINESS:

SEMI-TRAILERS WORDING FOR TEXT AMENDMENTS:

Amend Zoning Ordinance for Semi-Trailers with a Conditional Use.

SITE PLAN REVIEW AND SITE CONDO LANGUAGE:

Site Plan Review is still with Township Attorney, Karen hopes to review before August meeting.

DISCUSSED BMP CONDITIONS PLACED ON GOLF COURSES:

Planning Commission feels that BMP's should be open and clarified.

Sanders moved Emerson second that Planning Commission require including Golf courses that they follow DNR BMP's for golf courses. Planning Commission does not require for them to submit receipts for soil and fertilizer test as evidence of compliance.

MOTION CARRIED: 6-0.

In discussion of Chocolay Downs Golf Course Planning Commission indicated that if there is 30 feet of Jack Pines the screening is proper, otherwise must follow Zoning Ordinance for screening requirements between land uses.

Planning Commission also feels that Mr. Gibbs should bring a in site plan.

It was suggested that Mr. Gibbs could come in with a plan or Planning Commission will do one for him.

Karen Chandler will send a letter to Marquette County Road Commission about standards for county roads to be applied to Gentz Road.

NEW BUSINESS:

1997 BUDGET REQUESTS:

Reviewed budget as submitted and suggested Karen talked to Northern Michigan University about their GIS system.

Mike LaPointe wrote a memo to Ivan asking for further staff support. Planning Commission agreed.

PLANNING DIRECTOR'S REPORT:

- 1) The summer youth program will start next week. Children ages 7-12 will meet at the Silver Creek Recreation Area Monday-Friday from noon to three p.m. I have a list of activities as planned to date. If you know anyone interested in participating, please have them stop by the office for a participation form.
- 2) Received a call last week from Matt Weik, 120 Old Kiln Road. He had received a complaint on his kennel. His Teaching Family Home has twelve dogs and the home is in the R-1 district. A kennel is allowed in the RR-2 District as conditional uses and his lot borders this district. He'd like some consideration and other than rezoning his parcel to RR-2 or a text amendment to allow kennels in R-1, I don't see any other remedy unless you have some suggestions.
- 3) I have given the definition of a racetrack from the Sands Township Zoning Ordinance to a person requesting to open a motocross and snowmobile track at the Kawbawgam & Mangum area. He may come back with this rezoning request soon.

PUBLIC COMMENT:

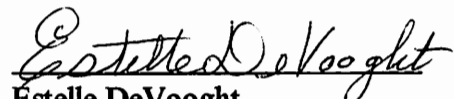
None.


INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Mike LaPointe noted receiving memo from Ivan Fende changing June Planning Commission meeting date.
- B. Cathy DeVooght requested copy of PAS memo.

ADJOURNMENT:

There being no further business, the July 8, 1996 Planning Commission meeting was adjourned at 10:20pm.


 Estelle DeVooght
 Planning Commission Secretary


 Stacy L. Busch
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, AUGUST 12, 1996**

PRESENT: Mike La Pointe, Bill Sanders, Estelle De Vooght, Bob Whitaker

ABSENT: Max Engle, Steve Kinnunen, Scott Emerson

STAFF PRESENT: Karen Chandler - Director of Planning & Research, Mark Maki - Director of Land Use Development

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Debbie Retaskie, Peggy Iery, Judy Smith, Patti and Larry Castell, Mona and Alden Scriba, Duane Carlson, Joseph Holman.

PUBLIC HEARING:

Mike La Pointe, Chairperson, called the Public Hearing to order at 7:32 p.m.

CONDITIONAL USE PERMIT #39:

Mike La Pointe informed the public of the process for the public hearing. He inquired if there were any public comment regarding Conditional Use Permit #39?

Karen Chandler, Director of Planning & Research informed the public present and Planning Commission that the applicant, Judy Smith has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a Bed & Breakfast on the property located at 2441 M 28 East or described as:

Section 9 T47N R23W

The West 100.2' of the East 310.6' of Gov't Lot 1 lying North of M-28.

Karen indicated that Judy Smith first came into the office last fall interested in a Bed & Breakfast. Karen gave a brief background on the proposed Bed & Breakfast.

It was indicated that there would be no more than four guests. She would have two parking spaces for the guests and two rooms. Judy Smith presented pictures of her home and property to the Planning Commission for their review.

Estelle De Vooght read two letters into the Planning Commission record. The first letter was from John Peterson and David Peterson in support of the Bed & Breakfast. The second letter was from Mr. & Mrs. Lee F. Smith in support of the Bed & Breakfast. Both letters will be placed in the file for Conditional Use Permit # 39.

The following comments were made regarding the proposed Bed & Breakfast:

Patti Castell - 2429 M 28 East: In favor of the Bed & Breakfast.

Mona Scriba - 2461 M 28 East: Two very beautiful rooms. She has stayed in many Bed & Breakfasts and this proposed Bed & Breakfast has a tremendous advantage of being on the lake. There are multiple entrances. In favor of the proposed Bed & Breakfast.

Larry Castell - 2429 M-28 East: For the proposed Bed & Breakfast.

Peggy Iery - applicant's daughter: In favor of the Bed & Breakfast.

Mona Scriba - 2461 M 28 East: Responsible neighbor and the family has been there for about 70 years.

Duane Carlson - 206 Riverside Road: Good addition and will enhance the area.

Mike La Pointe inquired if there were any further public comment regarding Conditional Use Permit #39. He informed everyone present that this would be discussed during New Business. There were

no further comments regarding Conditional Use Permit #39. Mike La Pointe closed public hearing for Conditional Use Permit #39.

LOT SPLIT #10:

Karen informed the public present and the Planning Commission that - The applicant, Duane Carlson, has requested that the Chocolay Township Board approve a lot split on the following described property:

Section 7 T47N R24W

Riverside Addition to Lakewood Lot 19 Exc The N 159' Thereof & Exc That Part Lying S'ly of a Line Beg 81.5' N of SW Cor Thereof Th S22° to Chocolay River.

Located at 206 Riverside Drive

The intent of this lot split is to allow Joseph & Barbara Holman to build an addition onto their home on Lot 18 which is already built into Lot 19. A split of 44 square feet is proposed, allowing the necessary lot requirements of the addition.

Joseph Holman made a presentation to the Planning Commission of what the intentions were if this would be approved.

Mike La Pointe inquired if there were any further public comment regarding Lot Split #10. There were none.

There being no further public hearings Mike La Pointe closed the public hearing section of the Planning Commission meeting.

REGULAR MEETING CALLED TO ORDER:

Mike La Pointe, Chairperson called the Regular Planning Commission Meeting to order at 7:47 p.m.

ROLL CALL:

Roll call was taken with Mike La Pointe, Bill Sanders, Estelle De Vooght, and Bob Whitaker present. Max Engle, Scott Emerson and Steve Kinnunen were absent.

APPROVAL OF MINUTES OF JULY 8, 1996:

Mike La Pointe inquired if there were any corrections and/or additions to the July 8, 1996 Planning Commission Minutes? There were none.

Bill Sanders moved, Estelle DeVooght supported that the minutes of July 8, 1996 be approved as presented.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike La Pointe inquired if there were any additions or changes in the agenda?

It was suggested that New Business be moved before Old Business.

Bill Sanders moved, Bob Whitaker supported that the agenda be approved as amended.

MOTION CARRIED: 4-0.

PUBLIC COMMENT:

Mike La Pointe inquired if there was any Public Comment. There were none.

NEW BUSINESS:

CONSIDER CONDITIONAL USE PERMIT #39:

Mike La Pointe inquired if there were any questions/comments regarding Conditional Use Permit #39.

The following questions/comments were made regarding Conditional Use Permit #39:

- Good location for a Bed & Breakfast.

- Could a sign be placed near the road to advertise for the Bed & Breakfast? It was stated that a sign had been discussed. Typical Bed & Breakfast language allows a sign on the building itself, however our ordinance does not address signs. MDOT does not allow for signs in residential districts.
- The name of the Bed & Breakfast will be "Our Paradise."
- Guests will be preregistered and will be given directions to find the Bed & Breakfast.

After the above discussion and comments the following motion was made:

Bob Whitaker moved, Bill Sanders supported that the Chocoley Township Planning Commission approve the request on Conditional Use Permit # 39 to allow a Bed & Breakfast on the following described property:

Section 9 T47N R23W

The West 100.2' of the East 310.6' of Gov't Lot 1 lying North of M-28.

Located at 2441 M-28 E

With the following conditions:

1. That Zoning Compliance Permit be obtained from the Chocoley Township Zoning Administrator prior to use.
2. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.

MOTION CARRIED: 4-0.

Judy Smith, applicant thanked the Planning Commission for their support.

LOT SPLIT #10:

Mike La Point inquired if there were any questions/comments regarding Lot Split #10?

The following questions/comments were made regarding Lot Split #10:

- Parcel left will be in compliance.
- Doesn't interfere with other property owners.
- The applicant has been to the Zoning Board of Appeals twice.
- Zoning Administrator has no problem with the proposed lot split.
- Basically the applicant is in compliance.

Bill Sanders moved, Estelle De Vooght supported that the Chocoley Township Planning Commission recommends to the Chocoley Township Board that Lot Split #10 be approved.

MOTION CARRIED: 4-0.

OLD BUSINESS:

CONSIDER CONDITIONAL USE PERMIT #38:

The following questions/comments were made regarding Conditional Use Permit #38:

- Trees are behind dirt berm.
- What is the reasoning for the parking area? Is it to separate customer parking from the truck traffic?
- Good idea to get the truck traffic away from the customer traffic.
- What about the washing of the vehicles?
- What is the time limitation on getting this approved for the applicant?
- What and where would the buffer be?
- Does the applicant indicate a buffer in the parking lot?
- What does the applicant have in mind?

After the above questions and discussion the following motion was made:

Bill Sanders moved, Bob Whitaker supported that Conditional Use #38 be tabled until the September 1996 Planning Commission meeting and to obtain more information on what the applicant plans on doing.

MOTION CARRIED TO TABLE: 4-0.

DISCUSS POSSIBLE WORDING FOR TEXT AMENDMENTS:**SEMI-TRAILERS AND OUTDOOR STORAGE:**

The following questions/comments were made regarding semi-trailers and outdoor storage:

- What is temporary? It was stated that temporary could be for construction materials.
- ABC True Value was used as an example.
- The history of La Rue's and Harvey Oil semi-trailers were also given.
- Marquette City does not allow any semi-trailers to be used for storage.
- We need flexibility for temporary storage.
- Should be a process to keep outdoor storage in control.
- Liability should be checked into as to where liability would lie.
- This should be dealt with as a conditional use.

After the above questions/comments were made, the following language was suggested and that a public hearing be scheduled regarding semi-trailers and outdoor storage.

Add to SECTION 101-DEFINITIONS

OUTDOOR STORAGE, refers to the storage of goods and materials outside of any building or structure.

Add to (SEC) SECTION 107 - ACCESSORY USES AND STRUCTURES

- (C) Semi-trailers as used for outdoor storage are permitted as an accessory to commercial use with a conditional use permit. The Planning Commission will require screening and buffering to limit or eliminate outdoor storage's impact on adjacent properties. Where necessary the Conditional Use Permit must assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

Add to (SEC) SECTION 209 DISTRICT C-1; (SEC) SECTION 210 DISTRICT C-2; (SEC) SECTION 212 DISTRICT C-3

- (C) **CONDITIONAL USES - Outdoor storage**

SITE PLAN REVIEW AND SITE CONDO:

Language review from Attorney is not yet available.

DISCUSS TRAILS COMMITTEE RECOMMENDATION:

Karen presented a map and gave a brief summary of the various meetings with the trail's committee.

It was noted that the money for easements from property owners and liability insurance lies within the North Country Trails and the Snowmobilers groups, not the township. The Township would only provide the names and addresses of the property owners that they would need to get the easements from.

The North Country Trails and Snowmobilers Association would like the endorsement of the Township. This would be done so they can obtain their funding.

DISCUSS THE FAX TO COUNTY ROAD COMMISSION AND RESPONSE:

Karen went over the questions and information received from the County Road Commission on the transmittal she sent to the County Road Commission dated July 10, 1996 and their response dated July 26, 1996:

1. The Chocolay Township Planning Commission is recommending to the Township Board that property owned by Leo Glass at Kawbawgam Road and M-28 be rezoned from Commercial-1 to Residential - 1. During discussion at their meeting, a commissioner indicated that a stop work order may have been issued to Leo Glass sometime between 1991 and the present for driveway work on this parcel. I spoke with Bill Santilli from MDOT. Permits were sent to Leo Glass, but never returned.

My question is - has the Marquette County Road Commission been involved with permits on this parcel and has a stop work order been issued?

County's Response:

RE: Leo Glass, Permits for driveway from Kawbawgam Road

There is no recollection of, or written record of, Mr. Glass applying for a permit. Being that no permits were issued, MCRC does not recall any stop work orders.

2. A new sign at the Chocolay Downs Golf Course has been erected on what appears to be on the County right-of-way. Jeff Chernach, MDOT has placed an orange removed request on this sign. Mr. Joe Gibbs told me this morning that he is paying an annual fee to the County Road Commission to place the sign near the highway.

Is this true? Mr. Chernach tells me the sign will be removed.

County's response:

RE: Joe Gibbs, Sign Permit

Mr. Gibb's has applied for a conditional use permit to construct a sign in county road right-of-way. A permit has not been issued by the Road Commission. If a permit is issued, it will require Mr. Gibbs to set the sign back a sufficient distance from MDOT right-of-way to be in compliance with MDOT requirements under the Bill Board Law.

3. In 1991, Mr. Randy Gentz applied to the Chocolay Township Planning Commission for a conditional use permit to open a golf course off County Road 480 and Gentz Road. One of the conditions was to follow the recommendation of County Road Commission presented in a letter from Mr. John Beerling. A copy of Mr. Beerling's letter has been faxed with this memo.

County's Response:

RE: Randy Gentz, Condition Use Permit 19

Mr. Beerling's letter requests that the Township not issue a conditional use permit to operate the golf course until such time as the road improvements are made to upgrade to county road standards. The Road Commission's recommendation remains that if Mr. Gentz wants to open and operate the golf course, then the Township should require the appropriate road improvements be made by the developer.

It was suggested that a meeting be set up with Randy Gentz to see what his intentions are regarding the road before the September 1996 Planning Commission and then place this item on the agenda.

It was also suggested that a copy of the County Road Commission's response be sent to Randy.

PLANNING DIRECTOR'S REPORT:

- 1) The summer youth program has been quite a success. A Teen Dance was held on Friday, August 9 at the Cherry Creek School for teens ages 13-16. About thirty teens signed the guest book. The Summer Youth Worker's gathered door prizes from the Chocolay Area businesses and the two movie theaters in Marquette. These prizes were a great hit.
- 2) We have had requests from Vivian Glass and Cathy DeVooght for information on zoning issues almost every day in our office since the last Planning Commission meeting. It becomes difficult to get other assignments done with the constant interruptions. However, the office staff has been able to keep up.
- 3) When the Township Board passed the Bed & Breakfast ordinance, they wanted the Planning Commission to look at the requirement for 20 acres in districts where the ordinance allows building on 5 acres parcels. Also, one Board member voted against the amendment because the language did not allow for Bed & Breakfast in the R-1 district.

- 4) Steve Blondeau and his consultant, David St. Onge, met with Mark Maki, Larry Gould and me on July 15 to discuss a mining & mineral extraction permit. The Zoning Board of Appeals has determined that the Jeske Flooding area is a public park. The Blondeau operation then is within 3,000 feet of a public park. I have responded to the initial meeting and have not heard back from Blondeau.
- 5) I have a copy of the changes to the Farmland and Open Space Preservation Program. I was not sure if I have made copies for the Planning Commission.

PUBLIC COMMENT:

Karen informed the Planning Commission of the upcoming workshops, one being Thursday, September 12, 1996 in Marquette and the other being Saturday, October 19, 1996 in Iron Mountain. If any of the members are interested in attending any of the workshops, please get in touch with her before the deadline. Their registration, mileage and per diem will be provided for by the township.

There being no further public comment, the second public comment section of the Planning Commission meeting was closed.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Correspondence from - MTA - Workshop on Planning in Marquette
- B. Correspondence from - Mark Maki - copies of letters sent to Joe Gibbs and Randy Gentz.

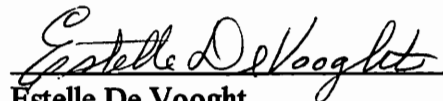
ADJOURNMENT:


There being no further business, the following motion was made:

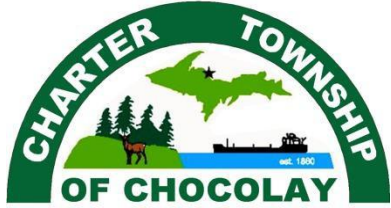
Bill Sanders moved, Estelle De Vooght supported that the August 12, 1996 Planning Commission meeting be adjourned.

MOTION CARRIED: 4-0.

The Planning Commission meeting was adjourned at 9:10 p.m.


 Estelle De Vooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting in August, 1996.

There was no meeting scheduled.

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, SEPTEMBER 9, 1996**

PRESENT: Bill Sanders, Mike La Pointe, Estelle De Vooght, Bob Whitaker, Max Engle, Scott Emerson (arrived at 7:40 p.m.) **ABSENT:** Steve Kinnunen

STAFF PRESENT: Karen Chandler - Director of Planning & Research, Mark Maki - Zoning Administrator

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Gary Loehr, Linda Rossberg, Randy Gentz, Cathy Gentz, Dave Martin, Curt Rife, Nancy Rife, Connie Barto, Glen Barto, Michelle Barnett, Patrick Barnett, Mike Kolasa

PUBLIC HEARING:

Mike La Pointe, Chairperson called the Public Hearing to order at 7:30 p.m. He explained the process of the public hearing.

REZONING #84:

Karen informed the Planning Commission that two months ago an error was noted in publication when this report was being prepared for the Township Board.

When she advertised this for publication for the first public hearing, she advertised the whole parcel that belonged to Larry Sterzik, identified the parcel that belongs to the township, however, she did not identify the fact that they are in RR2 Zoning District.

Gary Loehr - 1975 M 28 E: - has lived in that area for approximately 16 years and is in favor of the rezoning.

Connie Barto - 1951 M 28 E: - has lived in the area for about 20 years. Neighbors want the area Residential 1. Have been wanting the area rezoned for some length of time.

Mike Kolasa - 128 W. Spring Street & Attorney for Mr. & Mrs. Sterzik: - requested that the letter he wrote be read into the record. Letter placed in Rezoning # 84 file.

Linda Rossberg - 1975 M 28 E: - Wants to keep the area Residential.

Scott Emerson arrived at 7:40 p.m.

Glen Barto - 1951 M 28 E: - Fully supports the Rezoning #84.

Patrick Barnett - 1971 M 28 E: - wants to be free of the threats that have been made to him. He is for Rezoning #84.

Nancy Rife - 202 Wanda: - Nothing personal, but the area on M 28 E and Kawbawgam in question has been an eye sore for quite some time. For the Rezoning #84.

Curt Rife - 202 Wanda: - property owners should have certain freedom to do some things you want to do on your property. However, he is for Rezoning #84.

Mike La Pointe inquired if there were any further comment pertaining to the public hearing for Rezoning #84.

Estelle De Vooght read the two letters that were received into the record. (1) Michael J. Kolasa (attorney for Mr. & Mrs. Sterzik) - Against Rezoning #84 and (2) Letter from Larry Sterzik and Vivian Glass - Against Rezoning #84. Both letters placed in Rezoning # 84 file.

There being no further public comment for Rezoning #84, the public hearing was closed for Rezoning #84.

REZONING #85:

Karen informed the public present and the Planning Commission on the background information regarding Rezoning #85.

In December 1995, The Township Board approved the rezoning of the North 100' of the East 200' of the West 369.5' of that part of the NW 1/4 of the NW 1/4 lying South of Silver Creek. This parcel is owned by Mr. Paul Huard.

While the Director of Land Use Development was updating the zoning maps, he found that we rezoned a parcel that was already in the R-3 district. When the revised application was received from Mr. Huard in July 1995, Karen used his description which did not address the South 400'.

The property description was incorrect.

Mike La Pointe inquired if there were any further comment pertaining to the Public Hearing for Rezoning #85. There were none. The Public Hearing for Rezoning #85 was closed.

REZONING #86:

Karen informed everyone present that the applicants, Brian and Ann St. Pierre, have petitioned the Chocoday Township Board to amend the Chocoday Township Zoning Ordinance with language that will allow motor vehicle service in the C-2 zoning districts as a permitted principal use.

Mike La Pointe inquired if there were any public comment pertaining to Rezoning #86. There were none. Mike La Pointe closed Public Hearing regarding Rezoning #86.

There being no further public hearings, the public hearing session of the Planning Commission was closed.

REGULAR MEETING CALLED TO ORDER:

Mike La Pointe called the Regular Planning Commission Meeting to order at 8:00 p.m.

ROLL CALL:

PRESENT: Bill Sanders, Mike La Pointe, Estelle De Vooght, Bob Whitaker, Max Engle, Scott Emerson (arrived at 7:40 p.m.). **ABSENT:** Steve Kinnunen

APPROVAL OF THE MINUTES OF AUGUST 12, 1996:

Mike La Pointe inquired if there were any corrections and/or additions to the August 12, 1996 Planning Commission Minutes? There were none.

Bill Sanders moved, Scott Emerson supported that the minutes of August 12, 1996 be approved as presented. **MOTION CARRIED: 6-0.**

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

It was suggested that under New Business, A. Consider Rezoning #84 - Kawbawgam & M 28 be moved up on the agenda after Old Business, A. Consider Use Permit #38 - Fraco, Inc.

Bill Sanders moved, Scott Emerson supported that the Agenda be approved as suggested. **MOTION CARRIED: 6-0.**

OLD BUSINESS:

Peter Frazier, President of Fraco was present and said if the Planning Commission needed questions answered, he would answer them.

Mike La Pointe informed the Planning Commission that Mark Maki, Karen Chandler and himself met with the Frazier's and discussed the parking lot greenery proposal. The Fraco site currently has green areas. There may not be tree plantings within the parking lot, but there is grass in the front of the office building. The sign area out front on Cherry Creek Road is well kept with flower plantings around the sign.

This industrial site is not seen from Cherry Creek Road. We need to keep in mind that this site receives a small percentage of pedestrian traffic. Lincoln Frazier has agreed to plant a 30' green buffer between the parking lot and the lot line to insure the screening requested in the original conditional use permit. This planting will create a better buffer than presently on the site.

Lynn Frazier expressed in item # 20 of the application that trees can be planted for additional screening. The Fraco property borders the Willow Farm property. The Willow Farm property along that line is also zoned C-3. There are two large trees on the property line that can be protected. Additional screening can be planted to protect the intent of Conditional Use Permit # 17.

Mark Maki commented that they are dealing with a small number of vehicles. Scott Emerson suggested that guidelines be given to the developer for the planting of trees, etc.

Mike La Pointe inquired if there were any further comments regarding Conditional Use #38. There were none.

Scott Emerson moved, Bill Sanders supported that the Chocolay Township Planning Commission approve the request on Conditional Use Permit # 38 to amend the original permit on the following described property:

Section 7 T47N R24W

The N 660' of W 1278.26' of NW 1/4 of SE 1/4 lying W of Cherry Creek Road
exc the S 500' of E 460.37' thereof. Located at 200 Cherry Creek Road.

With the following conditions:

1. That the large trees on the site plan submitted with this application be protected.
2. That two rows of pines, at least 30 inches high, be planted at five feet intervals along the north lot line. The Natural Resources Conservation Service can be contacted for planting recommendations.
3. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to use.
4. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.

MOTION CARRIED: 6-0.

NEW BUSINESS:

CONSIDER REZONING #84 - KAWBAWGAM & M-28:

The following questions/comments were received regarding Rezoning #84:

All of the public comment from the public hearing was taken into consideration.

- Marquette County Planning Commission didn't acknowledge any of the township staff recommendation or reasoning.
- The Planning Commission has been working with this area for rezoning for the past five years. Basically this is old business that needed to be addressed.
- When this was submitted in the past, the County Planning Commission supported the staff and Planning Commission's recommendations and reasoning.
- The Township Board has been dealing with this for about 10 years time and time again and about 5-6 years ago decided this had to be on a priority list of things to do.
- Has the Marquette County Planning Commission received a copy of the Townships Strategic Plan? They have a copy of the township's Comprehensive Plan, but not the Strategic Plan. It was suggested that one be given to the County Planning Commission.
- The Planning Commission is not making a decision on this rezoning because of the casino.

- Businesses should be concentrated for development in certain areas, such as Beaver Grove and the M 28 & US 41 intersection.
- Needs rules, etc. - supported by the People-At-Large in the Strategic Plan.
- Casino wasn't there all the time this was discussed in the past.
- Soil and Water may be a problem.
- There has been more than ample time to have something constructive done with the building on M-28 and Kawbawgam, but seems to be a dead issue.

Mike La Pointe inquired if there were any further questions/comments concerning Rezoning #85. There were none.

Bill Sanders moved, Scott Emerson supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the rezoning request # 84 be approved for the following parcels:

- 1) The following parcel from a current zoning classification of C-1 to R-1.
Section 7, T 47 N, R 23 W
All that part of Gov't lot 4 lying W. of County Road BI and S. of M-28.
- 2) The following three parcels from a current zoning classification of R-3 to R-1
Section 7, T 47 N, R 23 W
 - a. Part of NW 1/4 of SW 1/4 & SW 1/4 of NW 1/4 Beg at a pt on C/L of Co Rd BI 6' S of N Line of NW 1/4 of SW 1/4 th E 100' th N 151' th E 100' th N to M-28 ROW th W'ly alg ROW 59.4' M/L th SW'ly 201' M/L to C/L Co Rd BI th S'ly alg C/L to POB exc Co Rd ROW.
 - b. The S 100' of N 130' of that part of NW 1/4 of SW 1/4 lying W of Co Rd BI.
 - c. The N 30' of that part of NW 1/4 of SW 1/4 lying W of Co Rd BI.
- 3) The following parcel partially zoned R-3 and partially zoned RR-2 be rezoned to R-1 in its entirety
Section 7, T 47 N, R 23 W
Part of NW 1/4 of SW 1/4 & SW 1/4 of NW 1/4 Beg at a Pt on C/L of Co. Rd. BI 6' S of N Line of NW 1/4 of SW 1/4 Th S 194' Th E 350' Th N 200' Th W 150' Th N 145' TH W 100' TH S 151' TH W 100' to POB.
- 4) And the following parcel partially zoned C-1 and partially zoned RR-2 be rezoned to PL in its entirety
Section 7, T 47 N, R 23 W
That Part of NW 1/4 of SW 1/4 lying N of Soo Line R/W exc the N 130' lying W of Co Rd BI & exc the N 200' of W 350' E of C/L of Co Rd BI.

It was inquired of Mr. Kolasa if the current bank building is up for sale? He informed the Planning Commission that he is the attorney for Mr. & Mrs. Sterzik, not Mr. & Mrs. Glass.

MOTION CARRIED: 6-0

Karen Chandler explained the process that would be followed regarding the rezoning, which is:

- 1) This will go back to the Marquette County Planning Commission. They meet the first Wednesday of each month. The next meeting is October 2, 1996.
- 2) The Marquette County Planning Commission's recommendation will go back to the Chocolay Township Board with the recommendation of the Township Planning Commission. The Township Board meets the first and third Monday's of each month. This would probably be on the Township Board's agenda for the 3rd Monday in October.

Karen will notify the people present, if interested so they can attend the meetings when this will be discussed.

OLD BUSINESS:

DISCUSSION ON GENTZ INC., GOLF COURSE:

Karen informed the Planning Commission that a soil sample has been done. And a nitrate test has been done on their home well. The Township has received copies of test results.

Karen informed the Planning Commission that Randy & Cathy Gentz met with her recently to discuss the progress on their development and their understanding of the condition placed on their permit to upgrade Co. Rd. BZ and the private road to a standard established by the MCRC. As discussed at our last Planning Commission meeting, this standard as presented by the MCRC is to have the road blacktopped.

The Gentz's realize that the road will eventually need to be brought up to the County standards. Randy informed the Planning Commission that there is a gravel road now. Also, the Township residents have been using the sod farm for a number of years for a compost site.

Bill Sanders moved, Scott Emerson supported that the Planning Commission ask Randy & Cathy Gentz to meet with the Director of Planning & Research, the DPW Supervisor, and a representative of the Marquette County Road Commission to determine the exact standards and the estimated costs and to bring this information back to the Planning Commission.

MOTION CARRIED: 6-0.

Randy and Cathy Gentz thanked the Planning Commission.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS: (1) SEMI-TRAILERS AND OUTDOOR STORAGE, (2) SITE PLAN REVIEW AND (3) SITE CONDO.

Karen went over the suggested language for the semi-trailers and outdoor storage with the Planning Commission.

She informed the Planning Commission she will be setting up an appointment with the Township attorney regarding language for the Site Plan Review and Site Condo.

The following comments were made regarding Semi-Trailers and Outdoor Storage:

- Filed as a Conditional Use.
- Keep the word visual in the language for semi-trailers and outdoor storage.
- Advertise for a public hearing for this language when another public hearing is scheduled.

It was also recommended that when reviewing language for Site Plan Review and Site Condo, Karen and Mark both have the opportunity to review the language.

The Planning Commission agreed unanimously on the following language for Semi-Trailers and Outdoor Storage:

Add to SECTION 101 -DEFINITIONS

OUTDOOR STORAGE, refers to the storage of goods and materials outside of any building or structure.

Add to (SEC) SECTION 107 - ACCESSORY USES AND STRUCTURE

C. Semi-trailers as used for outdoor storage as permitted as an accessory to commercial use with a conditional use permit. The Planning Commission will require screening and buffering to limit or eliminate outdoor storage's visual impact on adjacent properties. Where necessary the Conditional Use Permit must assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

NEW BUSINESS:

**CONSIDER REZONING #85 - WILLOW ROAD (DESCRIPTION CORRECTION):
REZONING #85 -**

Karen informed the Planning Commission that the following parcel of property was petitioned to be rezoned:

Section 7, T 47 N, R 24 W

The North 100' of the South 400' of the East 200' of the West 369.5' of that part of the NW 1/4 of the NW 1/4 lying South of Silver Creek.

In December 1995, the Township Board approved the rezoning of the North 100' of the East 200' of the West 369.5' of that part of the NW 1/4 of the NW 1/4 lying South of Silver Creek. This parcel is owned by Mr. Paul Huard.

While Mark Maki was updating the zoning maps, he found that we rezoned a portion of the parcel that was already in the R-3 district. When the revised application was received from Mr. Huard in July 1995, Karen used his description which did not address the South 400'.

Max Engle moved, Estelle De Vooght supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following parcel be rezoned from R-2 to R-3

Section 7, T 47 N, R 24 W

The North 100' of the South 400' of the East 200' of the West 369.5' of that part of the NW 1/4 of the NW 1/4 lying South of Silver Creek.

MOTION CARRIED: 6-0.

CONSIDER REZONING #86 - TEXT AMENDMENT (AUTO BODY SHOPS):

Karen informed the Planning Commission that the applicants, Brian and Ann St. Pierre, have petitioned the Chocolay Township Board to amend the Chocolay Township Zoning Ordinance with language that will allow motor vehicle service in the C-e zoning districts as a permitted principal use.

The following questions/comments were received regarding Rezoning #86.

- If we allow motor vehicle service in the C-2 zoning district, we may make another trucking business in the same area ok because they also service motor vehicles.
- The Planning Commission agreed unanimously that we shouldn't allow motor vehicle service in the C-2 Zoning District.
- If a body shop would get too busy, it could become another junk yard.
- Examples of body shops within the township were given: such as Walt's Auto Body, Hornborgan's, and La Jeunesse.
- If this language is passed, it would be allowing a text amendment change, not a specific application.

After discussion and the above comments, the following motion was made:

Bill Sanders moved, Max Engle supported to recommend to the Chocolay Township Board denial of the language that would allow motor vehicle service in the C-2 Zoning District as a permitted principal use for the following reasons (1) it is not consistent with the Township Comprehensive Plan and (2) there are adequate properties in the C-3 Zoning Districts in the Township.

MOTION CARRIED: 6-0 TO DENY THE LANGUAGE.

PLANNING DIRECTOR'S REPORT:

- 1) A memo on development of M-28/US 41 from Mark Maki is in your packet. Ivan Fende, Mark and I met with the property owners of parcels around the northeast intersection of M-28 and US 41. We discussed a road coming from around the back. However, Wahlstrom's have their property on M-28 for sale and are not interested in negotiating any changes at this time. They feel it would be for the new owners to decide future access. Ivan will be contacting MDOT to start discussions on a frontage road on US 41.
- 2) I will be presenting a proposal to Professor Jean Ferrill's class on Wednesday. She has an environmental assessment class and has asked if we have any projects. The proposal will include looking at three different areas down M-28. This project will take place during the fall semester and the class finding should be presented to the Township sometime in late December.

I also discussed with Professor Ferrill the possibility of working on an update to our Comprehensive Plan. If her winter class can handle this project, we should have it done. We could also use updates on the census material within the plan.

- 3) I received copies of *Living With Michigan Wetlands: A Landowner's Guide* from Mike Farrell, Marquette County Drain Commissioner. If any of you would like extra copies to pass along, please let me know.

PUBLIC COMMENT:

County Planning Commission is an advisory board. It was suggested that a Township Planning Commission representative attend the next Marquette County Planning Commission meeting. Marquette County Planning Commission meets the first Wednesday of each month.

It was suggested that CABA support be obtained and written to MDOT regarding access frontage on US 41 & M-28. This would probably enhance the quality of all the businesses to have an access road. It was suggested that possibly the township would pay for traffic consultant. The Planning Commission unanimously agreed that Mark had good points in his memo dated August 9, 1996 to them. It was agreed unanimously that a letter be written by the Planning Commission to the Township Board to hire a traffic consultant.

Karen informed the Planning Commission that the zoning conference at the Ramada Inn for Thursday, September 12 has been canceled.

Regarding Trails Committee support. It was recommended that the Township Board at least consider to provide some staff time and perhaps some funds this year and next year to acquire some right of way for trails. It was suggested that possibly some monies left from the Planning Commission Budget this year be used for trails. We have support from the People-At-Large in our Strategic Plan. Karen will be attending the MSPO/APA conference in Lansing at the end of the month. There will be a session on trail ways, etc.

The Planning Commission members inquired what was being done regarding obtaining the concept of the Ball State University concept? Karen informed the Planning Commission that she has been in contact with all of the agencies, but hasn't compiled any of the information.

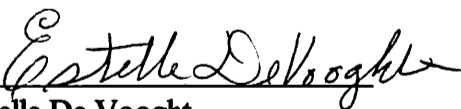
Maggie Meiss commented to the Planning Commission that she has bad well water. She also commented that part of the legal settlement with Blondeau's and the Township was that the vehicles wouldn't be ran from 9: p.m. through 5:00 a.m., but has been doing this right along. Something needs to be done. The Planning Commission was informed that U.P. Moving & Storage was being used for Blondeau's Trucking business.

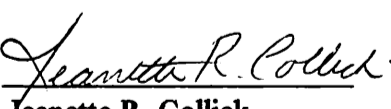
INFORMATIONAL ITEMS & CORRESPONDENCE:

- A. Memo - from Mark Maki - Development of U S 41/M-28 Access Road.

ADJOURNMENT:

Estelle De Vooght moved, Bob Whitaker supported that there being no further business the September 9, 1996 Planning Commission meeting be adjourned. The Planning Commission meeting was adjourned at 9:40 p.m.


Estelle De Vooght
Planning Commission Secretary


Jeanette R. Collick
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, OCTOBER 14, 1996**

MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:32 p.m.

ROLL CALL: PRESENT: Mike LaPointe, Steve Kinnunen, Bob Whitaker, Estelle DeVooght
ABSENT: Bill Sanders, Scott Emerson, Max Engle

STAFF PRESENT: Karen Chandler - Director of Planning & Research and Mark Maki - Director of Assessing & Zoning.

OTHERS PRESENT: Jeanette R. Collick - Recording Secretary, Joe Palermo - Student Intern, Randy Gentz, Cathy Gentz, Richard Reader.

APPROVAL OF THE MINUTES OF SEPTEMBER 9, 1996:

Mike LaPointe inquired if there were any correction and/or additions to the September 9, 1996 minutes. After corrections on page 6 and 9 of the draft of the September 9, 1996 minutes, the following motion was made:

Bob Whitaker moved, Estelle DeVooght supported that the September 9, 1996 Planning Commission minutes be approved as corrected.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike La Pointe inquired if there were any corrections' and/or additions to the agenda.

Mark Maki requested that discussion for Fraco Inc. be added to Old Business after discussion on Gentz, Inc. Golf Course.

Bob Whitaker moved, Estelle DeVooght supported that the agenda be approved as suggested.

MOTION CARRIED: 4-0.

PUBLIC COMMENT:

Mike La Pointe inquired if there was any public comment.

Karen Chandler introduced Joe Palermo, Student Intern. She informed the Planning Commission that Joe is presently working on the Fire Fighters Right to Know and when finished with that project will be returning to the Planning Department.

Karen informed the Planning Commission that the Chocolay Township Police Department participated in the Safety & Sober program and received enough points to be awarded a laser radar gun worth \$5,000.

There being no further public comment, the first public comment section of the Planning Commission was closed.

OLD BUSINESS:**DISCUSSION ON GENTZ, INC., GOLF COURSE:**

Karen brought the Planning Commission up-to-date on Gentz, Inc. - Golf Course.

She informed the Planning Commission that Larry Gould and she had a discussion and made suggestions and a few options. The options are listed on a memo to the Planning Commission dated October 14, 1996 and placed on file in the Planning Commission Agenda Notebook.

The following comments were made regarding the Gentz, Inc. - Golf Course.

- The county won't pay for the road to be black topped.
- In the Conditional Use, one of the requirements was to follow County Road Commission recommendation.
- Reopen Conditional Use and review criteria.

- The applicant can't pay for the road to be black topped before opening the golf course.
- Question - what is the county road standard?
- One of the conditions was that prior to the opening of the golf course, the road would be brought up to County standards which means paved.
- What traffic is generated on this road for the Township composting?
- Can we extend the time frame for the paving of the road?
- What are the criteria for dust control?
- Possibly 3-5 years would be a workable time frame for the developer.

The following motion was made after the above discussion.

Steve Kinnunen moved, Bob Whitaker supported that the township attorney be contacted to see if the Conditional Use could be reopened.

Discussion - Planning Commission is willing to work with the developer. The County Road Commission be contacted to see if this would be okay with them.

MOTION CARRIED: 4-0.

FRACO - PETE FRAZIER:

Mark Maki informed the Planning Commission that Pete Frazier is planning to build a building to bring equipment on the site which is basically a higher tank to use to drain water and residue from the trucks. Presently they are being cleaned out and emptied on the site on the ground, then the hardened residue is hauled away to be broken up and reused.

The following comments were made regarding this topic.

- DNR - wastewater discharge requires a permit - Cannot be dumped on the ground.
- Planning Commission reviewed the pictures Mark presented to them.
- Anytime there is a change in the site plan, this should come back to the Planning Commission to review.
- The developer probably wants to get started because of the weather.
- Will the tank take care of the waste water?
- Eventually Fraco will probably be hooked to the Township Sewer.
- If another building is put up, this would be a change in the Conditional Use.
- Planning Commission needs to be informed when there is a use change.
- Mr. Frazier has always been willing to work with the township.

STRATEGIC PLAN:

Karen presented the following comments concerning the Strategic Plan:

COMMUNITY AT LARGE

Survey Community to assess acceptance of a community foundation and 'community center' concept. A survey has been developed. However, time has not allowed for selecting a random sample nor mailing out the survey. I have called NMU's, Dr. Steven Nelson to see if his winter Research Method's class would be interested in completing this project.

Develop a plan to communicate/educate people about planning goals and community issues. We have had great success with the Action Shopper and the CABA Quarterly. I fax the Township Board agenda's to the local news media and frequently see a spot in the Mining Journal and have heard spots on WDMJ.

Develop a promotional theme/campaign. The Township Board has approved a logo contest. I haven't had time to start the process. We have made an effort to attend all CABA meetings on the third Wednesday each month at 7:30 a.m. at Wahlstrom's.

Create more community involvement activities. The summer youth program was a great success this summer. The Communities Committed to Youth & Families Committee has been meeting. I did have a meeting just a few weeks ago. I sent out thirty notices. Received three phone calls and only four people attended. We did decided at this meeting to start promoting existing community projects as listed in the Strategic Plan and any others from the schools.

Form a committee to research/explore ways to work positively with the Keweenaw Bay Indian Community.

BUSINESS DEVELOPMENT

Prepare a graphic representation of "The Vision." I have made contact with communities involved in the charrette program from Ball State University. I have been in contact with Carol Hicks about the possibility of a similar process at NMU.

Define and implement development standards that will create our vision of a natural park-like business district with an identifying architectural theme that highlights the townships 'natural' beauty.

COMMUNITY DEVELOPMENT

Maintain the rural/natural landscape by preserving open space.

Earmark tracts of land for acquisition to fit with the master plan. Include provisions for maintenance, tax support connectivity and green belt concepts. An Ad Hoc Trails Committee did meet during the summer. Our student intern at the time collected information and materials on trail development. We haven't met since Shane left. I would hope we can get together again before the end of the year.

ENVIRONMENT

To inform residents, businesses and government about local environmental issues via an annual awareness/action day. Carl Lindquist did attend the annual bike registration day program. The Chocolay Watershed Council provided tee-shirts and posters and Carl worked with the children. The summer youth program did a field trip to the Fish Hatchery.

INFRASTRUCTURE

Initiate a comprehensive recycling strategy. The Township did contract out the refuse pickup. Part of the bidding process included recycling. As you know, curbside recycling is provided for residents that put out tagged refuse bags.

Master plan, zoning ordinance and expanded infrastructure will reflect the "New Vision" of Chocolay

IMPLEMENTATION

Review progress on the strategic plan in six months and one year to assess action.

The following comments were made by the Planning Commission members:

- What is the status of the court case regarding the Keweenaw Bay Indians? The township hasn't received any new information.
- It was suggested that a committee be formed for communication.
- This development could have an impact on what the township does.
- Need proper liaison for communication.
- What was decided regarding the letter from Mark that went to the Township regarding the hiring of a traffic consultant? This went to the Board as an informational item. No action was taken.
- Township Supervisor is aware of this and is waiting to see what is happening to some of the property behind Snyders. Planning Director will check on this and report back to the Planning Commission.
- Hiring a traffic consultant is different from having a traffic survey done.
- A plan needs to be done. We need to obtain a cost and plan, which may be made mandatory.
- A traffic consultant could suggest changes in the zoning ordinance.
- The first step is to obtain information on the cost estimate.
- The township needs to pursue this matter.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS FOR SITE PLAN REVIEW AND SITE CONDO:

Township Attorney wants to rewrite the language regarding this. He will meet with Karen and Mark to review the language for Site Plan Review and Site Condo.

NEW BUSINESS:**DISCUSSION ON GIS SYSTEM:**

Karen inquired as to what we want in a GIS System. A Planning Commissioner inquired what does a GIS consist of? GIS stands for Geographical Informational System. It shows overlays on land uses, different types of soil, zoning, etc.

There are seven grants going out state wide. Marquette has been identified as one area meeting the criteria to receive a grant. Marquette City has a GIS System, but funds for an operator were cut from their current budget.

Karen gave a list of possible groups and interested people that may have a use for a GIS. What is the GIS going to accomplish? Everything will be in one area. The following example was given. It will show you contaminated wells, different types of soil, rezoning, known problems with land, etc. It will also be a helpful tool in groundwater problems and zoning.

Planning tool will consist of the following: 1) Soil; 2) Zoning; 3) Tax Maps; 4) Sewer System; 5) Groundwater; 6) Existing Land Use.

DISCUSSION ON GREENWAY TRAILS:

Karen informed the Planning Commission that Ivan Fende wrote a letter to Trails, Inc. on the possible use of a trail next to the existing Bike Path.

PLANNING DIRECTOR'S REPORT:

Karen presented the following Planning Director's Report:

- 1) We have another student intern working for the Township. Joe Palermo is currently working on the Fire Fighter's Right-to-know and will be working for the Planning Department when done.
- 2) An Economic Development Grant from Wal-Mart Corporation in cooperation with the National Towns & Townships Association was awarded to John Greenberg, Treasurer winner in the American Hometown Leadership Award program for 1996. The Township received this \$1,000 grant at their last meeting and placed it in an Economic Development Capital Improvements Fund.
- 3) Carol Hicks provided information on a software package called Virtual Interactive Code. This package enables homeowners to explore complex local zoning regulations. Cost of the package is \$10,000.
- 4) I have been asked to serve on a panel to discuss "Shaping Our Future with Growth Management Planning" in Chocolay Township on Saturday, October 26 in Hancock. During this one hour discussion, I will be teamed with Les Ross, AICP/PCP, Sundberg Carlson & Associates along with Paul Wood and Mark Sherman from Schoolcraft County. The all day workshop is being sponsored by the League of Women Voters of the Copper Country and the Upper Peninsula Environmental Coalition.
- 5) We have six student teams working on environmental assessments within the Township. The six areas identified are 1) the Timber Lane Subdivision; 2) the Varvil Center; 3) Section 10 and 11 along M-28; 4) the Kawbawgam Road area; 5) the subdivision developments along Cedar Creek in Section 17; and 6) Beaver Grove and Brookfield Subdivision in Section 21 and 22.
- 6) Karen informed the Planning Commission that she did attend the Marquette County Planning Commission's October 1996 Meeting. She gave an update on the M-28 and Kawbawgam development.

PUBLIC COMMENT:

There was no Public Comment. The second Public Comment was closed.

COMMISSIONER'S COMMENT:

Mike La Pointe informed the Planning Commission that this was added to the agenda so if the Planning Commission Members had any discussion this could be done during this time.

The following was commented on:

- Strategic Plan - more support and getting positive response from people.
- There is a concern for groundwater contamination near the Chocloy Downs Golf Course. Some nearby residents are very concerned on what is going to happen. Specific concerns on the developer/owner taking the well samples and not an independent person.
- Going by the Marquette County Health Department's recommendation regarding the monitoring wells.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Correspondence to - Mr. Andy Smith, Trails, Inc.
- B. Information from AICP Summer 1996 Fast Food Outlets Get a Facelift.

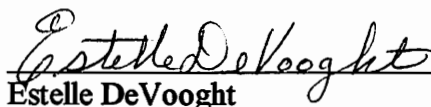
ADJOURNMENT:


There being no further business the following motion was made:

Bob Whitaker moved, Steve Kinnunen supported that the October 14, 1996 Planning Commission be adjourned.

MOTION CARRIED: 4-0.

The Planning Commission was adjourned at 9:25 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, NOVEMBER 11, 1996**

PRESENT: Mike LaPointe, Max Engle, Bill Sanders, Scott Emerson and Estelle DeVooght (arrived at 7:40 p.m.)

ABSENT: Bob Whitaker and Steve Kinnunen

STAFF PRESENT: Karen Chandler - Director of Planning & Research, Mark Maki - Director of Assessing & Zoning.

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Randy Gentz, Cathy Gentz, Brian St. Pierre, Ann St. Pierre, Tim Barsch, Michele Rodman.

PUBLIC HEARING:

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:38 p.m.

LOT SPLIT #11:

Mike LaPointe informed the public of the process for the public hearing. He inquired if there were any question/public comment regarding Lot Split #11.

Karen Chandler, Director of Planning & Research informed the public and the Planning Commission that the applicants, Tim Barsch and Dan Lancour, have requested that the Chocolay Township Board approve a lot split on the following described property:

Highland Meadow Subdivision Lot 14. The split lot will then be combined with Lots 13 and 15 respectively.

Tim Barsch and Dan Lancour jointly own Lot # 14. This lot split request is to place part of Lot 14 with Lot 13 and the remained of Lot 14 with Lot 15.

Karen informed the Planning Commission that she had received one letter from Terrence Donnelly. He had no problem with the lot split.

Tim Barsch, applicant had nothing more to add.

Mike LaPointe inquired if there were any further public comment regarding Lot Split #11? He informed everyone present that this would be discussed during New Business. There being no further comments regarding Lot Split #11, Mike La Pointe closed the public hearing on Lot Split #11.

CONDITIONAL USE #19 - AMENDMENT:

Estelle DeVooght arrived at 7:40 p.m.

Karen informed the Planning Commission that the Township Attorney has been consulted on amending this Conditional Use. The County Road Commission was consulted and a letter to Larry Gould from Mike Etelamaki had been included with the Memo dated November 7, 1996 that is in the Planning Commission Agenda packet.

Karen informed the Planning Commission that she had received a verbal response from Paul Capodilupo who presently lives in Marquette, but eventually plans on building a home on his property located here. He has no problem with the amendment.

Randy Gentz inquired why he has to be responsible for the paving of the road.

Michele Rodman (881 Cherry Creek Road) inquired where Gentz Road was.

Mike LaPointe inquired if there were any further questions/comments regarding Conditional Use Permit #19 - Amendment. There being no further questions/comments regarding Conditional Use Permit #19 or any further public hearings, Mike La Pointe closed the Public Hearing Section of the Planning Commission.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe, Chairperson called the Regular Planning Commission Meeting to order at 7:45 p.m.

ROLL CALL:

Roll call was taken with Mike LaPointe, Max Engle, Bill Sanders, Scott Emerson and Estelle DeVooght present. Absent were Bob Whitaker and Steve Kinnunen.

APPROVAL OF MINUTES OF OCTOBER 14, 1996:

Mike LaPointe inquired if there were any corrections' and/or additions to the October 14, 1996 Planning Commission Minutes?

Mike LaPointe moved, Bill Sanders supported that the minutes of October 14, 1996 be approved as presented.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions or changes in the agenda?

Bill Sanders suggested that New Business Item A Consider Lot Split #11 - Highland Meadows Lot #14 and Item B Consider Conditional Use #19 - Gentz/Homestead Golf Course be moved after Old Business A Discuss Rezoning #86 as per Township Board request.

Scott Emerson moved, Bill Sanders supported that the agenda be approved as amended.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Mike La Pointe inquired if there were any Public Comment. There being no Public Comment, the first public comment section of the Planning Commission was closed.

OLD BUSINESS:**DISCUSS REZONING #86 - AS PER TOWNSHIP BOARD REQUEST:**

The following questions/comments were received regarding Rezoning #86:

- Township Board is not listening to the appropriate boards on township and/or county level. Something should be done.
- The proposed body shop would be a new building.
- DEQ guidelines would be required.
- Doesn't want a junk yard look.
- The petitioner wants to build a life and business for himself.
- Body shops should be in a C-3 zoning districts.
- Presently can sell vehicles in a C-2 zoning districts, but can't service them.
- Auto repair falls under a special use permit in other area ordinances.
- Body shops may not be compatible with other businesses in a C-2 zoning districts.
- If we allow motor vehicle service in a C-2 zoning districts, how do we not allow others from expanding?
- Blondeau Trucking is an industrial business.
- Quick Lube was used as an example. Quick Lube is six years old.
- Seems there is no consistency in approval and/or disapprovals.
- Planning Commission only recommends a rezoning to the Township Board.
- What is the option now? Planning Commission will send their recommendation back to the Township Board. Township Board would have to approve or disapprove.
- What is the closest business in a C-3 Zoning District? Fraco is the closest business in a C-3 Zoning District.
- Could allow C-3 uses in a C-2 zoning districts on a case by case basis?
- Strategic Plan should be taken into consideration, which is to keep the village type shopping area.
- Flexibility should be in conditional uses.
- Planning Commission Members have nothing against body shops personally.
- Planning Commission should stay with their original recommendation.
- Applicant proposing a body shop informed the Planning Commission that he would have a

- body shop only, not a motor vehicle repair shop.
- The eight steps for a conditional use permit were read.
- Other conditional could be attached to a conditional use permit.
- The proposed body shop is directly behind Wolverine Supply.
- Can we specifically say an auto body repair shop in C-2 as a Conditional Use - scale of services - a body shop - mechanical?
- An auto body repair shop would have to be defined and state no motor vehicle serve.
- Zoning Administrator would enforce the zoning ordinance. The problem would be with a new owner. Applicant proposing the body shop in the C-2 Zoning District plans on being successful and tends to grow.
- The original site was owned by L.S. & I. Railroad.
- Once used as a construction company storage yard - Mc Donald's Construction Company.
- Presently used by Menze, Wolverine Supply, a Garden Store and CPA businesses.
- If the Township Board approves Rezoning #86 as a conditional use, adjoining property owners would have to be notified when an application for a body shop is received.

Estelle DeVooght moved, Bill Sanders supported that the Planning Commission send this back to the Township Board with the original recommendation.

MOTION CARRIED: 4-1.

Mike LaPointe inquired if there was any further discussion or comments regarding Rezoning #86?

The following comments were made:

- Body Shops should be defined and state no motor vehicle service.
- Auto body shops should be considered as a conditional use in the C-2 Districts.
- Damage Control.
- If Township Board approves the text amendment as a conditional use, adjacent property owners would have to be notified when an application for auto body repair is received.

After the above discussion, the following motion was made to expand and clarify the first motion.

Scott Emerson moved, Max Engle supported that if the Township Board does approve the text amendment that they consider dropping the language motor vehicle service and add language for auto body repair in a C-2 Zoning Districts as a Conditional Use and to include the following definition of an auto body repair shop as collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

MOTION CARRIED: 4-1.

CONSIDER LOT SPLIT #11 - HIGHLAND MEADOWS LOT #14:

Mike LaPointe inquired if anyone had any questions or comments regarding the Lot Split #11? There were no further comments other than what was at the public hearing/

Scott Emerson moved, Bill Sanders supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that Lot Split #11, for the split of Highland Meadow Subdivision Lot # 14, be approved.

MOTION CARRIED: 5-0.

Lot Split #11 - Highland Meadows Lot #14 will be on the Township Board agenda for December 2, 1996.

CONSIDER CONDITIONAL USE #19 - GENTZ/HOMESTEAD GOLF COURSE:

Mike LaPointe informed the Planning Commission that he would abstain for voting on the decision of Conditional Use Permit #19 - Gentz/Homestead Golf Course because of his involvement with the Marquette County Soil Conservation District.

Planning Commission members agreed to allow Mike LaPointe to abstain and thanked Mike for bringing this to their attention.

The following questions/comments were made regarding Conditional Use #19:

- Was not the Planning Commission's intention for a private citizen to pave the road.
- County Road Commission suggested the requirement, not the township.
- Presently Gentz Sod Farm is being used for a compost site for the Township.
- If this would be on the Township road ranking, the county would pay half and then township would have to pay some.
- As traffic increases, the road should be paved.
- Intent is to eventually have the road paved.
- What number of years would the road be paved?

After the above comments the following motion was made.

Scott Emerson moved, Bill Sanders supported that the Chocolay Township Planning Commission approve the amendment to the existing conditional use # 19, with the following conditions:

1. Proper buffers be established to protect surrounding land uses.
2. *The Guidebook of Best Management Practices for Michigan Watersheds*, by MDEQ, Surface Water Quality Division, using the sections for golf courses be recommended for use in place of previous conditions: Condition # 2 (develop estimates of water use) and Condition # 3 (estimate contaminant loading amounts). April 1991.
3. The testing requirements on the monitoring wells are defined to spring and fall tests instead of quarterly and that the Marquette County Health Department will define parameters to be tested after review of chemicals being used on the golf course. The test samples will be tested by a laboratory approved by the State of Michigan for parameter tested. The applicant will pay for testing and the results will be sent to the Township. The other requirements of former condition # 6 are still in effect.
4. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to start of construction.
5. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.
6. Item #4 Condition from April 8, 1991 to upgrade County Road BZ be dropped from the conditions.

MOTION CARRIED: 4 AYES AND 1 ABSTAIN.

OLD BUSINESS:

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS: (1) SITE PLAN REVIEW AND (2) SITE CONDO.

Karen informed the Planning Commission the Township Attorney is reviewing the language for these text amendments and the suggested language should be ready at the December Planning Commission Meeting.

DISCUSS PLANNING ADVISORY SERVICE:

Karen informed the Planning Commission that she would like to join the APA's Planning Advisory Service (PAS) again this year. The cost would be \$460, which would leave \$280 in the Planning Commission's professional services account.

The Planning Commission told Karen to go ahead and join again this year, if she sees it to be beneficial.

NEW BUSINESS:

DISCUSS NEEDED ZONING ORDINANCE AMENDMENTS:

Mark went over his memo dated November 7, 1996 that was in the Planning Commission agenda packet regarding zoning amendments that needed to be done. He informed the Planning Commission that he would go over any of these amendments with the Planning Director.

PLANNING DIRECTOR'S REPORT:

- 1) The November 1996 election is behind us. We have one new Township Board Trustee,

Gary Menhennick, who will be taking Don Wickstrom's place. The Township Board members remaining are Ivan Fende, Supervisor; Arlene Hill, Clerk; John Greenberg, Treasurer; Richard Bohjanen, Trustee; Lois Sherbinow, Trustee and Max Engle, Trustee.

- 2) Our student teams working on environmental assessments within the Township will have their projects completed by the first week of December. Dr. Jean Ferrell and I are trying to work out a schedule for the students to present their findings to the Planning Commission. We could set up a special meeting since our December meeting falls during exam week and students could not make our meeting. Or, the class meets on Mondays and Wednesdays from 10:00 a.m. to noon, maybe some members would be available during the first week of December and we could go to the class presentations.

Karen informed the Planning Commission that the student team from NMU would like to make a presentation to the Planning Commission and the Township Board. It was suggested that possibly 6:00 p.m. on December 2, 1996 would be a good time to review this presentation.

PUBLIC COMMENT:

There being no public comment, the second public comment section of the meeting was closed.

COMMISSIONER'S COMMENT:

- We need to make the Township Board meet deadlines and not let rezoning, etc. go by the way side. Rezoning issue regarding Kawbawgam Road and M 28 was given as an example.
- Public needs to be able to voice their comments.

ADJOURNMENT:

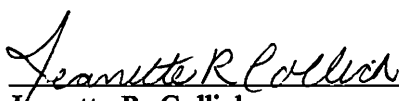
There being no further business, the following motion was made:

Scott Emerson moved, Max Engle supported that the November 11, 1996 Planning Commission meeting be adjourned. The Planning Commission Meeting was adjourned at 10:00 p.m.

MOTION CARRIED: 5-0.



 Estelle DeVooght
 Planning Commission Secretary



 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, DECEMBER 9, 1996**

PRESENT: Mike LaPointe, Max Engle, Steve Kinnunen, Bob Whitaker, and Estelle DeVooght, Max Engle arrived at 7:36 p.m. and Scott Emerson arrived at 7:40 p.m.

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Daniel Hockin, Anette Degler

PUBLIC HEARING: CONDITIONAL USE PERMIT #40:

Mike LaPointe, Chairperson called the Public Hearing to order at 7:30 p.m.

He informed the public present of the procedures for the public hearing. You can comment now regarding the conditional use permit or reserve time during the Regular Planning Commission Meeting when this item would be discussed.

Karen gave the background information regarding Conditional Use Permit #40. The applicant, Daniel Hockin has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a recreational structure in the RP District on the following described property:

Section 21 T47N R23W - That part of N ½ of NW 1/4 lying W of C/L of LeVasseur Creek exc. the W ½ of NW 1/4. Located at 1120 Mangum Road.

She presented an overlay showing the property involved from the plat map.

Karen informed the Planning Commission that the camp already exists. The structure does meet the requirement for a recreational structure in the zoning ordinance.

She noted the petitioner is present, if anyone had any questions' and/or comments. She received a phone call from Mr. Edward Pedo and he had no problem with the structure being there.

The following comments were made:

- How long has the camp been there? Approximately two years.

Karen informed the Planning Commission members that the one phone call she did receive, after explaining what the structure was, had no problem.

Mike LaPointe inquired if there were any further comments for the public hearing. There were none.

Mike LaPointe closed the public hearing at 7:35 p.m.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe, Chairperson called the Regular Meeting to order at 7:35 p.m.

ROLL CALL: Roll call was taken.

PRESENT: Mike LaPointe, Bill Sanders, Steve Kinnunen, Estelle DeVooght, Bob Whitaker present. Max Engle (arrived at 7:36 p.m.) Scott Emerson (arrived at 7:40 p.m.)

ABSENT: None

APPROVAL OF MINUTES OF NOVEMBER 11, 1996:

Mike LaPointe inquired if there were additions or corrections to the minutes dated November 11, 1996.

Bill Sanders moved, Estelle DeVooght supported that the minutes dated November 11, 1996 be approved as presented.

MOTION CARRIED: 5-0.

Max Engle arrived at 7:36 p.m.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions or changes in the agenda? No changes.

Bill Sanders moved, Bob Whitaker supported that the agenda be approved as presented.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment. There was none.

OLD BUSINESS:

A. DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:

1. SITE PLAN REVIEW
2. SITE CONDO

Karen informed the Planning Commission that the township attorney has not finished his review of the language that was presented to him for these text amendments.

NEW BUSINESS:

DISCUSSION ON CONDITIONAL USE PERMIT #40:

Mike LaPointe inquired if there were any questions/comments regarding Conditional Use Permit #40?

The following questions/comments were made:

- The structure has been there for two years.
- The structure meets the Zoning Ordinance requirements.
- The name of the creek has been changed periodically, but it is the same one.
- Why is the middle of the creek used for lot lines? You could gain or lose.

Scott Emerson arrived at 7:40 p.m.

Mike LaPointe inquired if there were any further questions or comments regarding Conditional Use #40? There were none.

Estelle DeVooght moved, Bob Whitaker supported that the Chocolay Township Planning Commission approve the conditional use permit request to place a recreational structure on this parcel in the RP district with the following conditions

1. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator as soon as possible.
2. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to the zoning compliance permit being issued.

MOTION CARRIED: 7-0.

PRESENTATION ON CENSUS UPDATES FOR COMPREHENSIVE PLAN:

Not available. The Student intern was working on this report and it was expected for tonight, however, it should be available for the January meeting.

DISCUSSION ON OPINION-LEADERS SURVEY:

Karen gave a brief report.

The following comments were made:

- Other agencies need to get together.
- Wild life habitant concern.
- Better community plan - bearing on priority.
- Habitants need to be identified - stricter control.

- Development not be excluded.
- Decisions be more community oriented, rather than state.
- Need to find a happy medium to set guidelines and priorities.
- More positive direction of Planning on local level and apply to local planning and be a good planning tool.
- Proper Planning - scientifically, rather than emotional.
- Need an overview - local level - local people to get involved would have a greater impact.
- Need more combined meetings with the Planning Commission and Township Board to set common goals?

The Planning Commission members can fill in the survey with comments and give them to Karen.

DISCUSS POSSIBLE TEXT AMENDMENTS:

Karen informed the Planning Commission that a new business is interested in opening up in the Varvil Center. A butcher shop specializing in selected cuts is interested in the building where Cal's Party Store was located.

Our options include:

- 1) rezoning the entire building structure and front half of the Varvil Center to C-1 or C-2
- 2) a text amendment to allow for speciality food stores as a conditional use in C-3 District.

This proposed business would be for food packaging, not the butchering of them.

After discussion of this, the following decision was made:

That a letter be sent to the Zoning Administrator with Planning Commission's concerns about this area and in particular this building and suggesting should go to the Zoning Board of Appeals. A copy of this letter from the Planning Commission will be sent to the Township Board and Zoning Board of Appeals.

DISCUSS AMENDMENTS TO HOME OCCUPATIONS:

Karen informed the Planning Commission there is a memo in their packet from the Zoning Administrator regarding Amendments Home Occupations/Consider Recommendation for Amendment to Home Occupations/Request for Comments.

Mark Maki informed the Planning Commission in the memo date December 6, 1996 that the Zoning Board of Appeals has discussed the existing language and proposed the changes that were stated in the memo.

The proposed change would allow home occupations in an accessory building.

The following comments were made regarding the proposed change:

- An example was given regarding an addition or garage being used for home occupations, because the lack of room in a home.
- The home occupation use doesn't change.
- Home occupation has to satisfy the requirements.

After comments and discussion on home occupations, the Planning Commission unanimously agreed to advertise a public hearing for the proposed amendments to home occupations, and accessory buildings for commercial districts for the January 1997 Planning Commission Meeting.

PLANNING DIRECTOR'S REPORT:

Karen went over the Planning Director's Report:

- 1) The Environmental Assessment presentations have been completed. Mike LaPointe, Mark Maki, Larry Gould, Ivan Fende and I were able to attend the presentations. Each presentation was video taped and complete reports will be turned in tomorrow to Professor Jean Ferrill. I will make copies available for anyone who wants them. The video's will also be available for home viewing, unless you'd like to review them during Planning Commission meetings or set up a special meeting. This is just a quick rundown.
 - a) Cedar Creek - encourage minimal development under current conditions. In-depth report

on physical, biological, economic and social aspects of the subdivision areas within Section 17. Also suggested the Township Planning Commission take action to include a site condo section into the Zoning Ordinance.

b) Varvil Center - this group preferred to rezone the Varvil center to C-2. They also suggested no action, rezoning to C-1 and rezoning to R-1 as their alternatives. There is good discussion on each of these possibilities. As we asked questions of each group, they had an opportunity to fine tune their final reports. It will be interesting to see if they did take our questions into consideration.

c) Beaver Grove - this group listed a community improvement program; a business development expansion; more recreation development; and no action. This area was the largest diverse area covered. The business community along with the trailer park development and residential homes along the highway made for some interesting reporting.

d) Timberland subdivision area - this group proposed no action; maximize development; put in a municipal water and sewer system; and their preferred alternative was to deepen existing water wells. They looked at the high nitrates in the area. They also found that the groundwater flow in that area is northeasterly. Development in that area twenty years ago should have been on larger lots.

e) Kawbawgam area - the four alternatives for this group included no action; no action but mitigate; enlargement of the C-1 area and enlargement of C-1 limited to KBIC properties. The proposed alternative was to enlarge the C-1 district.

f) Chocolay Downs Golf Course - although this group also gave four alternatives I did not take down their preferred alternative. Their main concerns were the water tests not being available and the fertilizers are unknown. The alternatives include a 36-hole course with no further residential development; 36-holes with full development; a KBIC gaming cooperative; and no action.

- 2) The Planning Commission and Township Board need to schedule a combined Planning Commission Meeting and Township Board to set priorities that need to be worked on.
- 3) Auto body definition needs to be in the Zoning Ordinance.
- 4) Karen will work on a list of priorities with suggestions and send it to the Planning Commission. Mike LaPointe suggested that the Planning Commission Executive Committee meet with Karen before the next meeting to help develop this priority list.

COMMISSIONER'S REPORT:

- 1) Planning Commission and Township Board needs to work on the same frequency. We need to get away from emotions between the two and work together.
- 2) Prioritize what needs to be done.
- 3) Need more combined and/or special meeting with Township Board and Planning Commission.
- 4) Six-month updates on things that have been done and also still need to be done.
- 5) Annual Report - give a report on what we have done.
- 6) Site Condo and Site Plan Review need to move. It was unanimously agreed that a letter be written to the Township Attorney signed by the Planning Commission that the language for this is a huge priority and needs to be done.
- 7) Trails issue - possibly a memorial dedicated to Steve Blondeau could be done.
- 8) The access off M 28 and US 41 was discussed.

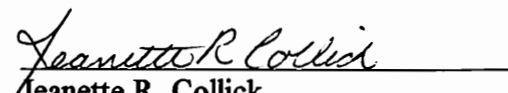
INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Chocloy Watershed Council minutes of September 5, 1996
- B. Memo from - Mark Maki - *Informational updates on Chocloy Downs, Glass parcel at 100 Kawbawgam Rd. , and Varvil Center*
- C. Correspondence to - Trails, Inc. - *on snowmobile trails in Chocloy Township*
- D. Correspondence from - Mqt. Co. Soil & Water Conservation District - *upcoming workshops*
- E. Correspondence to - Professor Jean Ferrill - *thank you for environmental assessments*

ADJOURNMENT:

Scott Emerson moved, Bill Sanders supported that the Planning Commission meeting be adjourned. The Planning Commission Meeting was adjourned at 9:35 p.m.


Estelle DeVoight
Planning Commission Secretary


Jeanette R. Collick
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JANUARY 13, 1996**

PRESENT: Mike La Pointe, Max Engle, Bob Whitaker, Steve Kinnunen
Scott Emerson (arrived at 7:38 p.m.), Bill Sanders (arrived at 8:35 p.m.)

ABSENT: Estelle De Vooght

STAFF PRESENT: Karen Chandler - Director of Planning & Research, Mark Maki - Director of Assessing & Zoning

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Brian St. Pierre, Ann St. Pierre, Le Roy Blondeau, Lee Blondeau.

PUBLIC HEARING:

Mike La Pointe, Chairperson, called the Public Hearing to order at 7:31 p.m.

REZONING #87 - SEMI-TRAILER STORAGE:

Karen Chandler, Director of Planning & Research informed the public present and Planning Commission that this is a Text Amendment change and refers to the storage of goods and materials in a semi-trailer.

Mark Maki commented that the language change was supposed to include outdoor storage, not just semi-trailer. He distributed a memo concerning these comments to the Planning Commission, which has been placed on file.

Le Roy Blondeau inquired if licensed semi-trailers were included? Karen informed him the intent was for storage, and not licensed trailers. A licensed trailer could be for temporary storage, but not as a permanent storage structure.

It was inquired what is the time limit for temporary storage? It was commented that the interpretation would be made by the Zoning Administrator.

Scott Emerson arrived at 7:38 p.m.

Karen read the following into the record:

SECTION 107 - ACCESSORY USES AND STRUCTURES

- (C) Semi-trailers as used for storage are permitted as an accessory to commercial use with a conditional use permit. The Planning Commission will require screening, buffering, or modification of the external surface of the semi-trailer to limit or eliminate the visual impact on adjacent properties, and shall prohibit advertising and signage on semi-trailers. The Conditional Use Permit must assure that the use of semi-trailer storage does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

Mike La Pointe inquired if there were any further public comments regarding Rezoning #87? He informed everyone present that this would be discussed during New Business. There were no further comments regarding Rezoning #87. Mike La Pointe closed the public hearing section for Rezoning #87.

REZONING #88 - TEXT AMENDMENT - DEFINITION OF AUTO BODY REPAIR SHOP:

Karen Chandler, Director of Planning & Research informed the public present and the Planning Commission that this is a Text Amendment change and means a collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

Mark Maki made comments and submitted a memo to be placed in the file for Rezoning # 88.

Mike La Pointe inquired if there were any comments regarding the Rezoning #88. There were none. The Public Hearing for Rezoning #88 was closed.

REZONING #89 - HOME OCCUPATIONS:

Karen Chandler, Director of Planning & Research informed the public present and the Planning Commission that this is a Text amendment regarding the definition of Home Occupations. The Zoning Board of Appeals requested to change the definition to allow for Home Occupations in accessory buildings and to remove standards from the definition and add to Section 107.

Mike La Pointe inquired if there were any comments regarding the Rezoning #89. There were none. The Public Hearing for Rezoning #89 was closed.

CONDITIONAL USE #41 - BRIAN & ANN ST. PIERRE:

Karen presented an overlay concerning Conditional Use #41 and the land that was proposed for the Auto Body Repair Shop.

Mike La Pointe inquired if the applicants had any questions or comments. The applicants reserved comment when this would be discussed in the regular meeting.

Mark Maki inquired if the fire department, police department, state highway department had any comments. He also informed everyone present that a site plan showing location of building and/or parking should be developed and presented.

Applicants inquired on how many parking spaces would be required? The Director of Assessing and Zoning informed them depending on the number of employees.

Mike La Pointe inquired if there were any questions and/or comments regarding the public hearing for Conditional Use Permit #41. There were no further questions or comments regarding Conditional Use Permit #41. Mike La Pointe closed the public hearing section of the Planning Commission meeting.

REGULAR MEETING CALLED TO ORDER:

Mike La Pointe called the Regular Planning Commission Meeting to order at 7:50 p.m.

ROLL CALL: Roll call was taken.

PRESENT: Mike La Pointe, Steve Kinnunen, Bob Whitaker, Max Engle present. Scott Emerson (arrived at 7:38 p.m.), Bill Sanders (arrived at 8:35 p.m.).

ABSENT: Estelle De Vooght.

APPROVAL OF THE MINUTES OF DECEMBER 9, 1996:

Mike La Pointe inquired if there were any additions and/or corrections to the minutes dated December 9, 1996? There were none.

Scott Emerson moved, Steve Kinnunen supported that the minutes dated December 9, 1996 be approved as presented.

MOTION CARRIED: 5-0

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike La Pointe inquired if there were any additions and/or changes to the agenda?

It was suggested that under New Business Items A-D be moved before Old Business.

Bob Whitaker moved, Scott Emerson supported that the agenda be approved as changed.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Mike La Pointe inquired if there was any public comment.

Le Roy Blondeau asked about the possibility of signs being posted for snowmobilers to yield on U.S. 41 in the commercial district? It was commented that possibly the Trails Committee could contact the snowmobile club to the possibility of putting up the signs. It was also commented that CABA be contacted for signs to be posted.

Mr. Blondeau commented that he wasn't against snowmobiles being in the commercial district, but some enforcement needs to be done. It was suggested that a letter be written to CABA and a copy be sent to the trail's committee that the Planning Commission addressed this issue and that signs need to be placed in the commercial district regarding snowmobiles.

Mike La Pointe inquired if there were any further Public Comment. There was none. The first Public Comment section of the meeting was closed.

OLD BUSINESS:

CONSIDER CONDITIONAL USE #41 - BRIAN & ANN ST. PIERRE:

Mike La Pointe inquired if there were any questions and/or comments regarding the proposed Conditional Use #41?

The following questions and/or comments were made regarding Conditional Use #41:

- Needs a more detailed site plan for a Conditional Use.
- Traffic lanes, parking area, lot lines and proper measurements need to be shown.
- Lot lines, and building where building sets needs to be shown on the site plan.
- Measurements need to be defined.
- The chairperson read a memo from Mark Maki concerning some of the comments regarding C-2 zoning District. This memo was placed on file with the Planning Commission agenda file.
- As a Conditional Use - various uses could be controlled.

After discussion and comments, the following motion was made:

Scott Emerson moved, Bob Whitaker supported that Conditional Use #41 - Brian & Ann St. Pierre be tabled until a site Plan is obtained.

MOTION CARRIED: 5-0.

MEMO FROM - MARK MAKI - ZONING ADMINISTRATOR

(1) Meat Market at Varvil Center; (2) Zoning Report; (3) Zoning Trails; (4) Conditional Use Requirement

Mike La Pointe went over the above memo from the Zoning Administrator regarding the above topics:

The following comments were made: Zoning Trails:

- As trails get developed, check the zoning districts and conditional uses. Karen will research and check with other entities and see what they are doing.
- Mark Maki believes that Marquette Township included language in their zoning ordinance regarding trails.
- Trails Committee come up with recommendation where trails are.
- Needs language in the zoning ordinance.
- A snowmobile trail mapped out - such as - M-28, Ridgewood Subdivision.
- Residential area - low speed - buffering.
- It was suggested that when Karen researches what other entities are doing regarding trails, etc., that PAS, Northern Wisconsin, Gaylord, etc. be contacted and gather information and see what problems, solutions if any have occurred.
- Trails Committee will be meeting on a month to month basis.
- Possible information be obtained and discussed before the next snowmobile season.

Conditional Use Permits:

- It was commented that when a motion is made and there are steps to be considered, that the steps and conditions be included in the minutes.
- Also give reasons why it was approved or denied.
- The Zoning Ordinance requires this to be done.

Bill Sanders arrived at 8:35 p.m.

Priority Ranking - comments by Zoning Administrator.

- **(Kennels):** Kennels are permitted by right in the RP Zoning District. There is potential for 50 musher dogs on the 5 acre lots which were grandfathered when the ordinance was adopted in 1977.
- **(Pole Barns & Garages):** On occasion there is a need for storage before a house is built. Zoning Board of Appeals hasn't had any problem with this as of yet.
- **(Office District Parking):** Some are very small. Suggestion for larger parking.

NEW BUSINESS:

CONSIDER RESPONSE TO COUNTY PLAT BOARD:

Zoning Administrator brought the Planning Commission up-to-date regarding his memo - dated January 7, 1997 to the Planning Commission which was included and placed on file in their agenda packet regarding Possible Plat Law Violation/Varvil Center.

The land has been subdivided into too many lots, thus requiring platting. The County Plat Board is looking into the matter. This development, with its inadequate setbacks and numerous buildings on one lot which now have become split, is an example of problems with many buildings on one lot. They often end up being problematic and usually end up with buildings on lots which do not meet the zoning ordinance requirements when subdivided.

Steve Kinnunen moved, Scott Emerson supported that the Planning Commission send a letter to the County Plat Board requesting them that they require Mr. Varvil to plat the land in accordance with the Subdivision Control Act, as would be required by any other developer in the Township.

MOTION CARRIED: 6-0.

CONSIDER SENATE BILL 112:

Karen informed the Planning Commission that the township received a 12 page fax regarding information on SB 112. The Michigan Township Association recommends that letters be sent to the Governor to veto SB 112. After discussion and comments regarding SB 112 the following motion was made:

Scott Emerson moved, Steve Kinnunen supported that a letter be sent to request that the Governor veto SB 112 as currently written for the following reason:

1. You support real reform of the SCA to halt unnecessary destruction of agricultural and forest lands as proposes by the Governor's Agriculture and Development Task Force.
2. You commend all the stakeholders and bill sponsors in the House and the Senate for all the work they put into designing reform measures, **but**
3. You oppose SB112 as passed and urge the Governor to **VETO** the bill.
4. Urge the Governor to support real reform of the SCA which: eliminates 10.1 acre and bowling alley lots, permits local government review of all land divisions for conformance with local zoning and related regulations, eliminates unnecessary new driveways, and results in no more exempt divisions that are allowed under the current SCA.
5. Address your letter or fax to the Honorable John Engler, Governor, State Capitol, P.O. Box 30013, Lansing, MI 48909; FAX (517-335-6863).

MOTION CARRIED: 5-1.

OLD BUSINESS:

DISCUSS PRIORITY LISTING FOR JOINT MEETING:

1. Ask Township Board to hold public hearing on Rezoning at Kawbawgam and M-28. Kawbawgam Area was discussed years ago. Some Board member may not recall this being discussed. Board needed to know the public's input. We need better communication between the Planning Commission and the Township Board. The Planning Commission wants the Board to know how they felt.
2. Commercial Access Control - What is going on with the recommendation on hiring a consultant for the M-28/U.S.41District?

3. Site Condo Ordinance and Site Plan Review - Letter to Harley Andrews that this is to be discussed at the February 10, 1997 Planning Commission Meeting.
4. Varvil Center - consider rezoning to either R-1, C-1, C-2 or mix with C-3 upon review of environmental assessments. Discuss this at the joint meeting - also take care of the meat market - should it be zoned as is? A closer look and try to solve the problem. Possibly talk to Dana Varvil regarding selling, etc. Specialty meat market in C-3 Zoning District
5. Strategic Plan - committee formation - Areas that are being addressed.
6. Zoning Ordinance Amendments needed as per Zoning Administrator - (1) Pole Barns & Garages in RR-2, RP and OS districts; (2) Office District Parking; (3) Kennels - Above discussion by the Zoning Administrator.
7. Logo Contest - Set up committee, criteria. Spirit of Chocolay Township. Everyone pull together, etc.
8. Community Charrette program - Ball State University - Karen has recommendation from other communities.
9. Landscape Ordinance Language -Should be #1 on the list. Move after Site Condo language is done.
10. Trails: Trails Committee to work on easements, liability issues - North Country Trail to be contacted. Central location for hiking, biking, walking trails, snowmobile trails. Keep involved. Try to obtain grants to construct.

OTHER ITEMS BEING WORKED ON BUT NOT NEEDING PRIORITY LISTING

1. Mike LaPointe has been in contact with members of the KBIC. A meeting should be set up to discuss future development plans for the casino area. Mike La Pointe and Max Engle will represent the Planning Commission at this meeting.
2. Program Speakers - Chocolay Watershed Council update; MI Dept of Agriculture on open space preservation and transfer of development rights; any other suggestions? Yes, Commissioners would like speakers at a future meeting.
3. GIS w/County or NMU - Karen is working on this.
4. Review of Environmental Assessments completed by NMU Geography Dept. students. Karen has the full report available. Planning Commission members would like the copies of all the summaries of the reports. Tapes and copies of the whole report are available at the Township Office.
5. Trail Development - Multi Use Trails Committee has been formed and will be meeting on monthly basis for the winter months.

NEW BUSINESS:

ANNUAL REVIEW OF RECREATION PLAN AND RECREATION GRANT

APPLICATION:

Scott Emerson went over information on a suggested letter be sent on behalf of the Planning Commission to the Department of Public Works Supervisor regarding information in the recreation grant.

The Planning Commission was informed that the Department of Public Works Department maintains recreation. The Planning Commission makes recommendations and amendments to the Recreation Plan.

Karen went over the memo regarding the Recreation Grant application from the Department of Public Works Supervisor - dated January 7, 1997 and placed in the agenda file.

It was suggested that the Planning Commission write a memo/letter to the Township Board encouraging them to write a letter to the School Board to purchase the land that the Lions Club maintains. Karen informed the Planning Commission that the Lions Club had a long time lease until just recently when the School Board did not renew the lease.

It was inquired as how close the Trails Committee is regarding the bike path between the two grade schools, hiking trails, etc. It was suggested that this be placed on the March Planning Commission agenda for discussion/recommendation for the Recreation Plan.

OLD BUSINESS:

REVIEW ENVIRONMENTAL ASSESSMENTS RECEIVED FROM NMU STUDENT:

Karen informed the Planning Commission that there are copies of the environmental assessments available at the Township Office. It was suggested that the Planning Commission receive a copy of the summaries of the assessments.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS

(1) Site Plan Review; (2) Site Condo

Karen informed the Planning Commission that a letter was sent to Harley Andrews, Township Attorney, informing him that the Planning Commission would like to review the proposed language for Site Plan Review and Site Condo at the February 10, 1997 Planning Commission Meeting.

NEW BUSINESS:

CONSIDER REZONING #87 - SEMI-TRAILER STORAGE:

Mike La Pointe inquired if there were any further questions and/or comments regarding Rezoning #87. There were none.

Max Engle moved, Bill Sander supported that the Chocoley Township Planning Commission recommend to the Chocoley Township Board that the following amendments for semi-trailer storage to the Chocoley Township Zoning Ordinance be approved.

AMENDMENT

That portion of Section 101 of the Charter Township of Chocoley Zoning Ordinance entitled "DEFINITIONS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 101 DEFINITIONS

Semi-trailer storage. refers to the storage of goods and materials in a semi-trailer.

REPEALER AND AMENDMENT

That portion of Section 107 of the Charter Township of Chocoley Zoning Ordinance entitled "ACCESSORY USES AND STRUCTURES" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets().

[SEC.] SECTION 107 ACCESSORY USES AND STRUCTURES.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- (A) Home occupations are permitted as an accessory to residential use or occupancy, upon authorization of the Zoning Board of Appeals with such conditions as may be attached, including any time limit or future review, where necessary to assure that the use or

structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

- (B) Accessory uses to a gas station are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, minor repair and maintenance, not including major overhauls, steam cleaning, body repairs, painting, or transmission, or chassis repairs.
- (C) Semi-trailers as used for storage are permitted as an accessory to commercial use with a conditional use permit. The Planning Commission will require screening, buffering, or modification of the external surface of the semi-trailer to limit or eliminate the visual impact on adjacent properties, and shall prohibit advertising and signage on semi-trailers. The Conditional Use Permit must assure that the use of semi-trailer storage does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

REPEALER AND AMENDMENT

That portion of Section 209 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 209 DISTRICT C-1.

- (A) **INTENT.** To establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they service.
- (B) **PERMITTED PRINCIPAL USES.** Barber and beauty shops, general and specialty food and beverage stores, drugstores, restaurants, clothing and dry goods stores, offices, bakeries without additional sales outlets, Bed & Breakfast, dry cleaning and laundry pick-up stations, coin operated laundry and dry cleaning establishments, provided, however, that drive-in restaurants and establishments cooking or preparing food for consumption off the premises are excluded.
- (C) **CONDITIONAL USES.** Schools, where the type of school is compatible with nearby residential uses. Specialty retail sales where the type of sales has no outdoor display or storage and is compatible with nearby residential uses. Semi-trailer storage.
- (D) **SPECIAL REGULATIONS.** No establishment may occupy more than 3,000 square feet of floor space.

REPEALER AND AMENDMENT

That portion of Section 210 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets([]).

[SEC.] SECTION 210 DISTRICT C-2.

- (A) **INTENT.** To establish and preserve general commercial areas consisting of shopping centers and commercial areas where customers reach individual business establishments primarily by automobile.
- (B) **PERMITTED PRINCIPAL USES.** All principal permitted uses in C-1, offices, other offices and establishments selling goods and services at retail including gas stations, private clubs, hotels, nursing homes, funeral homes, hospitals, bakeries, drive-in restaurants, indoor theaters and other places of amusement, provided, however, that meat and poultry shops where slaughtering is done on the premises and all listed in Section 211 (B) of this Ordinance , (with the exception of motor vehicle sales,) are excluded.

- (C) **CONDITIONAL USES.** Auto Body Repair Shop, Semi-trailer storage.

REPEALER AND AMENDMENT

That portion of Section 211 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-3" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets([]).

[SEC.] SECTION 211 DISTRICT C-3.

- (A) **INTENT.** To establish and preserve a district for light industrial use along with those commercial uses which are more compatible with light industrial than with other commercial uses.
- (B) **PERMITTED PRINCIPAL USES.** Motor vehicle sales, service, and rental, construction and farm equipment sales, sales of mobile homes, campers, recreational vehicles, boats, and monuments, wholesale and storage uses, food packaging and bottling works, commercial printing and newspaper offices, contractor's yards and shops, laundry and cleaning and dying plants.
- (C) **CONDITIONAL USES.** Restaurants where there is no C-1 or C-2 District located conveniently nearby, drive-in theaters having patron entrance and exit drives only to streets having a paved surface at least 44 feet in width at points at least 200 feet from any intersection so planned that the picture screen cannot be seen from any street or from any R-1, R-2, R-3, or R-4 District, and other industrial uses which do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot, and semi-trailer storage.

The Planning Commission, in reviewing an applicant's site plan for a conditional use shall permit a structure in excess of 30 feet providing:

1. Height at any point on the structure shall not exceed the horizontal distance to any lot line.
2. The proposed structure is necessary and common to the proposed project.
3. That the structure is designed and intended so that any part of the structure in excess of 30 feet is not used or intended as a work station for human beings.
4. That the structure is so located, site planned and designed to avoid nuisances and dangers, implied or explicit, to adjoining property and all on-site personnel. The structure shall avoid interference with the adjoining properties and does not significantly change the character thereof.

MOTION CARRIED: 6-0.

CONSIDER REZONING #88 - AUTO BODY REPAIR SHOP:

Mike La Pointe inquired if there were any further questions and/or comments regarding Rezoning #88. There were none.

Max Engle moved, Bill Sanders supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendments for auto body repair shop to the Chocolay Township Zoning Ordinance be approved.

AMENDMENT

That portion of Section 101 of the Charter Township of Chocolay Zoning Ordinance entitled "DEFINITIONS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 101 DEFINITIONS

Auto Body Repair Shop, means a collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

MOTION CARRIED: 6-0.

CONSIDER REZONING #89 - HOME OCCUPATIONS:

Mike La Pointe inquired if there were any further questions and/or comments regarding Rezoning #89. There were none.

Bill Sanders moved, Scott Emerson supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendments for home occupations to the Chocolay Township Zoning Ordinance be approved.

REPEALER AND AMENDMENT

That portion of Section 101 of the Charter Township of Chocolay Zoning Ordinance entitled "DEFINITIONS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets ([]).

SECTION 101 DEFINITIONS

HOME OCCUPATION, means a use or occupation conducted on the premises which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the standards set out in Section 107.

[HOME OCCUPATION, means a use conducted entirely within an enclosed dwelling, but does not occupy more than one-fourth (1/4) of the total ground floor area of the dwelling unit, employs only the inhabitants, thereof, is clearly incidental and secondary to residential occupancy, and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupation, any activity similar to a generally recognized retail store or service establishment as permitted in any commercial district, any activity involving any building alteration, window display, construction features, equipment, machinery, or outdoor storage of which is visible from off the lot on which located.]

REPEALER AND AMENDMENT

That portion of Section 107 of the Charter Township of Chocolay Zoning Ordinance entitled "ACCESSORY USES AND STRUCTURES" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets ([]).

[SEC.] SECTION 107 ACCESSORY USES AND STRUCTURES.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- (A) Home occupations are permitted as an accessory to residential use or occupancy, upon authorization of the Zoning Board of Appeals with such conditions as may be attached, including any time limit or future review, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

The requirements for a home occupation approval shall be based upon compliance with the following standards:

1. Home Occupation means a use conducted entirely within an enclosed dwelling but does not occupy more than 1/4 of the floor area of the residential single family

dwelling unit on the property or not more than 320 sq. ft. of an accessory structure.

2. Home Occupations shall employ only those inhabitants residing on the premises.
3. There shall be no outdoor storage or other exterior evidence of the conduct of the home occupation other than approved sign which shall not exceed four (4) sq. ft. in area and which shall be attached to the building used for the home occupation.
4. Specifically excluded is the storage and display of merchandise not produced by such home occupation, any activity similar to a generally recognized retail store or service establishment as permitted in any commercial district, any activity involving any building alteration, window display, construction features, equipment, machinery, or outdoor storage of which is visible from off the lot on which located.

(B) Accessory uses to a gas station are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, minor repair and maintenance, not including major overhauls, steam cleaning, body repairs, painting, or transmission, or chassis repairs.

MOTION CARRIED: 6-0.

PRESENTATION ON CENSUS UPDATES FOR COMPREHENSIVE PLAN:

Karen informed the Planning Commission that there was a memo from Joe Palermo - Fall 1996 Student Intern on Census Information which should be considered for inclusion in the revised copy of the Chocolay Township Comprehensive Plan.

PLANNING DIRECTOR'S REPORT:

Getting ready for the joint meeting with the Township Board, and we've discussed the agenda items already. I'll be meeting with Professor Jean Ferrill and her planning practicum class before the February meeting. They will be reviewing our Comprehensive Plan and the Recreation Plan. A Zoning class may also take a look at our Zoning Ordinance.

PUBLIC COMMENT:

Mike La Pointe inquired if there any public comment. There was none. The second public comment section of the Planning Commission was closed.

COMMISSIONERS COMMENT:

- Commented Mike La Pointe, Karen Chandler and Estelle De Vooght for a job well done regarding the suggested priority listing.
- When is the joint meeting of the Planning Commission and the Township Board?
- The Planning Commission would like to have the joint meeting to be a special Meeting with various topics to be discussed.
- We need better communication between the Board and the Planning Commission.
- Mike La Point informed the Planning Commission that John Stevenson is now on the Alger-Marquette County Groundwater Commission.
- The Planning Commission was informed that the Township Board is will take action against Chocolay Downs Golf Course if the monitoring well tests are not submitted to the Township before the spring opening.

INFORMATION ITEMS & CORRESPONDENCE:

- A. Memo from - Larry Gould, DPW Supervisor - Groundwater Stewardship Team
- B. Memo from - Mike LaPointe, Chairperson, CTPC - Butcher Shop at Varvil Center
- C. Memo's from - Mark Maki, Zoning Administrator -
 - (1) Meat Market at Varvil Center;
 - (2) Zoning Report;
 - (3) Zoning/Trails and
 - (4) Conditional Use Requirements
- D. Chocolay Township Board minutes of December 16, 1996
- E. Chocolay Township Zoning Board of Appeals minutes of December 5, 1996
- F. Memo from - Mark Maki, Assessor - New Road/Access to Casino

ADJOURNMENT:

Max Engle moved, Bill Sanders supported that the January 13, 1997 Planning Commission be adjourned. The Planning Commission adjourned at 10:20 p.m.

MOTION CARRIED: 6-0

Steve Kinnunen

Estelle DeVooght

Steve Kinnunen

Planning Commission Vice-Secretary

Jeanette R. Collick

Jeanette R. Collick

Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, FEBRUARY 10, 1997**

PRESENT: Mike LaPointe, Max Engle, Bill Sanders, Bob Whitaker, Steve Kinnunen, Estelle DeVooght

ABSENT: Scott Emerson

STAFF PRESENT: Karen Chandler - Director of Planning & Research and Mark Maki - Director of Assessing and Zoning

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Joseph Murphy

PUBLIC HEARING:

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:30 p.m.

REZONING #90 - SPECIALTY FOOD STORE:

Karen Chandler, Director of Planning & Research informed the Planning Commission that this is a Text Amendment change to allow specialty food stores in the C-3 Districts as a conditional use.

Mike LaPointe inquired if there was any public comment regarding Rezoning #90. He informed everyone present that this would be discussed during New Business. There was no public comment. Mike LaPointe closed the public hearing section for Rezoning #90.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:32 p.m.

ROLL CALL:

PRESENT: Mike LaPointe, Steve Kinnunen, Bob Whitaker, Max Engle, Estelle DeVooght and Bill Sanders present.

ABSENT: Scott Emerson.

APPROVAL OF THE MINUTES OF JANUARY 13, 1997:

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated January 13, 1997?

Mark Maki commented that the proposed correction dated in the memo of February 5, 1997 regarding approval of minutes, the suggested change regarding page 4 and to strike Marquette Township included language in their Zoning ordinance. Mark stated he did make this comment and that this should remain in the minutes, as a comment from the zoning administrator. An addition to the minutes on page 4 will include the phrase "Mark Maki believes" Marquette Township included language in their Zoning ordinance.

Karen informed the Planning Commission of the other corrections that were made in the February 5, 1997-memo regarding the minutes.

Bill Sanders moved, Bob Whitaker supported that the January Planning Commission minutes dated January 13, 1997 approved as discussed.

The Planning Commission members thanked the Recording Secretary for the fine job on the minutes.

MOTION CARRIED: 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

Karen informed the Planning Commission that under Old Business, Item A., Consider Conditional Use #41 - Brian & Ann St. Pierre to be tabled until the March Planning Commission Meeting. Brian St. Pierre will submit a Site Plan to the Zoning Administrator before the next meeting.

Steve Kinnunen moved, Bill Sanders supported that the agenda be approved as submitted.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment. There was none. The first Public Comment section of the Planning Commission was closed.

OLD BUSINESS**CONSIDER CONDITIONAL USE #41 - BRIAN & ANN ST. PIERRE:**

Max Engle moved, Bob Whitaker supported that Condition Used #41 - Brian & Ann St. Pierre be tabled until the March 1997 meeting and that a site plan be submitted.

MOTION CARRIED: 6-0.

DISCUSSION ON ENVIRONMENTAL ASSESSMENT SUMMARIES:

Karen informed the Planning Commission that they received the Environmental Assessment Summaries and that some of the students were still in the area, if Commissioner's had any questions that may need to be answered.

The following comments were made regarding the Varvil Center environmental summary.

- A rezoning of the area could eliminate C-3 considerably.
- If rezoned to C-2 would cut down on C-3 considerably.
- Rezone property close to the highway to C-2 and property behind to C-3.
- Keep both C-2 & C-3 so people can keep their businesses going.
- Concern that land is mostly sand and there may be a potential for water contamination.
- Original C-3 was for light industry and has always been an issue. If rezone to C-2 there is a potential for gas stations.
- Repair shops are allowed.
- The area needs municipal sewer connections.
- Water for restaurants.
- Tough to figure for C-2 for front and C-3 for back property.
- Planning Commission should take a look at this.
- In the eighty's underground storage tanks were removed. DNR would probably have the information on this.
- Mark Maki informed the Planning Commission members that he would be willing to put together information in his files that would pertain to this issue for the Planning Commission.
- How many businesses are there at the Varvil Center? There are about ten businesses currently at the Varvil Center area.

There was no other discussion. The Planning Commission members thanked the Director of Planning & Research for the information. Mike LaPointe asked Mark Maki to put together information from his files for review by the Planning Commission.

DISCUSSION RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:**(1) SITE PLAN REVIEW (2) SITE CONDO**

Karen Chandler informed the Planning Commission that Harley Andrews resigned as the Township Attorney effective February 7, 1997. He accepted the position of Chief Civil Counsel for Marquette County. She also informed the Planning Commission that the Township Board will be discussing the township attorney replacement at next Board meeting.

The Planning Commission suggested that we obtain a copy of the language that we proposed and review it. We need to move on these two text amendments. We have been waiting on this language for approximately six months now.

One of the concerns the Planning Commission has is the setbacks. It was stated that it may be in the township's best interest to get some language in place now. Karen informed the Planning Commission she would get the language information in their agenda packets for March 1997.

NEW BUSINESS:**CONSIDER REZONING #90 - SPECIALTY FOOD STORE AS CONDITIONAL USE IN C-3 DISTRICT:**

Mike LaPointe inquired if there were any questions/comments regarding Rezoning #90?

The following questions/comments were made regarding Rezoning #90:

- Restaurants operate under Conditional Use in the C-3 Districts.

- C-2 environment - technology and laws are there to prevent contamination.
- Who is going to enforce the environmental law? The DEQ has that responsibility.
- As conditional uses, we have the ability to enforce conditions.
- May be too late after contamination occurs.
- The applicant should have received approval first.

Bob Whitaker moved, Bill Sanders supported that the Chocolay Township Planning Commission recommends to the Chocolay Township Board that the following text amendment to allow a speciality food stores in the C-3 Districts as a conditional use be approved for inclusion into the Chocolay Township Zoning Ordinance # 34.

REPEALER AND AMENDMENT

That portion of Section 211 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-3" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets ([]).

[SEC.] SECTION 211 DISTRICT C-3.

- (A) **INTENT.** To establish and preserve a district for light industrial use along with those commercial uses which are more compatible with light industrial than with other commercial uses.
- (B) **PERMITTED PRINCIPAL USES.** Motor vehicle sales, service, and rental, construction and farm equipment sales, sales of mobile homes, campers, recreational vehicles, boats, and monuments, wholesale and storage uses, food packaging and bottling works, commercial printing and newspaper offices, contractor's yards and shops, laundry and cleaning and dyeing plants.
- (C) **CONDITIONAL USES.** Restaurants and speciality food stores where there is no C-1 or C-2 District located conveniently nearby, drive-in theaters having patron entrance and exit drives only to streets having a paved surface at least 44 feet in width at points at least 200 feet from any intersection so planned that the picture screen cannot be seen from any street or from any R-1, R-2, R-3, or R-4 District, and other industrial uses which do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot.

The Planning Commission, in reviewing an applicant's site plan for a conditional use shall permit a structure in excess of 30 feet providing:

1. Height at any point on the structure shall not exceed the horizontal distance to any lot line.
2. The proposed structure is necessary and common to the proposed project.
3. That the structure is designed and intended so that any part of the structure in excess of 30 feet is not used or intended as a work station for human beings.
4. That the structure is so located, site planned and designed to avoid nuisances and dangers, implied or explicit, to adjoining property and all on-site personnel. The structure shall avoid interference with the adjoining properties and does not significantly change the character thereof.

MOTION CARRIED: 5-1

CONSIDER ROAD NAME AS PER MEMO FROM MARK MAKI:

Mark Maki brought the Planning Commission up-to-date on the history Autumn Trail. Mark Maki informed the Planning Commission that Mr. Peter Henricksen, Larry Lohf and Dana Varvil suggested Wintergreen Trail as a road name. Mark Maki also informed the Planning Commission members that Mrs. Henricksen has some questions, and he was unable to contact her before this meeting. Mark Maki suggested that we allow Mrs. Henricksen to make some comments on this issue.

Planning Commission suggested Mark Maki get in touch with Mrs. Henricksen and get her questions answered.

Bill Sanders moved, Estelle DeVooght supported that this item be tabled until the March Planning Commission Meeting.

MOTION CARRIED: 6-0.

REVIEW AND APPROVE 1996 ANNUAL REPORT:

Karen Chandler went over the 1996 Annual Report. She informed the Planning Commission members that this item would be going to the Township Board as a report at one of their regular meetings.

PLANNING DIRECTOR'S REPORT:

- 1) We could not schedule a joint meeting in February. The Board determined at their meeting last week that Monday, March 24 would be set as the joint meeting date. Hopefully everyone can make that meeting. It's an advance notice of almost six weeks.
- 2) The video is available on "Selling Your Development Rights - A Unique Way to Preserve." This workshop was held on Friday, January 31. We discussed having a tape available and I received a call today from Marquette County Extension. If anyone wants to review this tape, it will be available late tomorrow afternoon. Please stop by my office and pick it up.
- 3) There will be a workshop on Basic Training for Planning Commissioners and Zoning Board of Appeals Members on Thursday, March 20, 1997 at the Holiday Inn in Marquette. If any of the Planning Commissioner members wish to attend, please notify me by next week.
- 4) I attended a Marquette County Townships Association meeting to talk about what Planner's can do for Townships. I brought along our Strategic Plan and received good comments. Also brought along information from PAS and suggested that the Association purchase a membership for all Townships. The Executive Committee will be looking into the possibility of sharing this responsibility.

PUBLIC COMMENT:

Mike LaPointe inquired if there were any public comment? Joseph Murphy - NMU class is reviewing the Recreation Plan. There being no further public comment, the second public comment section of the Planning Commission was closed.

COMMISSIONER COMMENT:

Mike LaPointe informed the Planning Commission that he attended the County Planning Commission. He brought them up-to-date on the decisions of the semi-trailer, home occupation, and body repair shop text amendments.

He also informed them that he drafted a letter regarding trails and suggested that this letter be sent to the Trails Committee.

Steve Kinnunen informed the Planning Commission members that there are some yield signs up in the Harvey business district for snowmobiles.

Mike LaPointe informed the Planning Commission members that the Chocolay Watershed would be offering a free water testing for nitrates. This will be advertised in the Chocolay Watershed newsletter, Mining Journal, etc. This testing will be free of charge and confidential.


INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence to - County Plat Board - Varvil Center
- B. Correspondence to - Governor Engler - Request to Veto SB 112
- C. Correspondence from - Governor Engler - thank you for concerns on SB 112
- D. MTA Legislative Fax - passage of SB 112
- E. Memo to - CABA - snowmobile trail
- F. Chocolay Township Board minutes 1/06/97 and 1/20/97
- G. Groundwater Stewardship Team Meeting Minutes 1/03/97
- H. Newsletter - Kellogg Youth Initiative Partnership


ADJOURNMENT:

Bill Sanders moved, Estelle DeVooght supported that the February 10, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 8:45 p.m.

MOTION CARRIED: 6-0.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, MARCH 10, 1997

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:34 p.m.

ROLL CALL:

PRESENT: Mike LaPointe, Steve Kinnunen, Max Engle, Estelle DeVooght and Bill Sanders present.

ABSENT: Bob Whitaker, Scott Emerson.

STAFF PRESENT: Karen Chandler - Director of Planning & Research.

OTHERS PRESENT: Stacy L. Busch-Recording Secretary, and Mark Maki, Joseph Murphy, Amy Emery, Tim Gordon, Chad Metzger, William Kessel, Burt Sparhawk, Darlene Herkins, Dave & Donna Barto, Joe Pertile, John Buckett, William Swenor, David Lynch, Brian St Pierre.

APPROVAL OF THE MINUTES OF FEBRUARY 10, 1997:

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated February 10, 1997?

Bill Sanders suggested removal of the question mark in the third sentence under rezoning #90-specialty food store.

Sanders moved, Engle second that the February Planning Commission minutes dated February 10, 1997 approved as discussed.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

Mike LaPointe suggested that New Business Item A be placed after Old Business Item B.

Kinnunen moved, DeVooght second that the agenda be approved as amended.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment. Mark Maki asked for some time to be reserved for the snowmobile trail issue.

OLD BUSINESS

CONSIDER CONDITIONAL USE #41 - BRIAN & ANN ST. PIERRE:

Bill Sanders asked about Larry Gould's comments. Karen Chandler stated that it was customary to meet with Larry Gould for sewer hook-up.

Steve Kinnunen asked if the parking spaces were dealt with? Karen Chandler stated yes.

Bill Sanders asked if the access to the building would be on the South.

Engle moved, Sanders second that after finding the general standards set forth in Section 701 of the Chocoday Township Zoning Ordinance # 34 have been met, the Chocoday Township Planning Commission approves the conditional use permit request to place an Auto Body Repair Shop and a second principal structure in the C-2 district, on the property described as a parcel located in Government Lots 5 & 6, Section 6, T47N, R24W Chocoday Township, Marquette County, State of Michigan. Located at 2210 U.S. 41 South (52-04-106-025-00), with the following conditions

1. That in addition to the site plan submitted, an actual floor plan indicating placement of hazardous materials be submitted to the Fire Chief along with the Firefighter Right to Know survey.
2. That a Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator prior to use.

3. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to the zoning compliance permit being issued.

MOTION CARRIED: 5-0.

DISCUSSION WITH NMU STUDENTS ON RECREATION PLAN UPDATE

Students informed the Planning Commission that they were working on updating the Recreation Plan and of the survey that was mailed out on March 7, 1997. Karen Chandler informed the Planning Commission that the survey was sent out to around 60 households consisting of the users, CABA, Schools, Lions Club, Senior Citizens.

Bill Sanders suggested making the survey available at the local businesses with a box for them once they are filled out and a time line.

Karen Chandler handed out the recreation plan index copy the students are working on.

DISCUSSION PETITION RECEIVED FROM RESIDENTS ON RIVERSIDE ROAD.

The following comments were made by Mark Maki.

The Strategic Plan only talks about hiking/biking trails for the schools. North Country Trails, and the snowmobile trail being on the bike path right of way. Riverside Road/Lakewood Lane was suppose to be for North Country Trails. He joined the trails committee to keep an eye on them. Mark Maki hasn't seen any written request for railroad track use. The Board also said it wasn't allowed. Mark Maki also states that there was a letter to the Board from Larry Gould stating that he was supporting the trail. Mark Maki asked Karen Chandler what she was going to tell the Board. He in turn notified the residents in that area who didn't know about the proposed trail behind Riverside Road. The Board rejected the trail. If the railroad gets abandoned the Township should say it shouldn't be a trail and it wasn't planned for. The residents do not want it. Snowmobiles are a nuisance and they travel too fast.

Bill Sanders asked Mark Maki what the deal was with the bike path?

Mark Maki stated that there is no designation for motorized vehicles use on bike path, the businesses want them to come through. He also wants trails to stay out of the residential areas.

Estelle DeVooght-any process to make bike path available for winter? Is there anyone here supporting the trail?

Karen Chandler stated that we are working with Representative Mike Prusi to get the bike path available for winter use. Michigan Department of Transportation says they can change the signs for the winter months use Dec-April. The DNR doesn't believe it is legal.

The following comments were made by the residents:

- Call Ameritech and get permission to take signs down. The snowmobilers are driving drunk by his house. The road is 20 feet wide, its like a superhighway. Going to fight trail.
- Is it possible for Planning Commission to record that they take position to be against trail. Hear them at night going fast. Shouldn't be there not good for businesses if going through residential area. Keep them in business, residents don't want them.
- Snowmobilers are coming down private road going to Harvey Inn, they won't stop.
- Opposed to trail there in winter or summer.
- Opposed because of safety. Kids walk behind house. A letter should be drafted to the Board opposing trail.
- Opposed to trail feels like superhighway in back of house. Someone is going to get killed.
- Opposed too noisy.
- Opposed to bike path or nature trail, gives the dogs something to bark at.
- Recommend to Board residents are against it.
- Vigilant about sending notices for variances, no clue about trail happening. DNR can slip in trail too easily. Easement questions.
- Do something, more impact if Planning Commission recommends.

Mike LaPointe stated that it was not the Planning Commission's intent to recommend snowmobile trails in residential areas. Planning Commission asked for Ad Hoc to be formed to deal with the trails.

Steve Kinnunen stated that the trails were for connecting route.

Max Engle stated that the intent was for hiking/pedal bike trails. We are one of the few areas without a snowmobile trail. North Country trail is a Country wide trail. A lot of residents are looking for walking and biking trails.

Steve Kinnunen stated that action is being taken by the DNR and Representative Mike Prusi.

Bill Sanders stated that AD Hoc Trail Committee is a volunteer group working on different projects. No part in suggesting that trail go through residential area. Reason for residents to be concerned.

Max Engle said they don't have a report because they don't have recommendation.

Bill Sanders stated that the Planning Commission should write a letter to DNR.

Steve Kinnunen stated that something should be done sooner to address problems areas. It is not part of strategic plan. Not what we intended.

Karen Chandler stated that residents could call 911 to report snowmobile problems. The Sheriffs Department has snowmobiles and could monitor. Township Police Department can stop on roads but does not have equipment necessary to patrol trails.

Mark Maki-Trails Committee was formed to do a number of things. Snowmobilers make up a lot of the committee.

Karen Chandler-Trails Committee not in favor of running down grade. Planning Commission should recommend that Board send letter to DNR.

Max Engle stated that Board would not have had designated trail. If railroad abandons track, Ameritech still has right of way.

Mike LaPointe feels this should be put on joint meeting agenda and get Boards feeling.

Bill Sanders feels that the consensus is to not support trail through residential area. We should right letter to DNR instead of Board.

Max Engle stated we should make recommendation to the Board.

Mike LaPointe states that the consensus is to recommend to Township Board that DNR does not designate trail.

CONSIDER ROAD NAME

Sanders moved DeVooght second to recommend to the Township Board that the part of Autumn Trail accessed off M-28 be renamed Wintergreen Trail. The existing private road is located in Section 8 T47N R24W.

MOTION CARRIED 5-0

DISCUSSION ON REZONING #87-DEFINITION OF SEMI-TRAILER.

Sanders moved, DeVooght second that semi-trailer definition be defined as any unlicensed trailer that is used for storage.

MOTION CARRIED 5-0.

It was also suggested that Section 107 Accessory Uses for Gas Stations/Convenience Stores be discussed at the joint meeting with the Board.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS SITE PLAN REVIEW & SITE CONDOS.

Bill Sanders suggested that there should be a minimum size required and some setbacks set for these units.

It was also suggested that the Ordinance be sent to our Attorney Mike Summers.

Mike LaPointe thanks Joe Weitek for his time and effort.

PLANNING DIRECTOR'S REPORT

- 1) Our meeting with the Township Board is scheduled for Monday, March 24 at 7:30 p.m.
- 2) The Michigan Townships Association will be holding two workshops in Marquette on Tuesday, March 18. Planning for Zoning from 1-4:30 p.m. and Subdivision control Act update from 6-9 p.m. If anyone is interested in attending either or both of these workshops, I'll need to know by tomorrow before noon.

A "Tools for Drinking Water Protection" workshop is being conducted on Wednesday, March 19. This is a telecommunication hook-up with Bresnan. The Fire Hall will be open for any Planning Commission members wanting to attend. I will also make sure the broadcast is taped.

- 3) Estelle is registered for the workshop on Basic Training for Planning Commissioners and Zoning Board of Appeals Members on Thursday, March 20, 1997 at the Holiday Inn in Marquette.
- 4) We need to think about changing our June meeting date. The last two years we've met in the Fire Hall since this building is being used on that day for the annual School election. We should consider meeting on the first Monday in June since the Board will only meet on the third Monday in June and this room will be available.
- 5) The Township is now on-line and our E-mail address is choctwp@mail.portup.com

Planning Commission members agreed to the first Monday in June for their Planning Commission meeting.

PUBLIC COMMENT

None.

COMMISSIONER COMMENT

None.

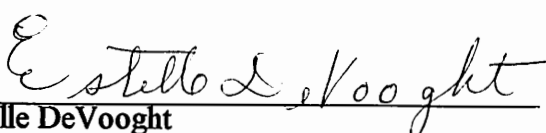
INFORMATIONAL ITEMS AND CORRESPONDENCES


- A. Memo from - Karen Chandler - Put the You into Youth update
- B. Workshops - Planning for Zoning; Subdivision Control Act Update; Tools for Drinking Water Protection
- C. Update on Public Act 591 - Land Division Act (SB 112)
- D. MTA Legislative Fax - Special Land Use Committee Appointed
- E. Chocolay Township Board minutes of 02\03\97 and 02\17\97
- F. Chocolay Watershed Council minutes of 12/02/96
- G. Groundwater Stewardship Team minutes of 01/29/97

ADJOURNMENT:

Mike LaPointe moved, Bill Sanders second that the March 10, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 9:45 p.m.

MOTION CARRIED: 5-0.


 Estelle DeVooght
 Planning Commission Secretary


 Stacy L. Busch
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
JOINT MEETING - CHARTER TOWNSHIP OF CHOCOLAY BOARD
MARCH 24, 1997**

PLANNING COMMISSION PRESENT: Bill Sanders, Steve Kinnunen, Estelle De Vooght, Mike La Pointe (Chairperson), Scott Emerson (arrived at 7:32 pm), Bob Whitaker.
ABSENT: Max Engle.

TOWNSHIP BOARD: Ivan Fende, Richard Bohjanen, John Greenberg, Gary Menhennick, Lois Sherbinow.
ABSENT: Arlene Hill, Max Engle.

STAFF PRESENT: Karen Chandler, Director of Planning & Research

OTHERS PRESENT: Stacy Busch, Recording Secretary, Mary Sanders, Deputy Clerk, Cathy DeVooght, Mark Maki, William Stenglein, L.J. Blondeau, John Smith, Chad Metzger, Mark Mankowski, Amy Emery, Ryan Solesky, Joseph Murphy.

Ivan Fende, Township Supervisor called the Board meeting to order at 7:30 p.m.
Mike LaPointe called the Planning Commission Meeting to order at 7:30 p.m.

Ivan Fende informed the public they could make comments after Board and Planning Commission discussion, during the public comment section. Unlike regular Board meetings where comment can be reserved for agenda items, the nature of the joint meeting was for the Planning Commission and the Township Board to discuss items of common concern.

PRESENTATION ON COMMUNITY CHARRETTE:

Bill Sanders, Planning Commissioner, gave a presentation on a community Charrette. The charrette involves ideas from our community on what we want for the future of Chocolay Township. A group from Ball State University spends approximately 4-5 days gathering this information while staying in our community and interacting with our residents, businesses and governmental unit. This information is used to write goals for our community. Ideas for developing a landscaping ordinance, sign control, and the look of our business district could be formed from the charrette. The community within the township must all be involved for this to work. The Planning Commission would like the Board to address the Charrette and whether the Planning Commission can get the go ahead for this. The price would range from \$5,000 to \$10,000. A more definite price would be received before moving forward.

Planning Commission comments:

- It is important to get everyone on the same frequency in the township.
- Concerns about having someone brought in from elsewhere.
- Great idea, too expensive.
- Either we do it or forget it.
- Rita Hodgins recommends this is done. People are top of the line and doing this around the country.

Board Comments:

- Will Charrette help Township.
- Does it include the business district.
- How much does it cost.
- Wal-Mart money could be used for this.

SEMI-TRAILER STORAGE:

Planning Commission Comments:

- Costs, zoning is an issue for future. Put handle on it now. Need to define what we are looking for in ordinance.

- County Planning Commission feels there shouldn't be semi-trailer storage at all.
- They should become generalized storage buildings. They would look better than semi-trailers.
- Do not want these permanent trailers there.
- Consider banning semi-trailer storage and grand fathering existing storage units. Specify a number of years for them to become in compliance.
- Currently semi-trailers are illegal according to the zoning ordinance.

Board comments:

- Definition is not specific enough (open or closed trailer).
- Too broad of definition, subjective for one not other. Should have setback guidelines, define the appearance, enclosure. Disagree with County Planning Commission. Better storage in trailer than open field.
- Maybe have them file for a permit for a semi-trailer from township office.
- Concern that with the small number of semi-trailers, that there would be selective enforcement.

KAWBAWGAM & M-28 AREA:

Mike LaPointe, Planning Commission Chairperson explained the past history about this area.

Planning Commission comments:

- We don't want to start development down there.
- This area is too far from the police, fire department, it has no sewer service. It would end up to be strip development, undesirable. Residents do not want it commercial in that area.
- This would start satellite development.
- Suggested that if it was commercialized and sewer was hooked up, Harvey village residents would be upset because nothing is being done about contaminated wells in village area.
- Should follow strategic plan.
- Voting public against commercial area there.
- We can't take away what has been there just because someone doesn't like it.
- Grocery store wasn't supported when it was there.
- Looking for support from the Township Board.
- Environmental impact not good, no police, trailers, groundwater source.
- Not good planning to have health department to do planning for you.
- Nothing has been done with corner property for 15 years. It is an eyesore, improve township by nipping it in the bud now and get it back into residential.
- Commercial piece spot zoned. Commercial development on going.

Board Comments:

- Corner was commercial for along time.
- Casino is big factor.
- Property is expanded all the time.
- No mandates. Mandate for safe and sound businesses, security for the residence.

VARVIL CENTER:

Currently zoned C-3, should it be zoned to C-2?

Planning Commission Comments:

- Commercial area more established. Rezone it all to C-2, some nonconforming uses.
- C-2 & C-3 groundwater problems? Who would police that.
- Keep heavier commercial down in that area on M-28.
- Mixture of businesses at Varvil Center, keep light industrial.
- Assesses with property owner is going to be very difficulty.

Board Comments:

- Suggestion to keep C-2 on the highway and C-3 on the back side.
- Important to look at commercial districts and redefine them. Currently there are 3 different categories of business on that property.
- Put municipal water and sewer down there.
- Performance zoning would work if the same person enforces the zoning ordinance forever. If Planning Commission was large enough with more than one person working on something, it would work.

LANDSCAPING ORDINANCE:**Planning Commission comments:**

- It would be to everyone's advantage to have the commercial district look nice, more park like. Add buffer areas, corridor sites, pocket parks, more of a village look. Need go ahead from Board.
- Save existing trees.
- Appropriate lighting makes a big difference.
- Nice landscaping helps make people want to come or stop here.

Board comments:

- A wagon wheel development behind Superior Development and Holiday Station would be desirable.
- Older part of Commercial district would be hard to have landscape ordinance because of the odd shaped and smaller lots.
- The Township could put out seed money for businesses to plant flowers, shrubs and trees.

SIGN CONTROL IN BUSINESS DISTRICT:

- The amendment to our ordinance allows for a 4 foot attached sign for home occupation, we should add to the ordinance either a 4 foot attached or 2 foot detached sign.
- There is a potential for signing in the right-of-way, where do we want signs?
- Some of the businesses have their signs further back from the road because of the right-of-way.

COMMITTEE TO REVIEW COMMERCIAL DISTRICTS:**Planning Commission Comments:**

- Varvil Center, look at whole commercial district.
- Committee is good idea.
- What types of business is good, focus more on what public wants.
- Should sit down with CABA and get feedback.
- Get CABA involved with implementation, get community together.

Board comments:

- Form a Review Committee to look at zoning districts without biases.

SUBDIVISION CONTROL ACT:

- Will allow parcels 10 acres-19.9 acres to be split into 4 parcels. Parcels over 20 acres can be split into 7 parcels.
- Land division ordinance be passed or people can split land and no one to monitor splits..
- Write a letter to Register of Deeds informing people to look into the law first before they buy.
- How much R-1 land is available in large parcels?
- Need to decide ideal amount of residential, commercials, RP. A ratio system could be implemented.

- Developmental right come into play?
- It was suggested to write a letter to Realtors.
- Township could look for a model ordinance incorporating the subdivision control act regulations.

PUBLIC COMMENT:

Cathy DeVooght-repeated Scott Emerson's comment that spot zoning is bad. If it is so bad, why do we have spot zoning all over the Township? They serve a purpose.

Gary Menhennick-He wasn't called when they were looking for input for the strategic plan.

Scott Emerson-Called President of CABA at that time, which was Tim Shirtzinger. He was suppose to inform CABA. Scott also called Ron Thorley.

John Smith-Has opposing views of strategic plan. Seemed to him that there were more hurdles for him in Chocoley when he was looking for a place for his business in 1987.

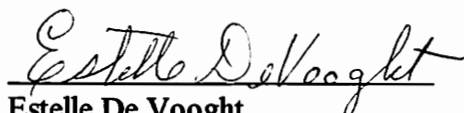
Bill Sanders-Specific goals for strategic plan.

ADJOURNMENT:

Mike LaPointe moved, Bill Sanders second that the joint Planning Commission meeting with the Chocoley Township Board be adjourned at 10:05.

MOTION CARRIED: 5-0

The joint meeting was adjourned at 10:05 p.m.



Estelle De Vooght
Planning Commission Secretary



Stacy L. Busch
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, APRIL 14, 1997

PRESENT: Mike LaPointe, Bill Sanders, Bob Whitaker, Steve Kinnunen, Estelle DeVooght.

ABSENT: Scott Emerson, Max Engle

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Mark Maki, Don Britton, Pete Henricksen, Carl Lindquist, Wm Smith, Gerald Vashaw, Donald Castell, Pat Castell, Judd Johnston, Chad Metzger, Tim Gordon, Joseph Murphy, Amy Emery

PUBLIC HEARING:

Mike La Pointe, Chairperson, called the Public Hearing to order at 7:32 p.m.

He informed everyone present there were three public hearings scheduled. He informed everyone the process of the public hearings, which were: (1) staff would make a brief statement on each of the public hearings, (2) applicant would make a brief explanation on the public hearing, (3) the public can comment on the public hearing.

REZONING #91 - R-1 TO C-1:

Karen Chandler, Director of Planning & Research informed everyone present that the applicant, Judd Johnston, has petitioned the Chocolay Township Board to rezone the following described property from a current zoning classification of R-1 to C-1:

The West 255' of the East 350' of Government Lot 1 lying south of M-28 in Section 12 T47N R24W being part of Lots 2, 3, 4 of the unrecorded plat of Sea Home Addition of Frank Dushane's Plat in the Township of Chocolay, County of Marquette, & State of Michigan. Location address is across from 1943 M-28 East on south side of M-28.

SITE FACTORS: Land use

There is no existing use on the property at this time. Surrounding land use is residential and vacant. Types include single and multi-family dwellings and commercial. The property borders land held in trust by the Federal government for the Keweenaw Bay Indian Community.

Judd Johnston - applicant, owner of property 1943 M 28 E: stated he had no hidden agenda and gave a brief summary on what he planned to do if the property was approved for rezoning:

The reason for requesting the proposed zoning change is to establish and operate a bed & breakfast/brothel. Mr. Johnston informed everyone that he is assuming such a facility will warrant a commercial status. Although the legality of such an operation might be challenged. The present issue is zoning. He is presently following the same process, roughly that were undertaken to legalize gambling in the great State of Michigan. Now that we embraced the "Gaming Institution," it is only a matter of time to open other avenues of economic development to further enhance our community.

Mike LaPointe inquired if there were any other public comments regarding Rezoning #91?

Estelle DeVooght, Planning Commission Secretary read letters from the following into the record:

- (1) Patrick & Michelle Barnette - opposed.
- (2) Vivian Glass - opposed
- (3) Glen & Connie Barto - opposed

Mike LaPointe informed everyone present that this would be discussed during New Business. There was no further public comment. Mike La Pointe closed the public hearing section for Rezoning #91.

PRIVATE ROAD REQUEST #10:

Karen Chandler, Director of Planning & Research informed everyone that the applicant, Peter H. Henricksen, has requested the Chocolay Township Board approve a private road located within the following described property.

Section 4 T47N R23W 23.60 Acres - Government Lot 1 and Section 9 T47N R23W 17 Acres - That Part of NE 1/4 of NE 1/4 lying N of M-28. Property Address is 2501 M-28 East.

Peter H. Henricksen, applicant: - 1160 M 28 East: the road is already there, wants it to be named for emergency purposes.

Mike LaPointe inquired if there were any public comments regarding Private Road Request #10?

Kenneth Kelly - 1306 West Avenue - Marquette, MI & owner of property located at 2461 M 28 East. informed everyone that he submitted a letter opposing the private road due to the interference with wetlands and requested that the letter be read into the record.

Road needs to be wider.

Don Castell - 5199 Sharkey 19.9 Lane - Gladstone, MI & owner of property located at 2429 M 28 East. No reason for a name for the road. This is a private driveway. He is opposed to the private road request.

Peter Henricksen - stated there would be no further development of this property.

Mike LaPointe inquired if there were any further public comments regarding Private Road #10. There were none.

Estelle DeVooght, Planning Commission Secretary - read the following letters into the record:

- (1) John F Peterson - 2119 Chestnut St. - Waukegan, IL - opposed
- (2) Mona Scriba - 322 Michigan Ave - Hobart, Indiana - opposed
- (3) Kenneth & Susan Kelly - 2461 M 28 E - Marquette, MI - opposed.

Mike LaPointe closed the public hearing regarding Private Road #10.

PRIVATE ROAD REQUEST #11:

Karen Chandler, Director of Planning & Research informed everyone that the applicant, Sharon R. LeBoeuf, has requested the Chocolay Township Board approve a private road located within the following described property.

Section 22 T47N R24W 31.4 acres M/L - S1/2 of NE 1/4 exc. S208.7' of E 417.4' of W 1235.7' thereof & exc. the E 696' thereof & exc. the W 800.2' thereof & exc. the S 234.75' of W 208.75' of E 955.15' thereof. Property Address is 357 Mangum Road.

Sharon Le Boeuf (owner) 357 Mangum Road & Andrea Vigi (applicant's representative - Re/Max 1st Realty) - informed everyone the applicant and her daughter will be able to sell the existing property and still remain in the area. All neighbors are very supportive and agreeable to the idea. She also has a purchase agreement on her existing property contingent with this proposal.

Mike La Pointe inquired if there were any further public comments regarding Private Road #11. There were none.

There being no further public hearings scheduled, the public hearing section of the meeting was closed.

REGULAR MEETING CALLED TO ORDER:

Mike La Pointe called the Regular Planning Commission Meeting to order at 7:55 p.m.

ROLL CALL:

PRESENT: Mike LaPointe, Steve Kinnunen, Bob Whitaker, Estelle DeVooght, Bill Sanders

ABSENT: Scott Emerson, Max Engle

APPROVAL OF THE MINUTES OF MARCH 10, 1997:

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated March 10, 1997?

Sanders moved, Whitaker supported that the Planning Commission minutes dated March 10, 1997 be approved as presented.

MOTION CARRIED: 5-0.

APPROVAL OF MINUTES OF MARCH 24, 1997 - JOINT MEETING:

Mike La Pointe inquired if there were any additions and/or corrections to the minutes dated March 24, 1997? Bob Whitaker noted that he was in attendance at the March 24, 1997 meeting.

DeVooght moved, Sanders supported that the Planning Commission minutes dated March 24, 1997 be approved as corrected.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

It was suggested that Items B & C under New Business be presented before Old Business and Item A under New Business be presented under Old Business after item A.

Whitaker moved, Kinnunen supported that the agenda be approved as changed.

MOTION CARRIED: 5-0.

PRESENTATION

Carl Lindquist made a presentation on the Chocolay Watershed Council.

Three things to keep in mind were:

- (1) Conservation
- (2) Restoration
- (3) Education

The following comments were made regarding the presentation:

- Great work being done regarding the Chocolay Watershed.
- Newsletter circulation being increased.
- Volunteers and/or donations are always needed.

Carl Lindquist informed the Planning Commission that because John Stephenson was down state the Farm-A-Syst and Home-A-Syst Project presentation wouldn't be made tonight. If anyone had questions, they can call the Soil Conservation Office.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment. There was none. The first Public Comment section of the Planning Commission was closed.

OLD BUSINESS:

CONSIDER PRIVATE ROAD REQUEST #10 - APPLICANT PETE HENRICKSEN:

Pete Henricksen informed the Planning Commission that the DNR restricts and further development on the property. His request for the private road is strictly for his personal use. Just wants the road named.

The following questions/comments were made by the Planning Commission:

- The county didn't have a record of the easement being recorded.
- The approval or disapproval has no bearing on getting emergency services.
- Frontage requirements in the zoning ordinance calls for 66' right of way boundaries.
- How can we be assured that no future developments would be made?
- If a private road is approved and a new name made for the road, 911 would have to program the information in the computer.
- The problem isn't with the name. The road cannot be widened.

- No problem with the sign.

Sanders moved, DeVooght supported to recommend to the Township Board that Private Road Request #10 be denied due to failure in meeting the private road requirements as set forth in the Zoning Ordinance.

MOTION CARRIED: 5-0.

CONSIDER PRIVATE ROAD REQUEST #11 - APPLICANT SHARON LE BOUEF:

Mike LaPointe informed the Planning Commission due to a conflict of interest, he has a purchase agreement on the land being discussed, he would have to abstain from discussion and voting on this particular private road request.

Bill Sanders assumed the chairperson's position and inquired if there were any comments regarding Private Road Request #11.

Karen informed the Planning Commission that she went out to the property. The culvert presently there connecting the drive to the county road is small. The road is wider than the culvert.

Mark Maki advised on the State Subdivision Control Act.

After discussion on the Private Road Request #11, the following motion was made:

Whitaker moved, Sanders supported that the Chocolay Township Planning Commission recommends the Township Board approve the private road request with the following conditions:

1. The developer will provide and install street signs per township specifications at their own expense and maintenance of signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deeds identifying the private road status and the owners responsibility for road maintenance, right-of-way maintenance, and drainage maintenance as well as requiring that open access to the private road be maintained for essential public services.
3. Developer comply with all other agency regulations.
4. Road name be named Tia Trail.
5. Cul-de-sac should be required at the end of the road.
6. A recorded deed for the private road easement be presented before the zoning compliance permit is issued.

MOTION CARRIED: 3-1-1 AYES: 3 NAYES: 1 ABSTAIN: 1

CONSIDER REZONING #91 - R-1 TO C-1 - APPLICANT JUDD JOHNSTON:

The Planning Commission was informed to keep in mind the discussion that took place at the Public Hearing on this issue.

The following questions/comments were made regarding Rezoning #91.

- Is this a joke to have a brothel? Mike La Pointe we need to act upon the rezoning request.
- Currently the property is zoned R-1. Residents in the surrounding areas wants the area to remain R-1.
- Planning Commission has spent a tremendous amount of time to keep this area residential.
- C-1 has a negative impact on the area. There are other C-1 properties in Chocolay Township.

After discussion on Rezoning #91 the following motion was made:

Sanders moved, LaPointe supported to deny Rezoning #91 and that C-1 would have a negative impact on residential use. There are other C-1 properties in the areas of the township. The proposed land use is a conflict with surrounding areas.

MOTION CARRIED: 5-0.

Karen Chandler informed the Planning Commission the Rezoning #91 would be on the County Planning Commission Agenda for May 7 and the Chocoday Township Board at their second meeting in May.

Private Road Request would be on the Chocoday Township Board agenda at their 2nd meeting in April.

Judd Johnston applauded the Planning Commission for sticking to their decision for the property around that area to remain R-1. The Township Board should have the commitment that the Planning Commission has.

OLD BUSINESS:

CONSIDER AD HOC TRAIL'S COMMITTEE RECOMMENDATION:

Don Britton gave a brief update on the Trail's Committee recommendation.

The Planning Commission stated that they appreciate the time the Ad Hoc Trails Committee has taken. Commended them for doing a fine job.

LaPointe moved, Sanders supported that a letter of support of the motion suggested from the Ad Hoc Trail's Committee be sent the Township Board and be forwarded to the DNR.

MOTION CARRIED: 5-0

CONSIDER LANGUAGE FOR HOME OCCUPATIONS SIGNS:

Karen informed the Planning Commission that she has reviewed some of the ordinances that other governmental entities do regarding signs for home occupations.

Mark informed the Planning Commission that presently a 2 square foot sign usually with the name of the home occupation and the phone number had been used. He informed them that the Township Board suggested that possibly a 2 square foot sign being use by the road and that a 4 square foot signed be used on the building. He also informed them that signage for home occupations has not been a very big problem.

It was suggested that when the Zoning Board of Appeals reveals the home occupation permit that the approval of signage be submitted in the application. This way the Zoning Board of Appeals could review all signs and see that it fits in the character of the area.

The sign could be reviewed on a case by case basis and be sure it fits in with the character of the area.

Kinnunen moved, Whitaker supported that language regarding Home Occupations be forwarded to the Township Board "a sign not to exceed two (2) square feet and be reviewed by the Zoning Board of Appeals on a case by case basis with the character of the sign to fit in with the neighborhood."

MOTION CARRIED: 5-0.

DISCUSSION ON JOINT MEETING:

The Planning Commission Members felt that the joint meeting with the Chocoday Township Board went very well.

It was suggested that Karen Chandler contact Ball State University regarding the community charrette program and obtain estimates for expenses.

Karen informed the Planning Commission that Mark Maki met with the township attorney on language for semi trailers.

It was suggested that accessory structure be used for commercial uses. Possible language saying no semi-trailers be used for outdoor storage.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:

1. **SITE PLAN REVIEW**
2. **SITE CONDO**

Karen informed the Planning Commission there is no further information pertaining to this language.

PLANNING DIRECTOR'S REPORT:

- 1) Our June meeting date has been changed to the first Monday, which is June 2.
- 2) Received a phone call from Glen Barto on rezoning # 91. He also asked if there was anything the Township can do to cut down on the lighting at the casino. He suggested capping the lights for down lighting only. The whole area is bright from the up lighting.

It was stated that the lighting doesn't fall under township ordinance. It was also noted that possibly when the Landscape Ordinance language was done that possibly the lighting could fall under that. It was suggested that possibly the type of lighting to be used would be the one used at the State Welcome Center.

The Planning Commission was informed that possibly the following would be on the agenda for the May Planning Commission: Addition to the Township Building. Should be viewed by the Planning Commission - character of building; and a proposed Medical Facility on the Blondeau property by Snyders.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment?

The NMU students present gave a brief summary of the workshops they participated in at San Diego. The poster will be at the next Township Board meeting on April 21. All of the information will go into the Recreation Plan.

There being no further public comment, the second public comment section of the Planning Commission was closed.

COMMISSIONER COMMENT:

It was noted that the preservation of trees, etc. language would fit into the landscape ordinance.

Sanders moved, Kinnunen supported that the Planning Commissioners wishing to attend the urban forester program proving that information will fit in with the township uses.

MOTION CARRIED: 5-0

There was a discussion regarding the letter to the editor sign by a planning commission member. It was noted that in the future that when a letter is sent to the editor that it be signed as a personal letter without planning commission member title on the letter.

It was noted that a Master Planning Workshop is going to be held on Friday, May 23 at NMU. This is an excellent workshop. Some members noted their interest depending on their personal work schedules.

There was the concern of the monitoring wells at the Chocoley Downs Golf Course. It was noted that the Township Attorney was on vacation until April 4. Planning Director will contact the township attorney to see what has to be done.

It was noted that the monitoring wells and testing needs to be done before the golf course is operating.

It was noted that the Best Management Guide was to be followed regarding the testing of the wells.

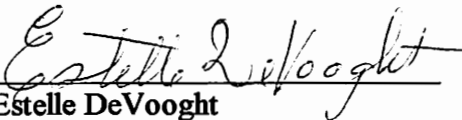
INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memo from - Mark Maki - Golf Course/Water Wells Testing
- B. Workshops - MSPO -Master Planning Workshop - Friday, May 23 at NMU
- C. Correspondence from - Mqt. Co. Soil & Water Conservation District - on visiting urban forester program
- D. Chocolay Township Board minutes of 03\03\97; 03\17\97; and 03/24/97

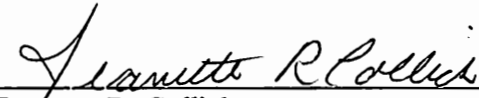
ADJOURNMENT:

Sanders moved, DeVooght supported that the April 14, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 9:40 p.m.

MOTION CARRIED: 5-0.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, MAY 12, 1997**

PRESENT: Mike LaPointe, Bill Sanders, Bob Whitaker, Steve Kinnunen, Max Engle, Estelle DeVooght (arrived at 7:37 p.m.)

ABSENT: Scott Emerson

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Mark Maki, Don Britton, Gary Menhennick, John F. Smith, David Blondeau, David St.Onge, Ron Katers

PUBLIC HEARING:

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:33 p.m.

He informed everyone on the process of the public hearing, (1) staff would make a brief statement on each of the public hearings, (2) applicant would make a brief explanation, (3) the public can comment.

REQUEST: CONDITIONAL USE #42

Karen Chandler, Director of Planning & Research informed everyone present that the applicant, Superior Development, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow for a group of related commercial buildings contained within a single integrated complex, sharing parking, access, and other similar site features in the C-2 District on the following parcel:

SECTION 7 T47N R24W Part of NE 1/4 beg 740' W of SE cor of NE 1/4 of NE 1/4 th S35deg44'W 71.38' th N55deg57'W 225.17' th N47deg02'E 205.54' th N35deg05'W 225.11' th S50deg38'W 416.49' to US 41 ROW th NW'ly alg ROW 270' M/L to SILVER CREEK th NE'ly 410' M/L alg CREEK th S63DEG20'E to a pt 400' N of POB th S 400' to POB. **PARCEL LOCATED AT 5087 U.S. 41 SOUTH.**

Dave St.Onge, consultant for the applicant presented information on the proposed conditional use on a map. Mr. St.Onge informed everyone present that the applicant's interested in the property was in support of completing the development of this property parcel, the applicant wished to secure zoning approval necessary to construct a medical office and a retail/office building on the east portion of the subject parcel. This development is consistent with the surrounding land use and it's supported by adequate vehicle parking, site ingress and egress, storm water management and the existence of all utilities necessary to support the project.

The portion of the site nearest U.S. 41 has been developed to include three (3) retail/office buildings and related transient vehicle parking. The remaining portion of the property is currently undeveloped and is the purpose of this Conditional Use Application.

The intent is to complete the development of this parcel in a manner which is consistent with the existing and surrounding land use. The purpose of the development will be consistent with the areas of the property that have already been completed. The proposed parking lot will be a paved extension of the existing asphalt parking area.

Mark Maki commented on the site plan noting that the current parking lot ends on the site plan but that the commission should be concerned about where the parking lot might extend in the future. The access through the parking lot is not wide enough to meet Sec 402 frontage requirements for a road and therefore can not be used for an access road. The wheel concept did have an access road in this area but unless the Snyder & Blondeau developments consider the 66 foot right of way before it is built up it will not be possible to have an access road in this area leading from US41 to M-28. Future access behind Holiday bringing traffic back to US 41 where a problem already exists should not be permitted.

Mike LaPointe inquired if there were any further public comments regarding Conditional Use #42. There were none. There being no further public hearings scheduled, the public hearing section of the meeting was closed.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:40 p.m.

ROLL CALL: PRESENT: Mike LaPointe, Steve Kinnunen, Bob Whitaker, Max Engle, Bill Sanders and Estelle DeVooght (arrived at 7:37 p.m.)

ABSENT: Scott Emerson

APPROVAL OF THE MINUTES OF APRIL 14, 1997:

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated April 14, 1997?

Sanders moved, Kinnunen supported that the Planning Commission minutes dated April 14, 1997 be approved as presented.

MOTION CARRIED: 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

It was suggested that Item A under New Business be presented after Old Business Item A.

LaPointe moved, Sanders supported that the agenda be approved as changed.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment.

Mark Maki informed the Planning Commission that there may be a follow-up letter regarding semi trailers for the June Planning Commission Meeting.

Mike LaPointe inquired if there was further Public Comment. There were none. The first Public Comment section of the Planning Commission was closed.

OLD BUSINESS:

DISCUSSION WITH AD HOC TRAIL'S COMMITTEE MEMBERS:

There were three representatives from the Ad Hoc Trails Committee present at the meeting and informed the Planning Commission on what was being done presently.

Some of the comments and/or concerns were the following:

- Types of trails are not defined in the Zoning Ordinance.
- Language needs to be adopted for Zoning Districts.
- Possibly the Township Board could notify the land owners where the trails are being proposed to encourage the property owners to give support for the trail's easements to allow the trails to go through.
- Trails designed with North Country Trail would be nonmotorized.
- Should possibly be multi-use.
- Some of the seasonal roads could be designated for trails.
- Trails Committee has some volunteers that would work on the trails. People need to see what is being done.

It was suggested that language try to be drafted for a public hearing to be held regarding the types of trails to be defined for various types of zoning districts.

The Planning Commission unanimously agreed that a letter be sent to the Township Board as requested by the Trails Committee for their support in obtaining easements for the trail development.

NEW BUSINESS:**CONSIDER CONDITIONAL USE #42:**

Some of the comments and/or concerns regarding Conditional Use #42

- Is the way the road is being proposed wide enough?
- One of the major concerns was the wheel concept to be done eventually.
- The wheel concept has nothing to do with the proposed development presently being discussed. We need to deal with the application at hand.
- Green Space was a big concern.

After a lengthy discussion the following motion was made regarding Conditional Use #42:

Whitaker moved, Sanders second that after careful review of the site plan and determining that the general standards as set forth in Section 701 of the Zoning Ordinance have been met, the Chocoday Township Planning Commission approves conditional use permit # 42 to allow for a group of related commercial buildings contained within a single integrated complex, sharing parking, access, and other similar site features in the C-2 District on the following parcel:

SECTION 7 T47N R24W Part of NE 1/4 beg 740' W of SE cor of NE 1/4 of NE 1/4 th S35deg44'W 71.38' th N55deg57'W 225.17' th N47deg02'E 205.54' th N35deg05'W 225.11' th S50deg38'W 416.49' to US 41 ROW th NW'ly alg ROW 270' M/L to SILVER CREEK th NE'ly 410' M/L alg CREEK th S63DEG20'E to a pt 400' N of POB th S 400' to POB.

PARCEL LOCATED AT 5087 U.S. 41 SOUTH.

with the following conditions

1. That any changes to the proposed building uses on the site plan as approved, be resubmitted to the Planning Commission for further review and consideration if not consistent with the permitted principal uses for the C-2 District.
2. That the relocation of the sanitary sewer lines and easements are approved by the Township Board.
3. That a Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator.
4. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to the zoning compliance permit being issued.

Mike La Pointe inquired if there were further questions or comments regarding Conditional Use #42:

The Planning Commission members discussed condition #1. After discussion the above motion was amended to read:

Whitaker moved Sanders second that after careful review of the site plan and determining that the general standards as set forth in Section 701 of the Zoning Ordinance have been met, the Chocoday Township Planning Commission approves conditional use permit # 42 to allow for a group of related commercial buildings contained within a single integrated complex, sharing parking, access, and other similar site features in the C-2 District on the following parcel:

SECTION 7 T47N R24W Part of NE 1/4 beg 740' W of SE cor of NE 1/4 of NE 1/4 th S35deg44'W 71.38' th N55deg57'W 225.17' th N47deg02'E 205.54' th N35deg05'W 225.11' th S50deg38'W 416.49' to US 41 ROW th NW'ly alg ROW 270' M/L to SILVER CREEK th NE'ly 410' M/L alg CREEK th S63DEG20'E to a pt 400' N of POB th S 400' to POB.

PARCEL LOCATED AT 5087 U.S. 41 SOUTH.

with the following conditions

1. That any changes to the proposed medical and retail/office uses on the site plan dated April 17, 1997 as approved, be resubmitted to the Planning Commission for further review and consideration.

2. That the relocation of the sanitary sewer lines and easements are approved by the Township Board.
3. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator.
4. That the necessary permits as required by Federal, State and Local Agencies be acquired.
5. Parking lot landscaping be provided within the perimeter of the parking lot in accordance with the zoning ordinance.

MOTION CARRIED: 6-0

OLD BUSINESS:

DISCUSSION ON COMMUNITY CHARRETTE:

The Planning Commission members requested that Karen make a conference call and obtain the specifics and information from the Ball State University and get the information back to the Planning Commission's review.

DISCUSS LAND DIVISION ACT & SAMPLE ORDINANCE:

Karen informed the Planning Commission that the Township Board would like them to review this language and make any recommendations and send them back to the Township Board for their review.

REVIEW DRAFT RECREATION PLAN & LAND USE MAP:

It was inquired if there were any further information on the Lions Field purchase yet. The Planning Commission was informed that Ivan Fende has met with Bill Bergin, Superintendent MAPS. Mr. Fende is waiting for a response from Mr. Bergin.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:

- (1) **SITE PLAN REVIEW**
- (2) **SITE CONDO**

There is no further information on this. Estelle DeVooght informed the Planning Commission that Mr. Wietek would help the Township Attorney work on this. The Planning Commission members would like this taken care of.

Karen will get information together and meet with the township attorney.

NEW BUSINESS:

DISCUSS PEDDLER, SOLICITOR & TRANSIENT MERCHANT ORDINANCE:

Township Board sent the language back to the Planning Commission. They also would like feed back from CABA.

It was stated that the Planning Commission needs more time to review this language and also suggested that this be sent to CABA for their review.

PLANNING DIRECTOR'S REPORT:

- 1) Our June meeting date has been changed to the first Monday, which is June 2.
- 2) Workshops - MSPO -Master Planning Workshop - Friday, May 23 at NMU
- 3) I attended a County-Wide Economic Development Umbrella Organizational meeting on May 5 in Ishpeming. This group is an off spring of the Jobs Coalition. Rita Hodgins presented two papers that were developed the "Marquette County, Michigan Community Audit Team Final Report July 3, 1996" and "Draft Report on Economic Development Structures for the Community Audit Team Local Planning Group November 14, 1996". I made copies of the final report for your review. The committee is planning another meeting next month. The idea is to promote Marquette County not just individual communities.
- 4) I have sent letters to community members interested in the CCYF Committee (Communities Committed to Youth and Families). I'm looking for support for the annual bike registration and for interest on serving on this committee.

The Kellogg Foundation will provide grant monies again this year for those communities involved in this process last year. I have not yet received the grant application forms, but as soon as I receive them, I will be calling a meeting together of our CCYF committee to discuss activities for the Chocolay area.

- 5) Is everyone receiving copies of the *Michigan PLANNER*?
- 6) Home Occupation language was approved for publication by the Township Board.

PUBLIC HEARING:

A representative from the public said that Chocolay needs to be more business friendly.

COMMISSIONER COMMENT:

There were no comments.


INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memo from - Mark Maki - on semi trailers
- B. Chocolay Township Board minutes of 04\07\97 and 04/21/97
- C. Correspondence from - MSU Extension - 1997 UP Summer Gardening Conference
- D. Correspondence from - Dept. of Parks & Recreation - Annual Symposium
- E. Correspondence from - APA - Audio Conference Training
- F. Correspondence to - Max Engle, Bill Sanders, Steve Kinnunen - reappointments
- G. Memo to - Ivan Fende - on Township Hall Building Addition

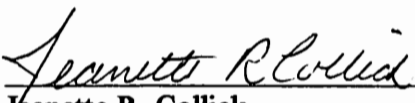
ADJOURNMENT:

Kinnunen moved, Sanders supported that the May 12, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 10:30 p.m.

MOTION CARRIED: 6-0.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JUNE 2, 1997

PRESENT: Mike LaPointe, Bill Sanders, Bob Whitaker, Steve Kinnunen, Max Engle, Estelle DeVooght

ABSENT: Scott Emerson

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette Collick-Recording Secretary, Rick Heikkila, Mark Heikkila, Kerrie Heikkila, Bill Anderson and Mark Maki

PUBLIC HEARING:

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:33 p.m.

He informed everyone of the process for the public hearing: (1) staff would make a brief statement on each of the public hearings, (2) applicant would make a brief explanation on their project plans; (3) the public can make comments.

REQUEST: PRIVATE ROAD REQUEST #6-A - HEIKKILA

Karen Chandler, Director of Planning & Research informed everyone present that the applicant, Mark Heikkila, has requested the Chocolay Township Board approve a private road located within the following described property.

The Northeast 1/4 of the Southeast 1/4 of Section 9, Town 47 North, Range 24 West.
This Private Road Request is at the end of Timber Lane.

Karen Chandler informed the Planning Commission that the property may be owned by the Marquette County Road Commission.

In 1993 Private Road Request #6 was tabled pending other information. The road was never a part of the plat process.

Mark Heikkila, applicant informed the Planning Commission that the road was abandoned in 1993. He informed the Planning Commission that he owns property located at 268 and 272 Timberlane. He would like to sell the property located at 272 Timberlane.

Bill Anderson - 252 Timberlane: Would this private road affect access to the Chocolay River?

Mark Heikkila - informed the public present that a fence would probably be up on the property.

Rick Heikkila - property along the river is private and also the property to the Golf Course is private.

Mike LaPointe inquired if there were any further public comment regarding Conditional Use #42. There were none.

There being no further public hearings scheduled, the public hearing section of the meeting was closed.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:40 p.m.

PRESENT: Mike LaPointe, Steve Kinnunen, Bob Whitaker, Max Engle, Bill Sanders and Estelle DeVooght

ABSENT: Scott Emerson

APPROVAL OF THE MINUTES OF MAY 12, 1997:

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated May 12, 1997?

A memo from Mark Maki, Zoning Administrator, dated May 29, 1997 with the following comment be included in the minutes:

“Mark Maki commented on the site plan noting that the current parking lot ends on the site plan but that the commission should be concerned about where the parking lot might extend in the future. The access through the parking lot is not wide enough to meet Sec 402 frontage requirements for a road and therefore can not be used for an access road. The wheel concept did have an access road in this area but unless the Snyder & Blondeau developments consider the 66 foot right of way before it is built up it will not be possible to have an access road in this area leading from US41 to M-28. Future access behind Holiday bringing traffic back to US 41 where a problem already exists should not be permitted.”

Bill Sanders informed the Planning Commission that on Page 4 regarding Conditional Use #42 the minutes stated that after discussion the above motion was rescinded, it should have read amended.

Sanders moved, Engle supported that the Planning Commission minutes dated May 12, 1997 be approved as discussed with the changes.

MOTION CARRIED: 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any addition's and/or changes to the agenda?

It was suggested that Item B (Private Road Language) be added under New Business. Estelle DeVooght suggested that New Business be moved before Old Business.

Sanders moved, Whitaker supported that the agenda be approved as changed.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment. There being no public comment the first Public Comment section of the Planning Commission was closed.

NEW BUSINESS:

CONSIDER PRIVATE ROAD REQUEST #6-A - MARK HEIKKILA, APPLICANT:

The following questions and/or comments were made regarding Private Road Request #6-A:

- The Planning Commission can't act on this request at this time until clarification is obtained from the Marquette County Road Commission.
- Comments from the Township Fire Department, Police Department and Department of Public Works Department are included in the agenda packet.
- One name for the road (trail be taken out) should continue as Timberlane.
- Not abandoned until it is stated legally.
- At the present time the county plows the road, but if approved as a private road they wouldn't.
- County Road Commission has been cooperative. Possibly there will be some information on this for the Planning Commission in July.

Engle moved, Sanders supported to table this request until such time that the property identified for the private road is in private ownership and also until a maintenance agreement has been signed by the property owners abutting the private road.

MOTION CARRIED: 6-0

CONSIDER PROPOSED LANGUAGE FOR PRIVATE ROAD LANGUAGE:

It was suggested that language for private roads be brought back to the Planning Commission in July.

The following comments and/or suggestions were made:

- Cul-de-sacs need to be addressed.
- According to a title company, you cannot write an easement to yourself.
- You can transfer it, but not to yourself.
- Cul-de-sacs be taken care of on an individual basis, do not take the language out.
- Cul-de-sacs as a conditional use requirement.

This language will be reviewed at the July Planning Commission.

OLD BUSINESS:

ANNUAL ELECTION OF PLANNING COMMISSION OFFICERS AND REVIEW OF BYLAWS:

DeVooght moved, Sanders supported to nominate Mike LaPointe as Chairman for the Chocolay Township Planning Commission. Nominations were closed.

Mike La Pointe called for a vote.

VOTE CARRIED: 6-0 - MIKE LA POINTE - CHAIRPERSON

DeVooght moved, Kinnunen supported to nominate Bill Sanders as Vice-Chairperson for the Chocolay Township Planning Commission. Nominations were closed.

Mike LaPointe called for a vote.

VOTE CARRIED: 6-0 - BILL SANDERS - VICE-CHAIRMAN

Engle moved, Whitaker supported to nominate Estelle DeVooght as Secretary and Steve Kinnunen as Vice-Secretary for the Chocolay Township Planning Commission. Nominations were closed.

Mike LaPointe called for a vote.

VOTE CARRIED: 6-0 - ESTELLE DEVOOGHT - SECRETARY AND STEVE KINNUNEN AS VICE SECRETARY.

It was unanimously agreed that the bylaws be reviewed, gender neutral language be added and references to him or her be removed from the bylaws and replaced with person.

Attendance was discussed. It was also noted that a majority of a quorum at the Planning Commission is needed for a motion to be passed. Planning Commission is an advisory board.

DISCUSS SEMI TRAILER/OUTDOOR STORAGE REZONING #87)

- Storage building instead of semi trailers should be encouraged in the C-2 districts.
- Language went to the Township Board in March and was sent back to the Township Planning Commission. The issue was further discussed at the joint meeting in March.
- This may have been voted down, the Township Supervisor told the Zoning Administrator to go out and enforce the ordinance at that meeting.
- If Zoning Administrator is enforcing the Zoning Ordinance - eliminate semi-trailer for storage.
- Proper screening - put as a conditional use.
- Better than letting junk pile up.
- Various businesses that have semi-trailers were noted.

DeVooght moved, Sanders supported to keep the language in for semi trailers to be used as a conditional use and to send the language in Mark Maki's memo back to the Township Board.

MOTION CARRIED: 6-0

DISCUSS PEDDLER, SOLICITOR & TRANSIENT MERCHANT ORDINANCE:

The following comments and/or suggestions were made:

- Police Department receiving various calls.
- Basically to know who the owner of the business is so they can be contacted if need be.
- Need to support the local people and businesses and benefit them. Seasonal people that sell off their trucks or street stands aren't paying taxes in the local area.
- Nonprofit and charitable organizations should not to be included in this ordinance.
- Photo I.D. should be required but not finger printing.
- Hours of operation should be from 9:00 a.m. to 9:00 p.m.

DISCUSSION ON COMMUNITY CHARRETTE:

Karen informed the Planning Commission that the handbook from Dr. James A. Segedy, AICP, Associate Professor of Urban Planning, Project Director was received.

Rita Hodgins is willing to meet with Bill Sanders and Karen Chandler regarding the Charrette program.

It was suggested that a telephone conference with Mr. Segedy, Rita Hodgins, Bills Sanders and Karen Chandler be set up. There were no further comments until we get more information from the conference call.

DISCUSS LANGUAGE FOR TRAIL DEVELOPMENT:

It was suggested that RR-1, RR-2, RP, OS - be treated as a Conditional Use.

Karen noted she heard from Robert Ziel - he suggested trying to stay on public right of ways. Karen noted she had received information from PAS after 4:30 today, and hasn't had time to review it.

The following comments and/or suggestions were made:

- If trails are considered as a conditional use, the Planning Commission can specify the type of use when reviewing a Conditional Use.
- North Country Trails would have to be treated as non-motorized.
- Karen suggested to include all zoning districts - identify them all at once.
- No need to get into a definition of a trail, keep it simple.
- Treat all Zoning Districts, except PUD and PL as Conditional Uses.
- Trails Committee will meet on June 3 and these comments will be presented to them.

It was agreed that trails be placed in all zoning districts as conditional uses, except PUD and PL. A public hearing will be scheduled for the July meeting.

REVIEW DRAFT RECREATION PLAN & LAND USE MAPS:

The following comments and/or suggestions were made:

- Page 15 - Physical Limitations to the Future
- Page 26 - Lions Park should be included in this table.
- Page 29 - Implementation Strategies - Planning Commission be included on the Advisory Board.
- Need to develop recreation in more than one area.
- New pages 21 & 22 be redone. The copied pages are run together.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS (SITE PLAN REVIEW AND SITE CONDO):

Karen has no further information at this time. She will get the information to the Township Attorney before the next meeting.

PLANNING DIRECTORS REPORT:

- 1) Looking at a possible rezoning on M-28 next to Timbercrest Landscaping for our July meeting. From R-1 to C-2 assuming that at some point we'd rezone the Varvil Center area from C-3 to C-2.
- 2) I did attend the MSPO -Master Planning Workshop - Friday, May 23 at NMU. We should encourage the Board at budget time to put monies aside for a revision to our current comprehensive plan.
- 3) I will be attending a GIS workshop at NMU in June. Mark Maki is also interested in attending. The planning students have several pieces of information into the NMU computers already.

PUBLIC COMMENT:

There being no public comment, Mike LaPointe closed the second public comment section of the Planning Commission.

COMMISSIONER COMMENT:

Home Occupation Signs - Home Occupations signs are approved as part of the home business. It had been suggested at the ZBA meeting that Home Occupations stay with the land. Karen will check into

this as home occupations typically are for individual use and should be reviewed and renewed by the ZBA periodically.

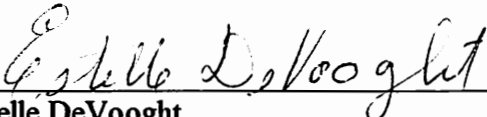
INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Memos from - Mark Maki - public hearing comments from conditional use # 42 and Joe Gibbs/Chocolay Downs
- B. Chocolay Township Board minutes of 05/05/97

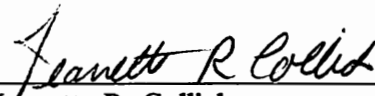
ADJOURNMENT:

Whitaker moved, Kinnunen supported that the June 2, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned 9:50 p.m.

MOTION CARRIED: 6-0.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JULY 14, 1997**

PRESENT: Mike LaPointe, Bill Sanders, Max Engle, Estelle DeVooght, Scott Emerson
ABSENT: Bob Whitaker, Steve Kinnunen

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Stacy Busch-Recording Secretary, Mark Maki, Don Britton, Sally Nelson, Chris Yuill, Rena McEachern, William Kessel, David Lynch, Mary Kaye Schaefer, Donna Barto, and J. B. Sparhawk.

PUBLIC HEARING:

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:32 p.m.

A brief update was given by the Planning Director on what was being proposed by the Planning Commission in allowing for trails as a conditional use in all districts but PUD and Public Lands.

Letters were received and placed on file.

J. B. Sparhawk-246 Lakewood Lane-Surprised that the issue came up again because Planning Commission asked Township Board to write a letter stating that they were against having motorized vehicles on trail. Trails should be written in another district.

Mike La Pointe- Trails are coming into the township and we need a mechanism to control them.

Max Engle-Maybe there should be no motorized trails are all. Right now OS, & RP district are the only zoning districts allowing them now. We would like to try and allow some trails in other districts.

William Kessel-111 Green Bay-No trust is left here. The trail will be put there anyway.

Rena McEachern-297 Riverside Road-no is for helping public. We do not want any snowmobiles back there. Has the railroad abandoned yet, and if so who owns the land?

Sarah Nelson-172 Riverside Road-opposed to snowmobiles.

Chris Yuill- 158 Riverside Road-opposed to snowmobile trails. Moved here for beauty not to live next to a race track. Last year snowmobilers were coming up in my driveway.

David Lynch-271 Riverside Road-The language for trails should be more specific.

Mary Kaye Schaefer-311 Riverside Road-opposed to snowmobile trails.

Donna Barto-501 Riverside Road-opposed to motorized trail. Please define conditional use. Who does the property revert back to?

There being no further comments for the public hearing, the public hearing section of the meeting was closed.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:50 p.m.

PRESENT: Mike LaPointe,, Max Engle, Bill Sanders and Estelle DeVooght, Scott Emerson.

ABSENT: Steve Kinnunen, Bob Whitaker,

APPROVAL OF THE MINUTES OF JUNE 2, 1997:

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated June 2 1997?

Sanders moved, Emerson supported that the Planning Commission minutes dated June 2, 1997 be approved as presented.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any addition's and/or changes to the agenda?

It was suggested that New Business A be moved up before Old Business.

Sanders moved, Emerson supported that the Agenda be approved as amended.

MOTION CARRIED: 5-0

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment. There being no public comment the first Public Comment section of the Planning Commission was closed.

NEW BUSINESS:

CONSIDER REZONING #92-TEXT AMENDMENT TO ALLOW FOR TRAIL DEVELOPMENT:

The following comments and/or suggestions were made:

- During the survey that was done recreational needs were having trails put in. Non-motorized trails connecting the schools, recreation areas and others.
- The Trails Committee was formed to study this need.
- The snowmobilers began using the Wisconsin Railroad once it was known that they were abandoning it. This spread like wildfire.
- Doesn't want to see a motorized trail by house.
- Ameritech owns right-of-way.
- It was noted that Bob Ziel, DNR, had contacted the Township about rails to trails and they would initiate a master plan from Munising to Ishpeming if the railroad gave up that section of railroad grade.
- Before trail system can be implemented need conditional use language added to zoning ordinance.
- The Township Board nor the Planning Commission never approved the use of this trail on the railroad grade.
- The Planning Commission is not suggesting to put a motorized trail there, just trying to get some mechanism to regulate trails. Keeping trail definition broad but have to go through conditional use process.
- The dog sledgers were looking for a trail groomer this winter.
- It was suggested that an overlay zoning district showing where trail is be done.
- The trails committee should come up with a master plan for trails and bring it to the Township Board.
- We have a potential trail now for hiking, if nothing is done today, the Trails Committee can not start working on trails.
- It was suggested that there be 4 types of trails-(1) Non-Motorized year round, (2) Non-Motorized April 1 through November 30, (3) Non-Motorized December 1 through march 31, (4) Pure Motorized. This would segregate the trail uses, designating the trails and their uses.
- If a specific definition given, a public hearing would have to be regardless.
- The Trails Committee could define them with conditions.
- Take the zoning map and identify the trails as 1, 2, 3, or 4.
- The DNR has a designated winter season as being December 1-April 1 and the rest of the year as the summer months.
- Trails Committee would like to know if the Planning Commission will accept conditions? How did they want them written up?
- The trails are currently defined as hiking trails in some areas already as conditional use.
- Take the definition further.
- Consensus for gathering more specifics for definition.
- This creates more problems in getting more specific with definition.
- Thinks Trails Committee should get more of definition.
- Suggests that the text amendment provide certain information such as time of use, activity, in other words spell it out. Add season, check to see what DNR uses.

- Suggested that Township apply for DNR grants that may be available for 25% match up from Township.
- A memo from Mark Maki indicates that in 1981 the Zoning Board of Appeals determined that the Township Zoning Administrator's interpretation of a trail is that of a hiking trail; cross country ski trail or horse trail. Mark Maki also suggested that the Planning Commission look into overlay zones for trails.

Mike LaPointe asked to have the conditional use process explained to the public.

Sanders moved, Engle second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

REPEALER AND AMENDMENT

That portion of Section 202 of the Charter Township of Chocolay Zoning Ordinance entitled "District R-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

[SEC.] SECTION 202 **DISTRICT R-1.**

- (C) **CONDITIONAL USES.** Schools, churches, public parks, ~~and~~ private parks and trails. Recreation facilities, such as swimming pools, are conditional uses when such uses are intended for occupants of the premises. Unlighted golf courses on a minimum lot size of 60 acres. Conditional uses in this district shall be permitted only on lots with principal driveway access to a street with paving at least 20 feet in width and so located, site planned, and designed to avoid undue noise, and other nuisances and dangers. Conditional Uses in this district shall also be subject to the provision of Section 510.

AMENDMENT

That portion of Section 206 of the Charter Township of Chocolay Zoning Ordinance entitled "District LS/R" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 206 **DISTRICT LS/R.**

- (C) **CONDITIONAL USES.** Marinas, boat liveries, bathing facilities, fishing piers, resorts, Bed & Breakfast, trails, fish markets, commercial fishing docks, and associated facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

REPEALER AND AMENDMENT

That portion of Section 207 of the Charter Township of Chocolay Zoning Ordinance entitled "District RR-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

[SEC.] SECTION 207 **DISTRICT RR-1.**

- (C) **CONDITIONAL USES.** Trails

AMENDMENT

That portion of Section 208 of the Charter Township of Chocolay Zoning Ordinance entitled "District RR-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 208 DISTRICT RR-2.

- (C) **CONDITIONAL USES.** Resorts, Bed & Breakfast, riding stables, parks, trails, campgrounds, kennels, and day camps on lots of 20 acres or more. Hunting and shooting preserves, winter sports facilities, and trails on lots of 20 acres or more. Recreational structures on lots of 40 acres or more. Unlighted golf courses on lots of 60 acres or more.

AMENDMENT

That portion of Section 209 of the Charter Township of Chocolay Zoning Ordinance entitled "District C-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 209 DISTRICT C-1.

- (C) **CONDITIONAL USES.** Schools, where the type of school is compatible with nearby residential uses. Specialty retail sales where the type of sales has no outdoor display or storage and is compatible with nearby residential uses and trails.

REPEALER AND AMENDMENT

That portion of Section 210 of the Charter Township of Chocolay Zoning Ordinance entitled "District C-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

[SEC.] SECTION 210 DISTRICT C-2.

- (C) **CONDITIONAL USES.** Auto Body Repair Shops and trails.

REPEALER AND AMENDMENT

That portion of Section 211 of the Charter Township of Chocolay Zoning Ordinance entitled "District C-3" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

[SEC.] SECTION 211 DISTRICT C-3.

- (C) **CONDITIONAL USES.** Restaurants where there is no C-1 or C-2 District located conveniently nearby, drive-in theaters having patron entrance and exit drives only to streets having a paved surface at least 44 feet in width at points at least 200 feet from any intersection so planned that the picture screen cannot be seen from any street or from any R-1, R-2, R-3, or R-4 District, and other industrial uses which do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot. And trails.

REPEALER AND AMENDMENT

That portion of Section 212 of the Charter Township of Chocolay Zoning Ordinance entitled "District RP" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

SECTION 212 DISTRICT RP.

- (B) **PERMITTED PRINCIPAL USES.** The growing and harvesting of timber, livestock, campgrounds, day camps, riding or boarding stables, winter sports facilities, parks, kennels, ~~{trails,}~~ agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single-family dwellings are permitted on tracts of 20 acres or more.
- (C) **CONDITIONAL USES.** Resorts, Bed & Breakfast, ~~{and}~~ lodges on lots of 20 acres or more and trails. Hunting and shooting preserves on lots of 20 acres or more. Recreational structures on lots of 20 acres or more. Unlighted golf courses on lots of 60 acres or more.

AMENDMENT

That portion of Section 213 of the Charter Township of Chocolay Zoning Ordinance entitled "District OS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

SECTION 213 DISTRICT OS.

- (C) **CONDITIONAL USES.** Single-family residences, resorts, Bed & Breakfast, trails, and other recreational uses, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact. Recreational structures on lots of 20 acres or more.

MOTION CARRIED: 5-0.

(Scott Emerson left at 8:40)

OLD BUSINESS:**APPROVAL OF THE PLANNING COMMISSION BYLAWS CHANGES**

It was suggested that in Article 4 Section 5 that "Superior" be changed to "Supervisor".

Sanders moved, Engle supported that the Planning Commission Bylaws be approved as amended.

MOTION CARRIED: 4-0.

REVIEW DRAFT LANGUAGE FOR PRIVATE ROADS

It was suggested that this be prepared for public hearing.

REVIEW DRAFT RECREATION PLAN

Tabled until next meeting.

CONSIDER PRIVATE ROAD REQUEST #6-A - MARK HEIKKILA, APPLICANT:

Tabled.

REVIEW CHANGES TO CONDITIONAL USE #42-SUPERIOR DEVELOPMENT

Karen gave an overview of what Superior Development and Ron Katers had agreed upon a few years ago. It has changed since then and a new site plan has been received.

Mark Maki stated at one time Steve Blondeau had proposed to put a building in the middle but Mark talked him out of that because it would block the other buildings. The only way they would have to come back with new site plan is if the Planning Commission would have put conditions on the original site plan.

Karen will ask Superior Development for a new site plan for the file.

DISCUSSION ON COMMUNITY CHARRETTE

This is still be worked on.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS-SITE PLAN REVIEW, SITE CONDOS

Our new attorney, Mike Summers, has just received our files from Harley Andrews and will maybe have something for us next month.

DISCUSS 1998 BUDGET REQUESTS

Submit requests same as last year.

PLANNING DIRECTOR'S REPORT

- 1) I included the Marquette County 1997 Equalization Report for your information. I find that the numbers are very interesting and the comparison of Chocolay Township with all other municipalities within the County. Our total valuation is second to the City of Marquette.
- 2) The Trails Committee would like to plan a neighborhood meeting with residents along Riverside Road and Lakewood Lane. The committee received correspondence in favor of a hiking/biking trail in that area if the railroad grade is abandoned. The committee would like to hold an informational meeting. All literature coming from other organizations involved in trail development indicates that positive public relations is important. Any problems with allowing the Trails Committee to go ahead with this meeting?
- 3) I did attend an ArcView GIS workshop at NMU in June. We have money for the software from last years budget and \$2,500 in the current budget. This should be adequate to purchase the necessary hardware. We should continue to request monies in the capital outlay budget for GIS to cover information input. As we develop layers, this information will need to be hired out to technical experience.

PUBLIC COMMENT:

There being no public comment, Mike LaPointe closed the second public comment section of the Planning Commission.

COMMISSIONER COMMENT:

Mike LaPointe mentioned the Chocolay River Watershed Festival on Saturday, August 9, 1997 from 10:00 am- 4:00 pm.

Mike is also meeting with Marquette City and Marquette Township on developing a watershed plan for the Whetstone Creek. Marquette Township would also like copies of our Planning Commission minutes.

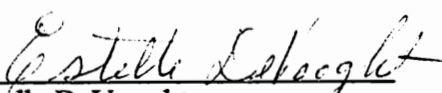
INFORMATIONAL ITEMS AND CORRESPONDENCE:


- A. Marquette County 1997 Equalization Report
- B. MTA Fax from June 27, 1997
- C. Land Division Act Workshop - August 6 at NMU & August 19 in Escanaba
- D. Proof of Service - Chocolay Township v Bryce N. Gibbs
- E. Chocolay Township Board meeting minutes of 05/19/97
- F. Mqt. Co. EDC - Michigan Professional Site Network

ADJOURNMENT:

Engle moved, Sanders supported that the June 14, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned 9:42 p.m.

MOTION CARRIED: 4-0.


 Estelle DeVooght
 Planning Commission Secretary


 Stacy L. Busch
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, AUGUST 11, 1997**

PRESENT: Mike LaPointe, Bill Sanders, Estelle DeVooght, Bob Whitaker, Max Engle.
ABSENT: Scott Emerson, Steve Kinnunen.

STAFF PRESENT: Karen Chandler- Director of Planning and Research.
OTHERS PRESENT: Stacy Busch-Recording Secretary.

PUBLIC HEARING: CONDITIONAL USE #43:

Mike LaPointe, Chairperson, called the Public Hearing to order 7:33 pm.
Mike LaPointe asked Karen Chandler for details and location of 20 x 24 camp that was being proposed on Mangum Road.

Don Britton Sr., Owner of property, gave written permission for camp to be built.
Bob Whitaker asked how far down on Mangum Road the property is?

PUBLIC COMMENT: None.

There being no further comments for the public hearing, the public hearing section of the meeting was closed at 7:36 p.m.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:36 p.m.

ROLL CALL

PRESENT: Mike LaPointe, Bill Sanders, Estelle DeVooght, Max Engle, Bob Whitaker.
ABSENT: Scott Emerson, Steve Kinnunen.

APPROVAL OF MINUTES OF JULY 14, 1997:

Mike LaPointe asked if there were any addition and/or corrections to the minutes dated July 14, 1997?

Sanders moved, DeVooght supported that the Planning Commission minutes dated July 14, 1997 be approved as presented.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any addition's and/or changes to the agenda?
It was suggested to add Land Division Ordinance discussion be add under new business B
Engle moved, Sanders supported that the Agenda be approved as amended.

MOTION CARRIED: 5-0.

PUBLIC COMMENT: None.

OLD BUSINESS:

REVIEW DRAFT RECREATION PLAN

The Planning Commission reviewed the Recreation Plan and made several changes.
Mike LaPointe asked Karen Chandler to check on Public Hearing process. Does Planning Commission hold hearing or Township Board.

PRIVATE ROAD #6-A-MARK HEIKKILA: Tabled.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS-SITE PLAN REVIEW, SITE CONDOS

It was suggested to change section numbers to reference zoning ordinance.
Bill Sanders asked if any other districts would request to see site plan, such as OS, RP.

Karen Chandler informed the Planning Commission that they were waiting for the attorney's review and getting it ready for Public Hearing.

It was suggested that the Planning Commission hire a planning consultant to check and verify it to the Zoning Ordinance. Karen was asked to call CUPPAD for consultation.

Bill Sanders suggested the ordinance should have what and when you want it for site plan review. Places where registered profession is needed. There should be a request of items listed on site plan for further development.

DISCUSSION COMMUNITY CHERRETTE-Tabled.

NEW BUSINESS:

CONDITIONAL USE #43

DeVooght moved, Whitaker supported that after careful review of the general standards set forth in Section 701 of the Chocolay Township Zoning Ordinance # 34 pertaining to the approval process for conditional use permits and this conditional use permit meets these standards, that the Chocolay Township Planning Commission approve the conditional use permit # 43 to place a recreational camp on this parcel in the RP district with the following conditions

1. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator before construction is to begin.
2. That the necessary permits as required by Federal, State, and Local Agencies are to be acquired by the applicant.

MOTION CARRIED: 5-0.

LAND DIVISION ORDINANCE DISCUSSION:

Max Engle attended a workshop at NMU on the Land Division Act. This act creates more problems than originally planned. Michigan is the only state that allows for redivision of property.

PLANNING DIRECTOR'S REPORT

Karen's been in contact with the Angel Home Development. This PUD has not been stated and will require an extension. If approved PUD is changed then another review will be necessary.

PUBLIC COMMENT: None.

COMMISSIONERS COMMENTS:

Max Engle asked who was hauling stuff behind Peterson's house on Little Lake Road. Karen will check with Mark Maki on this.

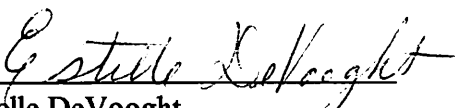
INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Correspondence from- Mike Summers, Township Attorney- copy of letter to attorney for Bryce N. Gibbs
- B. Chocolay Township Board minutes of 06/16/97
- C. Chocolay Township Zoning Board of Appeals minutes of 05/22/97
- D. Marquette Township Planning Commission minutes of 07/09/97
- E. Correspondence from -Marquette County Conservation District & Marquette County Board of Commissioners- invitation to attend *The Last Acre Ceremony*

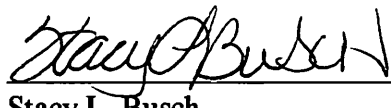
ADJOURNMENT:

DeVooght moved, Whitaker supported that the August 11, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 9:45 p.m.

MOTION CARRIED: 5-0.



 Estelle DeVooght
 Planning Commission Secretary



 Stacy L. Busch
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, SEPTEMBER 8, 1997**

PRESENT: Mike La Pointe, Bill Sanders, Max Engle, Estelle DeVooght, Steve Kinnunen
ABSENT: Scott Emerson, Bob Whitaker

STAFF PRESENT: Karen Chandler - Director of Planning & Research.

OTHERS PRESENT: Jeanette R. Collick - Recording Secretary, Mark Maki, Robert Yeull, Christine Yeull, Rene McEachern, Donna Barto, Bill Kessel

PUBLIC HEARING:

There being no public hearing, the regular meeting was called to order.

REGULAR MEETING CALLED TO ORDER:

Mike La Pointe called the Regular Planning Commission Meeting to order at 7:31 p.m.

ROLL CALL:

PRESENT: Mike La Pointe, Bill Sanders, Estelle DeVooght, Max Engle and Steve Kinnunen

ABSENT: Scott Emerson and Bob Whitaker

Karen informed the Planning Commission that due to Bob Whitaker moving out of the township, he will be submitting a letter of resignation, and there will be an opening on the Chocoday Township Planning Commission.

APPROVAL OF THE MINUTES OF AUGUST 11, 1997:

Mike La Pointe inquired if there were any additions and/or corrections to the minutes dated August 11, 1997?

DeVooght moved, Engle supported that the Planning Commission minutes dated August 11, 1997 be approved as presented.

MOTION CARRIED: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike La Pointe inquired if there were any additions' and/or changes to the agenda?

There being no additions or changes to the agenda, the following motion was made.

Sanders moved, DeVooght supported that the agenda be approved as presented.

MOTION CARRIED: 5-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there were any public comment. Public presented reserved time when trails definition was discussed. There being no other public comment, the first public comment section of the Planning Commission was closed.

OLD BUSINESS:

PRIVATE ROAD #6-A - MARK HEIKKILA:

Karen informed the Planning Commission members that she would be out of town when the Marquette County Road Commission would be meeting, possibly a member of the Planning Commission would like to attend.

It was advised that a letter be written to the Marquette County Road Commission that the Chocoday Township Planning Commission is interested in finding out who owns the property for the abandoned road. We've been waiting about three months for an answer. The attorney for the Marquette County Road Commission should know if it belongs to the County or reverts back to the land owner.

It was suggested that Karen draft a letter to the applicant and the Marquette County Road Commission to obtain a response. It was agreed unanimously that the Private Road Request #6-A will be tabled until we receive a response on this.

DISCUSS LANGUAGE FOR DEFINITION OF TRAILS:

Karen informed the Planning Commission that the Trails Committee met last week. They feel it the responsibility of the Planning Commission to develop a definition of trails. We asked them to set up a map for trails and they have done this.

Max Engle informed the Planning Commission that the motion made at the August 18, 1997 Township Board Meeting regarding the request to ask the Planning Commission to work on a definition of trails should have stated that the motion carried: 6-1, not 7-0.

The following questions and/or comments were made regarding language for trails:

- Trails definition should be left open. Should be made when someone requests a conditional use permit.
- Mark gave brief history on the three criteria and the way it was interpreted by the ZBA.
- Deal with case by case basis.
- Public hearings be held for any trails where the township has zoning rights.
- No matter how we define trails, a public hearing would have to be held.
- Township's hands may be tied, DNR has regulation rights in State held properties.
- Getting away from the original desire, which was to obtain a hiking trail to be connected from the two grade schools and the recreation areas.

Bill Kessel - 111 Green Bay Street - Do not want to define a trail

Rene McEachern - 297 Riverside Road - No problem with hiking trails, do not want snowmobiles. Want peace and quiet in the residential area.

Robert Yeull - 158 Riverside - If there is a snowmobile trail - how will it be policed?

Donna Barto - 501 Riverside - If motorized trails, property values go down. Enforcement - Saturday night in the winter time there is a steady flow of many snowmobiles.

Christine Yeull - 158 Riverside Road - Contact phone company. No trespassing signs be posted.

At the October Planning Commission the trails committee be invited and present an overview.

The public in attendance thanked the Planning Commission for their continued support regarding that no definition of trails be made.

DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:

- (1) Site Plan Review
- (2) Site Condo

Karen went over information in the hand out dated September 8, 1997 regarding the consultant and low cost estimate. The price would include a presentation to the Planning Commission.

Karen will fax for the information from the consultants. It was suggested that this be placed on the November Planning Commission.

DISCUSSION ON COMMUNITY CHARRETTE:

Karen informed the Planning Commission that there will be MSPO workshop at the Hyatt Regency in Southfield. If anyone interested in attending, please contact her. We should still try to contact Ball State University.

NEW BUSINESS:

DISCUSS POSSIBLE LANGUAGE ON CELLULAR TOWERS, ANTENNA'S AND FACILITIES:

Karen informed the Planning Commission that there have been two informal requests made for towers. We are not zoned for towers. However, we cannot refuse placement within the Township.

There was a discussion on this. Karen Chandler will get back with Larry Gould on who made the informal requests.

PLANNING DIRECTOR'S REPORT:

- 1) I'd like your advice on this RFP to planning consultants. Any suggestion?
- 2) Our proposed FY 1998 planning budget survived the Supervisor's "pen." The next round starts next week at the Board meeting on Monday, September 15. If the budget remains the same, I'll be using budgeted monies from this year to develop a Township Home Page. Any ideas will be greatly appreciated.
- 3) I'll be on vacation from September 11 through September 17. I plan to be back in the office on Thursday, September 18. The Ad Hoc Trails Committee hopes to bring a written recommendation to the Planning Commission in October.
- 4) The grant request for funding Youth & Family activities is being completed. The form is due October 1 at the offices of the Marquette Community Foundation.

COMMISSIONER COMMENT:

There was comment on what is the intent of the police department's addition. There was a discussion on this. It was suggested that the Township obtain an experienced professional to do a drawing for suggestions for the addition and to keep the historical aspect of the building.

Karen informed the Planning Commission that at the Township Board Meeting on September 15, 1997 they would be looking at updated drawings.

It was commented that the township needs to obtain professional suggestions on the best way to resolve the problem of the lack of space. We need to look at the future of the township, possibly a separate location for the police department.

It was asked if the proposed body shop that was discussed a few months ago at a Planning Commission meeting has hauled anything away yet. It was noted that they didn't break ground yet.

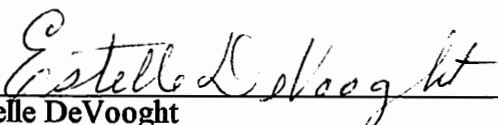
INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence to - Chocoy Watershed - on River Fest
- B. Chocoy Township Board minutes of 07/21/97


ADJOURNMENT:

La Pointe moved, DeVooght supported that the September 11, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 9:30 p.m.

MOTION CARRIED: 5-0.



 Estelle DeVooght
 Planning Commission Secretary



 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, OCTOBER 13, 1997**

PRESENT: Mike LaPointe, Bill Sanders, Estelle DeVooght,
ABSENT: Scott Emerson, Max Engle, Steve Kinnunen
STAFF PRESENT: Karen Chandler - Director of Planning & Research
OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Don Britton

PUBLIC HEARING:

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:32 p.m.

Karen informed the Planning Commission members present that she had asked the township attorney for his opinion on holding public hearings without a quorum. He informed her that the public hearings could be held to take comment but no action could be taken without a quorum.

REZONING #93 - TEXT AMENDMENT:

Karen Chandler informed everyone present that the applicant, St. Louis Knight's of Columbus Council #6447, has petitioned the Chocolay Township Board to amend the Chocolay Township Zoning Ordinance with language that will allow for Churches and church related uses as a conditional use in the C-1 districts.

Mike LaPointe inquired if there were any comment? There was no comment.

REZONING #94 - TEXT AMENDMENT:

Karen informed everyone present that the applicant, Chocolay Township Planning Commission, has petitioned the Chocolay Township Board to amend the Chocolay Township Zoning Ordinance with language that will allow for more clearly defined Frontage Requirements (Private Roads).

Karen received a comment from the Board of Light & Power suggesting that the following language be included: (d) that the passage of township vehicles to include utility vehicles.

Mike LaPointe inquired if there were any comment? There was no comment.
The public hearing section of the meeting was closed.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:40 p.m.

ROLL CALL:

Roll call was taken.

PRESENT: Mike LaPointe, Estelle DeVooght and Bill Sanders present.

ABSENT: Scott Emerson, Max Engle, Steve Kinnunen

Mike LaPointe inquired that due to the lack of quorum if the Planning Commission members would want to reschedule another meeting date for October?

Karen informed the members present that the Knights of Columbus needs affirmative action being that they only have 60 days to purchase the property. The County Planning Commission needs to review this on the first Wednesday in November.

It was suggested that a Planning Commission Meeting be held October 27th or 28th. Karen will check with the Planning Commission members to see what meeting date would be appropriate for them to attend and notify the Planning Commission members to let them know when the meeting will be held.

Don Britton brought the Planning Commission up-to-date on the trails committee.
Some of the items the Trails Committee discussed were the following:

- Median proposed on bike path for snowmobilers, etc.
- MDOT no permanent barriers.
- This would be safer for bikers, etc.

- Suggested that Karen draft a letter of support from the Planning Commission and the Trails Committee to Senator North.
- Some more public getting more involved with the trails committee.
- Grants need to be applied for in getting the Recreation Grant.
- Possibility of obtaining an overhead bridge for the crossing of Ortman Road and Cherry Creek Road.
- It was noted that there is a possibility of doing an underpass and blacktopping of the Carp River Bridge for biking, hiking and snowmobiling.

Karen informed the Planning Commission that a workshop on environment, easement and land trust will be held on October 29th. If anyone is interested, please contact her.

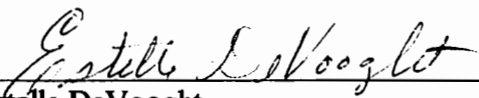
It was asked what does the Planning Commission have to do regarding the Knights of Columbus obtaining the property in question for the church?

This is currently a C-1 district. As a conditional use all property owners within 300' would be contacted and a public hearing held before granting the conditional use. The church is presently looking at purchasing the canoe shop. The Knights of Columbus would be using this building. This will be a church related use.


It was also suggested that the township obtain information on intensive agriculture for farm lands.

ADJOURNMENT:

Due to the lack of quorum, the Planning Commission Meeting was adjourned at 8:20 p.m.



 Estelle DeVooght
 Planning Commission Secretary



 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, NOVEMBER 10, 1997**

PUBLIC HEARING:

There were no public hearings scheduled.

REGULAR MEETING CALLED TO ORDER:

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:30 p.m.

ROLL CALL:

PRESENT: Mike LaPointe, Bill Sanders, Estelle DeVooght, Kendall Tabor
Max Engle (arrived at 7:40 p.m.), Scott Emerson (arrived at 7:45 p.m.)

ABSENT: Steve Kinnunen

STAFF PRESENT: Karen Chandler - Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick-Recording Secretary, Pat Coleman, Mae Belle Kessel, Bob Roshak, Sharon Roshak, Don Britton, and Mark Maki.

Mike LaPointe informed everyone present that if they were present because they thought the Snowmobile Ordinance was on the Planning Commission Agenda and was being discussed, it was not being discussed.

Mike LaPointe welcomed Kendall Tabor to the Planning Commission. Kendall Tabor replaces Bob Whitaker on the Planning Commission.

APPROVAL OF THE MINUTES OF OCTOBER 27, 1997:

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated October 27, 1997.

Sanders moved, DeVooght supported that the Planning Commission minutes dated October 27, 1997 be approved as presented.

MOTION CARRIED: 4-0

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

Sanders moved, DeVooght supported that the Planning Commission agenda be approved as presented.

MOTION CARRIED: 4-0

PUBLIC COMMENT:

Mike LaPointe inquired if there were any public comment.

Sharon Roshak - 1318 M 28 East reserved comment when the proposed Snowmobile Trail was being discussed. There being no further public comment, the first public comment section of the Planning Commission was closed.

OLD BUSINESS:**DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS****(1) SITE PLAN REVIEW****(2) SITE CONDO**

Pat Coleman, U.P. Engineering/Architect distributed the proposed language for the site plan review and site condo. He explained that the language in bold was being suggested to be added to the language and if it was crossed out, it was being suggested to omit it.

The Planning Commission members, Director of Planning and Research, and Zoning Administrator went over the suggested language and discussed the changes, etc.

Zoning Administrator Mark Maki commented on the proposed site plan language suggesting two changes. (1) Require final site plan to be developed by a professional for new construction. (2) Eliminate recently added appeal language as this is a site plan review by the planning Commission and they should stick to their planning concerns as this is their responsibility.

After the discussion of the site plan review and the site condo was discussed, Pat Coleman informed the Director of Planning & Research that he would distribute the language for the Site Plan Review and the Site Condo to her with the changes.

After the above discussion it was decided that a Public Hearing be held at the December Planning Commission Meeting on the Site Plan Review and the Site Condo.

REVIEW REPORT/RECOMMENDATION FOR TRAILS DEVELOPMENT COMMITTEE:
Don Britton and the Planning Commission looked over the trail's map and snowmobile trail that was provided.

The following questions and/or comments were made regarding the trails development:

- Easements need to be obtained.
- Public present looked over the suggested snowmobile trail.
- Suggested trail does not cross any private property.
- Is the bike path and motorized path separated?
- Bike path motorized between December 1 through April 1. After April 1 would then be designated nonmotorized.
- Ameritech owns right of way of Wisconsin Central Railroad.

Sharon Roshak, 1318 M 28 East - No ORV allowed on the trail in writing she would not support the snowmobile trail. We do not need an ORV trail. Some residents are not aware of the proposed trail and the abandonment of the railroad. Plans on possibly retiring in a few years, if an ORV trail goes through, the house will probably go up for sale.

Bob Roshak, 1318 M 28 East, Timberlane Subdivision on one side and M 28 is on the other side.

Other questions and/or comments from Trails Committee and Planning Commission Members:

- If the State takes over the Rail Road, what happens, can this be designated as an ORV Trail?
- DNR - state wants 25 year commitment for placement of snowmobile trails when using Capital Outlay to make improvements, i.e., bridges.
- Grooming was kept up last year.
- If the Planning Commission doesn't initiate to establish a trail, the DNR could probably put a trail where they want.
- We should try to initiate where a trail would go.
- The next step would be to obtain grant money to purchase land.
- Alternate plan is to purchase 20' - 40' strip through the entire parcel.
- More enforcement. Marquette County Sheriff department and the DNR can do the enforcement.
- Work needs to be done to connect the two grade schools.
- Trails committee has spent a lot of time, it's very time consuming. They not stopping until completed.

Emerson moved, Sanders supported that the Ad Hoc Trail Committee's presentation be accepted as presented.

MOTION CARRIED: 6 - 0.

DISCUSSION ON POSSIBLE DEFINITION FOR TRAILS AND OVERLAY ZONING DISTRICTS:

Karen brought the Planning Commission up to date on this item.

The following questions and/or comments were made regarding trails and overlay zoning districts:

- Trails are easier to use as a Conditional Use.
- If proposed snowmobile trail used as an overlay, may not work for us.
- Once the trail is set that is it.
- What comes first, trails or zoning?
- Need to get zoning as soon as possible?
- Conditional use or overlay when dealing with motorized trails in residential trail area.
- Have a public hearing to purchase the property.

- Need to coordinate long term scheme?
- 1 - 1 ½ mile need to obtain easements.
- Conditional Uses are supposed to be compatible with the zoning district.
- Establish a trail where a trail runs, then do an overlay or put as conditional use in zoning ordinance.
- Trails are in zoning ordinance already, but specific trails are not defined.
- Overlay may restrict and make more unified.
- Overlay zone only allowed in certain areas, as we define it.
- Railroad not abandoned.
- Can't we just have a public hearing for proposed trail?
- Need to advertise for a public hearing?
- Advertise for a public hearing to give property owners opportunity to give their opinion.
- If doing hiking trail as a conditional use, why not snowmobile trail?
- Possibly a survey be done to see where residents may want the snowmobile trail.

Mark Maki, Zoning Administrator provided a copy of proposed overlay zoning language which would revise the zoning ordinance to allow for snowmobile trails in the Township. Without this language currently the snowmobile trails are illegal on the railroad right of way and across private property.

The alternate trail should be considered to put the trail away from the residential area of Ridgewood, Dana Lane, and Riverland which is not a good land use. Mark Maki objected to the trail in this area as a member of the Trails Committee.

It should be noted that the proposed snowmobile trail currently runs south of M-28 as the CTPC and Township Board have previously opposed a motorized trail along the track north of M-28.

After the above questions, comments and discussion the following suggestion was made:

A committee consisting of Estelle DeVooght, Bill Sanders, Mike LaPointe, Karen Chandler and Mark Maki meet to go over and establish some language before the next Planning Commission meeting.

DISCUSS PRIVATE CLUB FOR KNIGHTS OF COLUMBUS:

Are the Knights of Columbus a private club and/or church related? The Knights of Columbus is affiliated with the catholic church.

Karen Chandler explained that the Knights of Columbus would own the property and won't be owned by the Catholic Diocese. Meals will be in the basement of the church. Property owners want the purchase to be done correctly.

Emerson moved, DeVooght supported that the Planning Commission ask the Township Board to amend the Zoning Ordinance to allow for private clubs as a permitted principal use in C-1 zoning districts.

MOTION CARRIED: 6 -0.

PLANNING DIRECTORS REPORT:

Karen Chandler presented the following for the Planning Director's Report:

- 1) Larry Gould, DPW Supervisor and Greg Zybert, Police Chief completed their annual road inspection in late October. A two-page list has been sent to the County Road Commission for their review. We should receive a reply on those roads which would require maintenance and those that would require construction.

After we receive the response from the County Road Commission, the Planning Commission will need to prioritize the list for possible construction projects.

- 2) Several MSPO workshops are coming up. Most are downstate. One workshop is being held in Escanaba and Houghton on Site Plan Review. Do Planning Commission members receive this information at your homes?
- 3) I have received some negative comments on the newspaper article placed in this agenda

packet. I chose not to exclude this memo from the Zoning Administrator because it would have possibly been sent to you anyway. This is the kind of negative attitude we receive toward positive development and an example of why proactive planning is hindered here at Chocoley Township.

It is hard to see progress being made on the Strategic Plan, but the Township Board did approve the development of the ad hoc committee for trail development. You received their recommendation tonight. This committee has been meeting on a regular basis and has lost members because of the negative attitude displayed by our Zoning Administrator. The last Planning Director indicated that he was told at one time, by the Zoning Administrator, that trails would never be developed in Chocoley Township.

I hope we can move forward, develop these trails and keep our volunteer committee together to finish the development connecting the recreational parks and schools.

PUBLIC COMMENT:

There was no public comment.

COMMISSIONER'S COMMENT:

The Planning Commission welcomed Kendall Tabor.

Kendall Tabor informed the Planning Commission that he lives on Ford Road, has lived in the township for approximately six years, has three children and plans to be proactive.

Max Engle informed the Planning Commission that due to family and job commitment that he is submitting his resignation from the Planning Commission and the Chocoley Township Board.

The Planning Commission thanked Max for the dedication of his service on the Planning Commission and the Township Board. He will be missed deeply.

INFORMATIONAL ITEM ND CORRESPONDENCES:

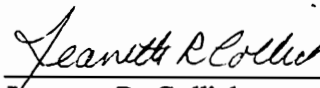
- A. Correspondence to - Mark Heikkila - on Private Road Request
- B. Correspondence to - Dr. Kendall Tabor - on appointment to Planning Commission
- C. Correspondence from - M.A. - Workshop on Managing Your Community's Growth & Change
- D. Chocoley Township Board minutes of 10/20/97
- E. Marquette Township Planning Commission minutes of 09/10/97 & 10/08/97
- F. Memo from - Mark Maki - newspaper article & letter to the Editor

ADJOURNMENT:

There being no further business, the November 10, 1997 Planning Commission Meeting was adjourned at 10:05 p.m.



 Estelle DeVooght
 Planning Commission Secretary



 Jeanette R. Collick
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, DECEMBER 8, 1997**

PRESENT: Mike LaPointe, Bill Sanders, Estelle DeVooght, Kendall Tabor, and Steve Kinnunen, Scott Emerson arrived at 7:36p.m.

STAFF PRESENT: Karen Chandler, Director of Planning & Research.

OTHERS PRESENT: Stacy Busch, Recording Secretary, Eva Kipper, Chuck Nosal, Bob & Sharon Roshak, Gary Miller, Robert & Chris Yuill, Ray Beauchamp, Donna Barto, Bernadette Wallace, Debbie Berger, Fred & Mari Dahl, Bill Kessel, Gary Niemela, Tony Retaskie, Burt Sparhawk, Steven & Colleen Schlumpt, Ralph & Ava Bennett, and Mark Maki.

PUBLIC HEARINGS:

REZONING #95-TEXT AMENDMENT-AUTO RENTAL IN C-2

Karen Chandler explained that the applicant Tim Menhennick, petitioned to allow for motor vehicle rental, as a permitted principal use in the C-2 Districts.

Eva Kipper, representing the applicant explained that Mr. Menhennick is asking for application to be approved. Wants application to be considered and follow recommendation of the Planning Director.

Mark Maki stated that the original plan doesn't call for sale or rentals. The amendment for auto sales was done in 1991 and another for auto body repair in 1996. Doesn't think this would beautify the township and it under utilizes sewer system.

REZONING #96-TEXT AMENDMENT-PRIVATE CLUBS IN C-1

Karen Chandler explained that the applicant Chocolay Township Planning Commission has petitioned to allow for Private Clubs as a permitted principal use in the C-1 Districts. No public comment was received on this.

REZONING #97-TEXT AMENDMENT-SITE PLAN REVIEW

Karen Chandler explained that the applicant, Chocolay Township Planning Commission has petitioned to amend the uses subject to Site Plan Review, the application and review of procedures, the site plan review standards and the approved plans and amendments to said plans.

Received comment from Mike Summers, Township Attorney which will be reviewed under discussion item. Scott Emerson arrived at 7:36 p.m.

REZONING #98-TEXT AMENDMENT-SITE CONDOMINIUMS

Karen Chandler explained that the applicant, Chocolay Township Planning Commission has petitioned, to allow for consistent consultation, review, and approval process for all condominium and site condominium projects within the township.

Received comment from Mike Summers, Township Attorney which will be reviewed under discussion. No public comment.

CONDITIONAL USE PERMIT #44-SEMI-TRAILERS FOR STORAGE

Karen Chandler explained that the applicant, Ray Beauchamp of ABC Hardware at 2250 US 41 South has petitioned the Chocolay Township Planning Commission to grant a conditional use permit on the following describer property, for the purpose of allowing semi-trailers for storage.

Correspondences were received from Carl Menze and Peter O'Dovero read and placed on file. These correspondences had no objections.

Ray Beauchamp, applicant, explained that the trailers have already been behind buildings since 1988, it was recommended by Mark Maki, Zoning Administrator, to apply for this conditional use, otherwise they were not moving them or changing them.

REGULAR MEETING CALLED TO ORDER :

Mike LaPointe, Chairperson, called Regular Meeting to order at 7:39 p.m.

ROLL CALL:

PRESENT: Scott Emerson, Mike LaPointe, Bill Sanders, Steve Kinnunen, Estelle DeVooght, Kendall Tabor. **ABSENT:** None.

APPROVAL OF MINUTES OF NOVEMBER 10, 1997

Mike LaPointe inquired if there were any additions or corrections to the minutes of November 10, 1997. Mark Maki submitted the following changes: Insert page 2 after second paragraph

Zoning Administrator Mark Maki commented on the proposed site plan language suggesting two changes.

1. Require final site plan to be developed by a professional for new construction.
2. Eliminate recently added appeal language as this is a site plan review by the planning Commission and they should stick to their planning concerns as this is their responsibility.

Insert page 3 under discussion on Trails and Overlay Zoning

Mark Maki, Zoning Administrator provided a copy of proposed overlay zoning language which would revise the zoning ordinance to allow for snowmobile trails in the Township. Without this language currently the snowmobile trails are illegal on the railroad right of way and across private property. The alternate trail should be considered to put the trail away from the residential area of Ridgewood, Dana Lane, and Riverland which is not a good land use.

I objected to the trail in this area as a member of the Trails Committee.

It should be noted that the proposed snowmobile trail currently runs south of M-28 as the CTPC and Township Board have previously opposed a motorized trail along the track north of M-28.

Sanders moved, DeVooght supported to accept the minutes with submitted corrections.

MOTION CARRIED: 6-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Mike LaPointe inquired if there were any additions or changes in the agenda? It was suggested that under new business that the order be changed to A., E., F., B., C., D., G.

DeVooght moved, Sanders supported that the agenda be changed as noted.

MOTION CARRIED: 6-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment.

Chuck Nosal, 1324 M-28 East- opposed to snowmobile trail. Request alternate trail away from residential area. Presented petition to Planning Commission with many signatures from residents along M-28, Riverland, and Ridgewood.

OLD BUSINESS:**DISCUSSION ON OVERLAY ZONING DISTRICTS:**

Mike LaPointe suggested that the committee get together Wednesday at 11:30 a.m. to discuss this issue.

NEW BUSINESS:**CONSIDER REZONING #95-TEXT AMENDMENT-AUTO RENTAL IN C-2**

Mike LaPointe inquired if there were any questions/comments regarding Rezoning #95?

The following questions/comments were made:

- Does applicant plan on this being like airport rentals?
- Leasing and rentals short and long term. Mainly passenger rentals.
- No room for rentals, too small of a lot, looks nice.
- Could open this up for Ryder Truck rentals.
- Feels that if large trucks are being rented, then it should be in industrial zone.
- Only so many vehicles can fit on lot.
- Car & light truck rental should be for C-3 zone.

Emerson moved Sanders supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

REPEALER AND AMENDMENT

That portion of Section 210 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

[SEC.] SECTION 210 DISTRICT C-2.

(B) PERMITTED PRINCIPAL USES. All principal permitted uses in C-1, offices, other offices and establishments selling goods and services at retail including gas stations, private clubs, hotels, nursing homes, funeral homes, hospitals, bakeries, drive-in restaurants, indoor theaters and other places of amusement, provided, however, that meat and poultry shops where slaughtering is done on the premises and all listed in Section 211 (B) of this Ordinance, with the exception of motor vehicle sales and rentals of light trucks and cars, are excluded.

MOTION CARRIED: 6-0

CONSIDER CONDITIONAL USE PERMIT #44-SEMI-TRAILERS FOR STORAGE

Mike LaPointe inquired if there were any questions/comments regarding this Conditional Use Permit #44?

- How many trailers are back there?
- Phase out trailers with a grandfather clause. Have time limit for this activity. Either permanent building for this or get rid of the trailers for good.
- Where are the trailers located?
- What we have to do for one, we have to do for others. It looks ok, screening is nice. Put a time frame on them.
- Logistics for trailer overbuilding? Impose extreme amount of vegetative screening.
- Businesses put up permanent building to make business community look better.

Sanders moved, Emerson second that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request from Ray Beauchamp, ABC True Value Hardware for a Conditional Use Permit be approved for the use of semi-trailers for storage with the following conditions,

1. That the number of semi-trailers used for storage not exceed 3.
2. That all semi-trailers used for storage be placed on site consistent with site plan submitted.
3. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator.

MOTION CARRIED: 6-0.

DISCUSS POSSIBLE RECOMMENDATION TO TOWNSHIP BOARD ON PUBLIC LAND DESIGNATION FOR WISCONSIN CENTRAL RAILROAD GRADE

Mike LaPointe requested that the Planning Commission be able to have some time for discussion prior to public comment on this issue.

Planning Commissioners Comments and suggestions:

- It was mentioned that another railroad may be buying out this one to ship iron ore to Escanaba.
- How can railroad be abandoned when they don't own it. Ameritech does. No motorized traffic.
- Who's Master Planning process. Trails for foot traffic not for motorized traffic.
- Shouldn't be motorized traffic on that trail.
- In rails to trails-Master planing process, how is community involved.
- Draft letter of support 34 mile stretch unless conditions are put on it.
- Alternate route.
- Full community input.

- Attachment of trails highlighting route.
- Get copy of master plan, Find out the amount to purchase right of way.
- Snowmobilers do not belong in residential area.
- Opposed to letter.
- Get Master Plan here for January & have Robert Ziel come to next Planning Commission meeting to explain process.
- Have specific questions in advanced for Mr. Ziel.
- Do both-draft letter and have Mr. Ziel at next meeting.

Public comment:

- Likes a person who stands on own two feet and he agrees with them. Planning Commission excellent job making it clear on how the public feels about motorized vehicles on trail. Would like a foot trail, not motorized. Write letter of support as long as it has conditions.
- Planning Commission should reject plan, it opens it up to the DNR. With Master Planning process Township loses local control. There is not a 100% guarantee that the DNR will not stuff this trail down our throats, then the Planning Commission should reject it. The February 97 petition was referenced. There is nothing in Comprehensive Plan, Strategic Plan or Master Plan.
- Read a book on the what the DNR does, doesn't want the trail.
- How do you listen to property owners. Snowmobilers do not drive safely, they drive like idiots. Use alternate wooded area, it would be safer and more pleasant for the snowmobilers to ride on. They are operating illegal by riding against the traffic. The winter trails become ORV trails in the summer, very noisy.
- Opposed to trail.
- Opposed to support letter. Trail is being used right now. Moved to Chocolay for quietness, not like that anymore. Great danger.
- This trail is considered a recreational use, not primary to our lives, our residences and businesses are more important.
- Write letter of support, make sure conditions are put on it.
- Against snowmobiles in residential area. Hurts property values.
- Happy to see that the other side of M-28 is joining together to get this a non-motorized trail.
- Do not support letter.
- Concerns about property values.
- Not enough information from DNR to write support letter.
- Not in favor of support letter. Would like to see trail used for skiing, & walking, no motorized vehicles. Alternate routes available.
- Don't support letter until DNR has a plan.
- Pursue alternate route.
- Opposed to letter. Snowmobilers are leaving their trailers & trash in their yard and then go snowmobiling.
- Agrees to mushers sledding on trail, but not snowmobilers.
- DNR might not listen to residents and do what they want anyway. We should tell the DNR what we do want.
- Township should purchase right of way to regulate it.
- Present the DNR with our plan before they give us theirs.
- Present an alternate route.
- Don't say we approve of trail in letter of support.
- Need preliminary discussion on table.
- General motion
- Send alternate map
- Difficult to enforce snowmobilers.
- Purchase of adjacent land for property owners.
- Are they going to listen to us.

Comments received from Mark Maki:

- This request is inconsistent with the Township Planning Efforts.
- It is inconsistent because neither the Comprehensive Plan, the Recreation Plan and/or the recently completed Strategic Plan call for a State designed snowmobile or ORV trail through single family neighborhoods.

- It is inconsistent with the Zoning Ordinance of Chocolay Township because the zoning of some of this area is R-1 single family neighborhoods free from other uses which are incompatible with quiet residential neighborhoods. The R-1 zone does not permit snowmobile and/or ORV trails.
- On more than one occasion DNR officials as well as Mr. Ivan Fende, Supervisor, have said at public meetings that a snowmobile trail will not be approved in the residential areas by the Township or by the DNR.
- The Township Board and the Planning Commission have gone on record as opposing the proposal of a motorized trail along parts of this right of way.
- Area residents have not been notified of this request and this should be done if we are to get the public's comment on the proposal.
- Most of all, an alternate plan has been discussed which would allow the snowmobile trail and which would go around the residential homes.
- Corps of Engineer people have been willing to help build the bridges need. If the DNR has enough money to buy 34 mile of right of way then they surely can buy some right of way to avoid running through peoples front and back yards. Most of the land has already been granted the necessary easements with the exception of one owner who probably would sell.
- The Planning Commission should ask the DNR to be specific about their request.
- The Planning Commission is to protect the welfare and safety of its residents and implement its long range plans through zoning and other means.
- I have talked to people all around Marquette & Alger County and these snowmobile trails are not wanted in residential areas.
- The residents of Chocolay Township who live here all year long and pay taxes here as well as spend their money here everyday deserve better than to have a racing thoroughfare put right next to their homes.

It was decided that Scott, Steve, & Mark would write the letter of recommendation with Karen's review to Board for December 15, 1997.

CONSIDER REZONING #96-TEXT AMENDMENT-PRIVATE CLUBS IN C-1

Sanders moved, Kinnunen supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

AMENDMENT

That portion of Section 209 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold and underlined.

SECTION 209 DISTRICT C-1.

(B) PERMITTED PRINCIPAL USES. Barber and beauty shops, general and specialty food and beverage stores, drugstores, restaurants, clothing and dry goods stores, offices, bakeries without additional sales outlets, Bed & Breakfast, **private clubs**, dry cleaning and laundry pick-up stations, coin operated laundry and dry cleaning establishments, provided, however, that drive-in restaurants and establishments cooking or preparing food for consumption off the premises are excluded.

MOTION CARRIED: 6-0

CONSIDER REZONING #97-TEXT AMENDMENT- SITE PLAN REVIEW

Sanders moved, Kinnunen second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved with discussed changes.

REPEALER AND AMENDMENT

That portion of Section 502 of the Charter Township of Chocolay Zoning Ordinance entitled "SITE PLAN APPROVAL REQUIREMENTS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold and the removal thereof the language which is in brackets [].

[SEC. 502 SITE PLAN APPROVAL REQUIREMENTS.]

[Except with respect to single-family dwellings and mobile homes and accessory uses thereto not subject to Section 403 of this Ordinance, no person shall commence any use or erect or enlarge any structure without first obtaining the approval of a site plan by the Zoning Administrator as set forth in this Section, and no use shall be carried on, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved site plan.]

SECTION 502 SITE PLAN REVIEW**A. PURPOSE**

The purpose of this Section is to provide for consultation between the applicant, the Planning Commission, and the Township staff to review an applicant's planned objectives in the utilization of land within the regulations of this Zoning Ordinance.

B. USES SUBJECT TO SITE PLAN REVIEW

A Zoning Compliance Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a Final Site Plan has been reviewed and approved under the following procedure:

1. The following uses shall be subject to Site Plan Review by the Planning Commission:
 - a. All uses within the R-3, R-4, C-1, C-2, C-3, District Planned Unit Development Districts, except the following:
 - (1) One and two-family dwellings
 - (2) Temporary buildings and uses
 - (3) Accessory uses or structures
 - b. Uses Subject to Special Conditions in any zone district.
 - c. Site condominiums in any district.
2. All site plans not reviewed under Section 502, A, 1, a-c, shall be subject to Site Plan Review by the Zoning Administrator. Such review shall ensure that the setbacks, yards, parking, and other specific Zoning Ordinance requirements are met.

REPEALER AND AMENDMENT

That portion of Section 503 of the Charter Township of Chocoy Zoning Ordinance entitled "REQUIRED FORM OF AND INFORMATION ON SITE PLAN" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold and the removal thereof the language which is in brackets [].

[SEC. 503 REQUIRED FORM OF AND INFORMATION ON SITE PLAN.]

[Every site plan shall be submitted to the Zoning Administrator in three identical copies on one or more sheets of paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 40 feet to the inch, certified by a registered land surveyor or professional engineer. The certification requirement by a registered land surveyor or professional engineer may be waived by the Zoning Administrator if such a requirement will place undue hardship on the proposer and provided the proposer submits a site plan meeting the requirements of this section to the satisfaction of the Zoning Administrator. Each site plan shall show the following:

- (A) The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or a point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- (B) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two feet.
- (C) The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.

- (D) Natural features such as wood lots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.
- (E) Proposed streets, driveways, parking spaces, landing spaces, and sidewalks with indication of direction of travel for one way streets and drives and inside radii of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
- (F) The size and location of all existing and proposed public and private utilities and required landscaping.
- (G) A vicinity sketch showing the location of the site in relation to the surrounding street system.
- (H) A legal description of the land included in the site plan and of the lot, the name, address, and telephone number of the owner, developer, and designer.
- (I) Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.]

SECTION 503 APPLICATION AND REVIEW PROCEDURES

A. Application Procedures

1. **An application for Site Plan Review by the Planning Commission shall be submitted at least twenty (20) days prior to the next scheduled Planning Commission meeting to the Planning Director, who will review the application materials with the Zoning Administrator to ensure that the requirements of Section 503, A, 2, are met, then transmit it to the Planning Commission.**
2. **An application for Site Plan Review shall consist of the following:**
 - a. **A completed application form, as provided by the Township.**
 - b. **Seven (7) copies of the Site Plan as outlined in Section 503, B. 2.**
 - c. **Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.**
 - d. **A legal description, including the permanent parcel number, of the subject property.**
 - e. **Other materials as may be required by this Section, the Planning Director, the Zoning Administrator or the Planning Commission.**

B. Site Plan Review Procedures

1. **Preliminary Site Plan Review**
 - a. **A Preliminary Site Plan review is encouraged and may be submitted to the Planning Commission for review prior to Final Site Plan review. The purpose of the Preliminary Site Plan Review is to allow discussion between the applicant and the Planning Commission to inform the applicant of the general acceptability of the proposed plans prior to incurring extensive engineering and other costs which may be necessary for the review of the Final Site Plan.**
 - b. **Preliminary Site Plans shall include the same information as required for Final Site Plan Review, unless deemed unnecessary by the Planning Director and the Zoning Administrator.**
 - c. **The Planning Commission shall review the Preliminary Site Plan and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to,**

aerial photography, photographs; traffic impact studies; analysis of impacts on significant natural features and drainage; soil tests; and other pertinent information.

2. Final Site Plan Review

a. Final Site Plans shall include the following information.

- (1) Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the area.**
- (2) Seven (7) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:**
 - (a) Date of preparation/revision.**
 - (b) Name and address of the preparer who shall be a registered engineer, land surveyor, landscape architect, community planner, architect, or related professional.**
 - (c) The existing and proposed topography of the size at a minimum of two (2) foot intervals and its relationship to adjoining land.**
 - (d) Existing man-made features.**
 - (e) Dimensions of setbacks, locations, heights and size of buildings and structures, including the locations of existing buildings or structures within one-hundred (100) feet of the boundaries of the property.**
 - (f) Street right-of-ways, indicating proposed access routes, internal circulation, relationship to existing rights-of ways, and curb cuts within one-hundred (100) feet of the property.**
 - (g) Proposed grading.**
 - (h) Location, sizes, and type of drainage, sanitary sewers, water services, storm sewers, and fire hydrants.**
 - (I) Location, sizes, and type of fences, landscaping, buffer strips, and screening.**
 - (j) Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of this Ordinance found in Section 500.**
 - (k) Easements, if any.**
 - (l) Dimensions and number of proposed lots or condominium units.**
 - (m) Significant natural features, and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.**

b. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impact studies; analysis of impacts on significant natural features and drainage; soil tests; and other pertinent information.

c. The Planning Commission shall approve, deny, or approve with conditions the Final Site Plan based on the requirements of this Ordinance, and specifically, the standards of Section 504, A.

REPEALER AND AMENDMENT

That portion of Section 504 of the Charter Township of Chocolay Zoning Ordinance entitled "REVIEW PROCEDURE" adopted May 9, 1977, and any and all Amendments adopted

subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold and the removal thereof the language which is in brackets [].

[SEC. 504 REVIEW PROCEDURE.]

[Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all the required information, shows compliance with this and all other ordinances of Chocolay Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten days, approve it in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Planning Commission.]

SECTION 504 SITE PLAN REVIEW STANDARDS

- A. All Final Site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:**
- 1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, climate considerations, size of the property, the uses on adjoining property and relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.**
 - 2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.**
 - 3. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission or Zoning Administrator may require that landscaping, buffers, and/or green belts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.**
 - 4. The site plan shall comply with the general purposes and spirit of this Ordinance and the Comprehensive Plan of the Township of Chocolay.**

SECTION 504(a) APPROVED PLANS AND AMENDMENTS

- A. Upon approval of the Final Site Plan, the Chairman of the Planning Commission shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) copy of the Final Site Plan shall be forwarded to the Zoning Administrator for issuance of a Zoning Compliance permit; and one (1) copy shall be returned to the applicant.**
- B. Each development shall be under construction within one (1) year after the date of approval of the Final Site Plan, except as noted in this Section.**
- 1. The Planning Commission may grant one (1) six (6) month extension if the applicant applies for such extension prior to the date of the expiration of the Final Site Plan and provided that:**
 - a. the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and**
 - b. the site plan requirements and standards, including those of the Zoning Ordinance and Comprehensive Plan, that are reasonably related to said development have not changed.**

2. **Should neither of the provisions of Section 504-A, B, 1 be fulfilled, or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.**
3. **Amendments to an approved Final Site Plan may occur only under the following circumstances:**
 - a. **The holder of a valid Final Site Plan approval shall notify the Planning Director of any proposed amendment to such approved site plan.**
 - b. **Minor changes, requested by the applicant, may be approved by the Planning Director and the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Planning Director and the Zoning Administrator shall consider the following to be a minor change:**
 - (1) **Reduction of the size of any building and/or sign.**
 - (2) **Movement of buildings and/or signs by no more than ten (10) feet.**
 - (3) **Landscaping approved in the site plan that is replaced by similar landscaping to and equal or greater extent.**
 - (4) **Changes in floor plans which do not alter the character of the use or increase the amount of required parking.**
 - (5) **Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design or reduced required landscaping.**
 - (6) **Changes required or requested by the Township, Marquette County, or other State or Federal regulatory agency in order to conform to other laws or regulations.**
 - c. **Should the Planning Director and Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by Sections 502-504(a).**

C. Appeal

If any person shall be aggrieved by the action of the Planning commission, appeal in writing to the Township Board may be taken within five (5) days after the date of such action. The Township Board shall set a time and place for a public hearing. The appellant shall be notified in writing of the hearing and a notice shall be published in a newspaper of general circulation ten (10) days prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After such hearing, the Board shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action. A written copy of such findings, reasons, and action shall be given to the appellant.

MOTION CARRIED: 6-0

CONSIDER REZONING #98-TEXT AMENDMENT-SITE CONDOMINIUMS

Sanders moved, Emerson supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved with discussed changes.

AMENDMENT

That portion of Section 216 of the Charter Township of Chocolay Zoning Ordinance entitled "SPECIAL USES IN DESIGNATED ZONING DISTRICTS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold.

SECTION 216 SPECIAL USES IN DESIGNATED ZONING DISTRICTS

B. SITE CONDOMINIUMS

1. A Site Condominium may be permitted by the Township Board in any and all zoning districts as established in this Zoning Ordinance if such use meets all established requirements, standards, criteria, and conditions set forth in Sections 525 and 526 of this Zoning Ordinance.
2. The procedures, standards, and criteria applicable to the Township Board in its consideration of an application for a site condominium special use permit shall be as set forth in the provisions of Sections 525 and 526 of this Zoning Ordinance.

AMENDMENT

That the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977, shall be, and the same hereby is, amended by the addition thereto of Section 525 and Section 526 as follows:

SECTION 525 SITE CONDOMINIUM

A. Purpose

The purpose of this Section is to provide for a consistent consultation, review and approval process for all condominium and site condominium projects within the Township. The review and approval process will ensure that these projects comply with the Township Comprehensive Plan and Zoning Ordinance.

B. Site Condominium Projects Approval Procedures

Prior to recording the master deed as required by Section 72 of the Condominium Act, as amended, all Site Condominium Projects shall undergo a pre-application conference, site plan review and approval pursuant to this ordinance. Pursuant to the authority conferred by Sec 141 of the Condominium Act, preliminary and final site plans for all site condominium projects shall be approved by the Chocolay Township Board. In determining whether to approve a site plan for a condominium project the Township Board shall consult with the following persons and organizations regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design and compliance with all the requirements of the condominium act and this ordinance:

- A. The Chocolay Township Planning Commission
- B. The Chocolay Township Planning Director
- C. The Chocolay Township Zoning Administrator
- D. The Chocolay Township Attorney
- E. The Supervisor of Public Works
- F. The Marquette County Health Department
- G. The Marquette County Road Commission
- H. The Michigan State Highway Department
- I. The Department of Environmental Quality
- J. The Marquette County Drain Commissioner

C. Definition Section

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of the Chocolay Township Zoning Ordinance and the Subdivision Control Ordinance with the Condominium Act.

“Condominium Act” means Act 59 of 1978, as amended.

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

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

“Condominium Unit or Site Condominium Unit” means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

“Consolidating master deed” means the final amended master deed for a contractible site condominium project, and expandable site condominium project or a site condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

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

“Conversion site condominium” means a site condominium project containing site condominium units some or all of which were occupied before the establishment of the site condominium project.

“Convertible area” means a unit or a portion of the common elements of the site condominium project referred to in the site condominium documents within which additional site condominium units or general or limited common elements may be created pursuant to express provision in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

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

“Front setback” shall be equal to the distance between the front lot line of the condo unit and the structure of that unit.

“Mobile home site condominium project” means a site condominium project which mobile homes are intended to be located upon separate sites as condominium units.

“Master deed” means the condominium document recording the site condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved site condominium plan for the project.

“Rear setback” shall be equal to the distance between the rear line and the structures on said unit.

“Side setback” shall be equal to the distance between the side line of the site condominium unit and the structures on said unit.

D. General Requirements

1. The applicant shall pay a reasonable fee, as determined from time to time by resolution by the Township Board.
2. No construction, grading, work, or other development shall be done upon the land intended to be used for a site condominium until a final site plan has been approved, except with express permission of the Township Board. This requirement shall include contractible, conversion, and expandable site condominiums.
3. If a building, structure, or use to be placed on a condominium unit requires site plan approval under Section 502 herein, a site plan for that building, structure, or use shall be approved in accordance with Section 502 herein, before a zoning compliance permit may be issued.
4. The Township Board shall have the authority to review and approve or deny preliminary and final site plans for site condominiums based on whether or not the site plans comply with the provisions of this ordinance.

5. Each condominium unit shall be located within a zoning district that permits the proposed use.
6. For the purposes of this Ordinance, each site condominium unit shall be considered equivalent to a single lot and therefore shall comply to that extent, with all regulations of the zoning district in which located. A site condominium containing single-family detached dwellings, shall have no more than one dwelling located in any condominium unit, nor shall a dwelling be located in any condominium unit which its principal structure or use is other than as a dwelling. Required set-back shall be measured from the boundaries of a condominium unit. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium unit.
7. Each condominium unit shall be connected to public water facilities and to sanitary sewer facilities if available.
8. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
9. Each condominium unit that results from a subdivision of another condominium unit, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
10. All information required by this Ordinance shall be updated and furnished to the Planning Director and Zoning Administrator until applicable zoning compliance permits have been issued per Section 704 herein.

SECTION 526 APPLICATION AND APPROVAL PROCESS

A. Pre-application Conference

Before submitting any formal documents for approval of a site condominium each applicant shall meet and confer with the Chocolay Township Planning Director and interested Township officials regarding the preparation of the Application. It shall be the responsibility of the Planning Director to contact and invite the appropriate Township officials to such a meeting. The general outlines of the proposed site condominium evidenced by sketch plans are to be reviewed at the meeting before submission of a site condominium application. Thereafter, the Planning Director shall furnish the applicant with his written comments regarding the meeting including appropriate recommendations to inform and assist the applicant prior to preparing a site condominium. The applicant may then informally discuss the proposal with the Township Planning Commission at his/her option.

B. Preliminary Site Plan Requirements

1. A preliminary site plan shall be filed for approval at the same time the notice of proposed action is filed with Chocolay Charter Township.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required in Section 502, herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of site plan application, the location and dimensions of condominium units and all required yards, rather than individual buildings, shall be shown on the preliminary site plan.

4. A final site plan for any phase of development shall not be filed nor reviewed by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.

C. Final Site Plan Requirements

1. A final site plan shall be filed for review for each phase of development shown of the approved preliminary site plan.
2. A final site plan shall include all information required in Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Section 502, herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of site plan application, the location and dimensions of condominium units rather than individual buildings, and required yards shall be shown on the final site plan.
3. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the County Drain Commissioner and the Marquette County Road Commission and the County Health Department. The Planning Commission shall not approve a final site plan until each County and State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

D. Revision of Condominium Subdivision Plan.

If the condominium subdivision plan is revised, the final site plans shall be revised accordingly and submitted for review and approval or denial by the Township Board before building permit may be issued, where such permit is required.

E. Streets/Roads

All streets/roads proposed for any site condominium shall be developed according to Section 402, herein, in the minimum design, construction, inspection, approval, and maintenance requirements of Chocolay Township.

F. Amendment to Master Deed or Bylaws.

Any amendment to a master deed or bylaws that affect the approved preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require review of any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

G. Relation to Subdivision Ordinance

All site condominiums shall conform to the plan preparation requirements, design, layout, and improvements standards as listed, and any financial guarantees determined to be necessary by the Township Board. The standards and requirements of these sections that are intended to apply to lots in a subdivision shall apply instead to site condominium units. Nothing in this Section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance of the Subdivision Control Act.

H. Development Agreement.

The Township Board may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and Chocolay Charter Township, incorporating the terms and conditions of final site plan approval and record the same in the Office of the Register of Deeds for Marquette County.

I. Construction Located in General Common Element.

Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

J. Monuments and Lot Irons.

Monuments shall be set in accordance with the Michigan Condominium Act and all other State rules and regulations. The Planning Commission may grant a delay in the setting of required monuments for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or any irrevocable bank letter of credit endorsed to Chocolay Charter Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

K. Right-of-Way and Utility Easements.

All right-of-way and utility easements shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. Water, sewer and electrical easements may be placed within streets, subject to the Township and the standards of the Marquette County Road Commission.

L. Compliance with Federal, State and Local Law

All condominium projects shall comply with Federal and State statutes and local ordinances.

MOTION CARRIED: 6-0

DISCUSS 1998 MEETING DATES

Emerson moved, DeVooght supported to approve Planning Commission meeting dates as listed for 1998 as published on December 8, 1997.

PLANNING DIRECTORS REPORT:

Karen Chandler presented the following for the Planning Director's Report:

- 1) Carl Menze called about the semi-trailers at ABC True Value. He mentioned that he thought the Township was taking a more proactive look at business and business development. He likes the efforts of CABA with beautification and the flower plantings along the highway. He'd like to see an access road at the corner. I explained to him about the meeting we held over a year ago to accomplish that effort. I told him that until the property owned by Wahlstrom's is sold on the corner, an access road will not become a reality.
- 2) I have received the Arc-View GIS software. The hardware will be ordered soon.

PUBLIC COMMENT: There was no public comment.

COMMISSIONER'S COMMENT: No comment

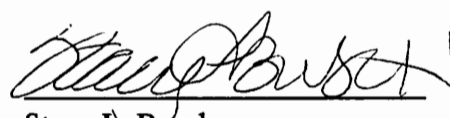
INFORMATIONAL ITEM AND CORRESPONDENCES:

- A. Chocolay Township Board minutes of 11/03/97
- B. Chocolay Township ZBA minutes of 10/23/97
- C. Memo from - Mark Maki - Proposed Snowmobile Trail in Chocolay Township/Action

ADJOURNMENT:

There being no further business, the December 8, 1997 Planning Commission Meeting was adjourned at 9:58 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Stacy L. Busch
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JANUARY 12, 1998**

PRESENT: Mike LaPointe, Estelle DeVooght, Kendall Tabor, and Steve Kinnunen, Bill Sanders arrived at 7:34 p.m., Scott Emerson arrived at 7:35 p.m.

STAFF PRESENT: Karen Chandler, Director of Planning & Research.

OTHERS PRESENT: Stacy Busch, Recording Secretary, Bob & Sharon Roshak, Gary Menhennick, Robert & Chris Yuill, David & Donna Barto, J. Burt Sparhawk, Don Britton, Robert Ziel and Mark Maki.

PUBLIC HEARINGS:

None

REGULAR MEETING CALLED TO ORDER :

Mike LaPointe, Chairperson, called Regular Meeting to order at 7:30 p.m.

ROLL CALL:

PRESENT: Mike LaPointe, Steve Kinnunen, Estelle DeVooght, Kendall Tabor Scott Emerson, Bill Sanders.

ABSENT: None.

APPROVAL OF MINUTES OF DECEMBER 8, 1997

Mike LaPointe inquired if there were any additions or corrections to the minutes of December 8, 1997.

DeVooght moved, Kinnunen supported to accept the minutes as presented.

MOTION CARRIED: 4-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Mike LaPointe inquired if there were any additions or changes in the agenda? It was suggested to add New Business A. Recreation Plan Sub Committee, and Old Business D. Church Related Uses.

DeVooght moved, Tabor supported that the agenda be changed as noted.

MOTION CARRIED: 4-0.

PUBLIC COMMENT:

Mike LaPointe inquired if there was any public comment.

Mark Maki 405 Riverside Road- questioned who is responsible for signs prohibiting snowmobiles on the railroad grade as complaints came in saying that the signs that the DNR put up have been removed.

There is also a dangerous situation where a pole and metal sign is located near the Timberlane/Railroad grade which could cause an unsafe accident.

Mark also noted that Joe & Margo Riopelle (heirs of Pat Spear) claim that they own the right of way from the rock cut to around Green Bay St. in Harvey. They are sending a letter to the DNR on this.

I was also asked who is to maintain signs DNR, or trail groomers?

There were questions about the fact that the residents don't want the trail opened up once it is groomed for the dog sled race.

OLD BUSINESS:

DISCUSSION ON RAILS-TO-TRAILS LEGISLATION AND THE DNR MASTER PLANNING PROCESS

Mike LaPointe introduced Robert Ziel, from the DNR, he was here to answer any questions that the local residents may have concerning the Master Planning Process.

Mr. Ziel showed the Rails-to-Trails video.

Mr. Ziel made the following comments:

- He explained that the State of Michigan passed legislation for trails. Part of the law requires a Master Planning Process. He stated that most likely with all of the issues about who owns the easements, that the DNR would probably acquire the grade. It was also stated that some of the parcels may own those easements. To acquire the Railroad grade MDOT would get the first opportunity to buy for transportation, the DNR would get second for recreation. One other way is "rail banking" which would hold the grade for future transportation use, recreation now. He stated that none of this is finalized. The Master Planning Process will not start until then.

The following questions and comments were made:

- It was asked who in the State makes the decision? Where is the process now?
- Hector Chiunti. Wisconsin Central in negotiating process could now be breaks in ownership.
- If Ameritech owns the railroad grade and Wisconsin Central has easement, shouldn't the DNR negotiate with the owner.
- Local entities would have some say in how it is used.
- What is the time frame?
- Wisconsin Central interested in railbanking, may take a few years to finalize.
- Do tracks have to be pulled also?
- Some concerns about snowmobilers impact.
- With changes in trail system this year, traffic has slowed.
- What about east side of M-28?
- Trail is not sponsored by the DNR. Cannot encourage people to use that side of trail.
- M-28 between Ridgewood has no signs at Casino saying that you can't go further, why is this? The rails to trails video doesn't show enough ORV's or snowmobiles.
- Township residential should be involved, more benefits for year round trail rather than winter trail only.
- Township residents would like some reassurances of meeting motorized interests.
- How can you get involved in process?
- It was asked that the Planning Commission keep an open mind, there should be motorized trails where there can be.
- He is hoping that the Timberlane area and railroad track residents be patient with the Trails Committee, they are trying to get an alternate route.
- If state obtains railroad grade does the township have a say in what happens to it. Any provisions Trails Committee can work on for alternate route?
- It was stated that the Trails Committee can go prospecting.
- Are there any funds available for this?
- DNR is not going to fund alternate trail. Township does have to do it.
- The Trails Committee and snowmobile clubs should be commended for effort.
- It was suggested to put fencing up after sled dog event.
- What is the width of the right of way? 100 ft.

Mike LaPointe thanked Mr. Ziel for coming to the meeting.

Mr. Ziel- thanked the Planning Commission and Township Board for help.

OLD BUSINESS:

DISCUSS RECOMMENDATION FROM TRAIL COMMITTEE

Mike LaPointe inquired if there were any questions/comments regarding the recommendation from the Trails Committee?

The following questions/comments were made:

- Grant funding for alternate route dilemma-funding available in 1999.
- To purchase property for alternate route would cost \$30,000.
- Should be identified in Recreation Plan.
- It is not beneficial for Township to only purchase easements, should apply for grants.

- MDOT funding available also.
- A letter to the Marquette County Road Commission should be written about the overpass.
- We should have a purchase agreement first.
- If the Township buys property for trail, may not help grant process.
- Goals need to be set.
- Get going on trail.

Mike LaPointe inquired if anyone wanted to sit on the sub committee for recreation plan?

Scott Emerson, Steve Kinnunen, Kendall Tabor stated that they would spend some time on it. Mike LaPointe suggested that a date & time be set up with the Trails Committee.

Emerson moved, Kinnunen supported that the Chocolay Township Planning Commission advises that the Township Board provide legal and financial support to Trails Committee action for acquisition of alternate route from M-28 to Big Creek Road.

MOTION CARRIED: 6-0.

DISCUSS OVERLAY ZONING DISTRICT

Mike LaPointe suggested that a public hearing be set up for February meeting.

CHURCH RELATED USES

Karen gave overview that this was sent back to Planning Commission from the Township Board. Should they deny it or dump it. What is the recommendation of the Planning Commission? Karen suggested that the Planning Commission go ahead and tell the Board to pass it.

PLANNING DIRECTORS REPORT:

Karen Chandler presented the following for the Planning Director's Report:

- 1) MSPO is sponsoring a basic training course for both Planning Commissioners and Zoning Board of Appeals members. Each course will be held in Marquette on March 19. I have included a copy of the registration materials in your packet. If anyone is interested, please let me know and we can get you registered.
- 2) Our membership to the APA PAS has been renewed. Our Planning Library continues to grow. Are Planning Commission members receiving newsletters? I can bring copies to meetings for your review.
- 3) Several months ago members filed copies of a survey on growth management. I have received a copy of the final report and have made it available for your review. A copy of the survey results are included in your packet.
- 4) Department Heads met with Supervisor Ivan Fende this afternoon to discuss future needs by each department. This relates to office space requirements. A few options were discussed. The Board asked to review the growth requirements before they decide to add on to the front of the building to expand the Police Department offices.

PUBLIC COMMENT:

There was no public comment.

COMMISSIONER'S COMMENT:

Scott Emerson suggested that the landscaping ordinance be top priority this year. With the County moving the airport, should we get involved?

Karen stated that at the last Township Board meeting they decided not to get involved.

Mike LaPointe wanted to thank the commissioners for the letter of support that was written to the DNR, and thanked Karen for getting the information.

INFORMATIONAL ITEMS AND CORRESPONDENCES

- A. Correspondence to - Robert Ziel, DNR Fire & Recreation Specialist - invitation to January Planning Commission meeting.


- B. Correspondence to Hector Chiunti, DNR - support of the DNR's acquisition of Wisconsin Central Railroad RoW
- C. Chocolay Township Board minutes of 12/01/97 and 12/15/97
- D. Ad Hoc Trail Development Committee minutes of 11/04/97 and 01/06/98
- E. Marquette Township Planning Commission minutes of 11/12/97 and 12/10/97
- F. MSPO Basic Training Registration information
- G. Opinion-Leaders Survey - Land Use Change and Organizational Needs Survey

ADJOURNMENT:

There being no further business, the January 12, 1998 Planning Commission Meeting was adjourned at 9:42 p.m.



Estelle DeVooght
Planning Commission Secretary



Stacy L. Busch
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, FEBRUARY 9, 1998**

PRESENT: Mike LaPointe, Steve Kinnunen, Ken Tabor, Estelle DeVooght, Bill Sanders, Gary Menhennick, Scott Emerson (arrived at 7:35 p.m.)

STAFF PRESENT: Karen Chandler, Director of Planning & Research

OTHERS PRESENT: Jeanette R. Collick, Recording Secretary, Don Britton, Eva Kipper, Chris Yuill, Sharon & Bob Roshak, Jon Wennerberg, Dave Meadows, John Smith and Mark Maki.

PUBLIC HEARINGS:

Mike LaPointe called the Public Hearings to order at 7:30 p.m. He explained the process of the public hearing.

1) **Rezoning # 99 - Overlay Zoning District for Snowmobiles**

Karen Chandler, Director of Planning & Research gave an update on Rezoning #99. She informed the Planning Commission she received comments from three people. They were in favor of the rezoning if it meant the snowmobiles would not be running on M-28 and it would keep the snowmobiles out of the residential neighborhoods. There was no further information regarding Rezoning #99.

Mike LaPointe closed Public Hearing for rezoning #99.

2) **Conditional Use Permit # 45 - Specialty Food Store in C-3**

Karen Chandler, Director of Planning & Research gave an update on Conditional Use Permit #45. She informed the Planning Commission she received one response that was in favor for Conditional Use Permit #45.

There being no further comments or information regarding Conditional Use Permit #45
Mike LaPointe closed the Public Hearing for Conditional Use Permit #45.

3) **Draft Recreation Plan**

Karen Chandler, Director of Planning & Research gave an update of the Recreation Plan. Scott Emerson arrived at 7:35 p.m.

The following comments were made concerning the Recreation Plan:
Memo from Larry Gould, Department of Public Works was included in the Planning Commission packet.

Mark Maki, Zoning Administrator provided the following comments:

- Trail plan updated for zoning districts.
- R1 - township building should be public lands.
- Zoning Districts Map is from 1977 and without updates.
- Trail development not quite current with the language.

John Smith provided the following information: he's exploring the idea for a trust fund.

Chris Yuill - 158 Riverside Road - keep snowmobiles away from residential areas.

There being no further comments concerning the Recreation Plan, Mike LaPointe closed the public hearing regarding the Recreation Plan.

There being no further Public Hearings, Mike LaPointe closed the Public Hearing section of the Planning Commission.

MEETING CALLED TO ORDER:

Mike LaPointe, Chairperson called the Regular Meeting of the Planning Commission to order at 7:40 p.m.

ROLL CALL:

PRESENT: Mike LaPointe, Bill Sanders, Estelle DeVooght, Steven Kinnunen, Scott Emerson, Ken Tabor, Gary Menhennick **ABSENT:** None.

APPROVAL OF THE MINUTES OF JANUARY 12, 1998:

Mike LaPointe inquired if there were any additions or corrections to the minutes of January 12, 1998.

Gary Menhennick inquired as to the voting in the minutes regarding 4-0 and 6-0.

Karen informed him that at first there were four members present at the meeting and then some members arrived late, which would change the voting outcome in different areas of the minutes.

There being no further questions and/or comments the following motion was made: Sanders moved, DeVooght supported that the minutes be accepted as presented.

MOTION CARRIED: 7-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Mike LaPointe inquired if there were any additions or changes in the agenda?

Karen informed the Planning Commission of a typographical error under Old Business Item A. It states Rezoning #96. It should be Rezoning #95.

Sanders moved, Emerson supported that the Agenda for the February 9, 1998 be accepted as corrected. **MOTION CARRIED: 7-0.**

PUBLIC COMMENT:

Mike LaPointe informed the public present on the process for the public comment section of the agenda.

Eva Kipper - 316 N. Front Street - reserved comment during Old Business Item A - Rezoning #95.

Dave Meadows was present to answer any questions regarding New Business Item A- Conditional Use Permit # 45 for a speciality food store in C-3.

There being no further public comment, Mike LaPointe closed the first Public Comment section of the meeting.

OLD BUSINESS:

Discussion on Rezoning # 95 - Motor Vehicle Rentals - referred back from Township Board

Karen gave an update on Rezoning #95, light trucks are defined by the Secretary of State as under 10,000 pounds GVW.

Eva Kipper would like to have no restrictions in the language. She informed the Planning Commission that in C-2 district, U-Haul rentals already exists at ABC True Value.

Concern Van or light truck - how is this determined and how will this be enforced?

The following questions and/or comments were made regarding Rezoning #95:

- Motor Vehicle Sales has potential.
- Semi trailer and rigs more appropriate in C-3 zoning districts.
- Why is it ok for ABC to rent snowmobiles, etc.? They have been notified that they are not in compliance. Zoning Administrator did discuss this with Mr. Beauchamp.
- 1990-91 Sale of Motor Vehicle Sales was added to the Zoning Ordinance.
- No restrictions on sales, why on rentals?
- Continuity important to the zoning districts.
- What is the problem with this being as a conditional use? Need effective screening.

- How can you enforce this?
- We need to be careful what is allowed in C-2 Zones.
- C-2 needs to remain as nonindustrial as much as possible.
- Township Board is asking that the Planning Commission explain their action on Rezoning #95.
- The Planning Commission can send this back to the Township Board asking the Board to approve as originally amended and requesting that this be consistent with part of the Strategic Plan - 1995 and Comprehensive Plan of 1990.
- This weight limit would include U-haul trucks holding about three rooms of furniture.
- Planning Commission did put Body Shops as Conditional Use.

After the above questions and comments the following motion was made:

Emerson moved, Sanders second that the Chocolay Township Planning Commission send back to the Township Board the more definitive description of any restriction of light trucks as defined by weight under 10,000 lbs. GVW, and the Planning Commission's opinion on the original language as stated above, along with a recommendation that the Township Board consider approving the amended language as presented by the Planning Commission. Heavy sales should be in C-3 Zoning Districts to help keep the appearance of the C-2 Commercial and to keep the appearance of the 1995 Strategic Plan and the Comprehensive Plan of 1990.

MOTION CARRIED: 6-1.

Discussion on Rezoning # 97 - Site Plan Review - referred back from Township Board

Karen brought the Planning Commission up to date on Rezoning #97. The Township Board received a memo from the Zoning Administrator dated January 30, 1998 which was included in the Planning Commission agenda packet. Karen reviewed the suggested changes with Pat Coleman, U.P. Engineers & Architects. The changes have been incorporated into the site plan review language. The fee's have not been addressed and should be considered not by the Planning Commission, but by the Township Board.

Kinnunen moved, DeVooght second that the Chocolay Township Planning Commission send the revised Site Plan Review language back to the Township Board for approval.

MOTION CARRIED: 7-0.

NEW BUSINESS:

Consider Conditional Use Permit # 45 - Specialty Food Store

Karen gave an up date regarding Conditional Use Permit #45.

Menhennick moved, Sanders second that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request from Marquette Meats at 1450 East M-28 for a Conditional Use Permit be approved to allow for a specialty food store in the C-3 Zoning District with the following conditions,

1. That a Firefighter Right to Know form, along with the required floor plan of the business, be supplied to the Fire Department.
2. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator.

MOTION CARRIED: 7-0.

Consider Approval of Draft Recreation Plan

The Planning Commission went through the Draft of the Recreation Plan page by page and took into consideration the memo from the Department of Public Works Supervisor and the Zoning Administrator.

After the various corrections of the Draft Recreation Plan were completed, the following motion was made:

Emerson moved, Kinnunen second to incorporate public comment and approve the draft recreation plan, have the draft plan sent to Department of Natural Resources for comment, and send to the Township Board with recommendation for final adoption after comments have been

received from the DNR. The final adopted plan will then be sent to the DNR, Central Upper Peninsula Planning & Development and the Marquette County Planning Commission.

MOTION CARRIED: 7-0.

Consider Rezoning # 99 - Overlay Zoning Districts

There were no further comments made on Rezoning #99.

Sanders moved, Kinnunen second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

AMENDMENT

To the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977, amended with a new section entitled Section 217 "Overlay Zone for Snowmobile Trail" and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold.

SECTION 217 OVERLAY ZONE FOR SNOWMOBILE TRAIL

- A) INTENT. The Charter Chocolay Township has adopted a zoning ordinance regarding development in the Township. In order to facilitate the development of approved snowmobile trails within the Township, provision for an overlay zone has been established, specifically designed to provide for a zone no more than a 50 feet wide as a designated and approved snowmobile trail within all zoning districts.**

Regulations for approved snowmobile trails are contained in the State Snowmobile Laws. These are applicable within the boundaries of the 50 foot overlay zone. An approved snowmobile trail shall be shown and described on the Township's overlay map for the purposes and uses permitted by the Township Zoning Ordinance.

- B) PERMITTED PRINCIPAL USES. None.**
- C) CONDITIONAL USES. Snowmobile trails as designated and described. These shall be subject to and conditioned upon approval for use between December 1 through April 1 annually, provided always that the consent of the landowner over which the snowmobile trail is proposed, is shown by agreement, license, right-of-way, easement or other instrument.**

MOTION CARRIED: 7-0.

PLANNING DIRECTOR'S REPORT:

- 1) I received this mailing on Stealth Hidden Towers. We may want to take a look at these again later this year. We could set up a joint meeting with other local governments around us to see what action they are taking. We could also invite communication companies to discuss their plans and needs with the group.
- 2) I received a copy of a letter written to Charles Nosal from the Marquette County Planning Commission. The petition received by the Township Board and Planning Commission last fall was sent also to the County. The request was for County assurances that the DNR would not put the trail on the abandoned railroad grade. The letter is here for your review.
- 3) The Annual American Planning Association Conference this spring is in Boston. Northern Michigan University students again received scholarships to attend. If anyone would like information on the conference, I have conference materials available.
- 4) In January I attended the Michigan Townships Association Annual Educational Conference. I was able to attend the following workshops related to Planning:

A crackerbarrel discussion on Land Use - our group discussed gravel pits. I did learn of a case study in Silva vs. Ada Twp. We may be facing gravel pit issues very soon and testing our mining permit section in the Zoning Ordinance. Other groups discussed home occupations, agriculture vs. residential districts and accessory buildings. It's always good to hear what might be happening in other Townships and how they have resolved the same type of issues we face here at Chocoley and also to share how we have resolved some of the issues they face.

Growing Pains: Managing Growth in Rural Areas - the presenter was Steve Langworthy. Steve always has a good relationship with his audience. He discussed the important catalysts for growth such as, utility services, road systems, zoning & land use planning and the market.

A workshop on Siting Cellular Towers was also presented, but I was unable to attend. I hope to receive a copy of the presented materials.

PUBLIC COMMENT:

Mike LaPointe inquired if there were any public comment.

John Smith informed the Planning Commission that he is looking for support for a trust foundation in the future. The foundation would then be able to apply for recreation grants. He is looking for a letter of support from the Planning Commission. The Planning Commission supports the idea in concept. It was suggested that a presentation by the Marquette Community Foundation be made at the March 1998 Planning Commission.

Karen informed the Planning Commission that at the March 1998 Planning Commission there will be a public hearing on a lot split and the definition of private clubs will be ready for discussion.

Don Britton - 1250 Ortman Road thanked the Planning Commission for all the support they have given to the Trail's Committee.

COMMISSIONERS COMMENT:

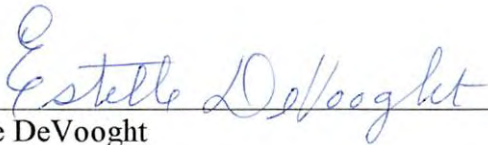
Gary Menhennick introduced himself to the Planning Commission members. He has been a resident of Chocoley Township for approximately 32 years. He works for Menhennick Enterprises, which is a family owned business.


INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence from - Bill Sanders - Beyond Clustering
- B. Correspondence from - Stacy Busch - minutes taking
- C. Chocoley Township Board minutes of 01/05/98 and 01/19/98
- D. Ad Hoc Trail Development Committee draft minutes of 02/03/98

ADJOURNMENT:

There being no further business, the February 9, 1998 Planning Commission Meeting was adjourned at 9:45 p.m.


 Estelle DeVooght
 Planning Commission Secretary


 Jeanette R. Collick
 Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, MARCH 23, 1998
7:30 P.M.

PRESENT: Mike LaPointe, Ken Tabor, Estelle DeVooght, Bill Sanders, Gary Menhennick
ABSENT: Scott Emerson and Steve Kinnunen

STAFF PRESENT: Karen Chandler, Director of Planning & Research

OTHERS PRESENT: Karen L. Deel, Recording Secretary, Don Britton, John Smith, Tammy Seavoy, Marquette Community Foundation Board Member, Rich Rossway, Daniel Rydholm, Terry Bangry.

PUBLIC HEARINGS:

Mike LaPointe called the Public Hearings to order at 7:30 p.m. He explained the process of the public hearing.

1) Lot Split # 12 - Applicant, Daniel Rydholm, Lot 14 Riverside Addition to Lakewood. Karen Chandler gave a brief description of the request. Only one neighbor had stopped by the office and was not opposed to the split. Rydholm reported he had the property surveyed. Chandler reported having contact with the County Road Commission and Bob Menard had no problems with this request.

2) Conditional Use Permit # 46 - Applicant, Fraco Inc. has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a change to the original conditional use on the described property. Karen Chandler gave a brief description of the request. Everyone was notified and we have received no correspondence has been received. Terry Bangry presented oral comments regarding the request and responded to questions from the commissioners. Commissioners reiterated their concern about the conditions not being met as was requested, i.e., two rows of pines not planted, etc.

There being no further comments received from the public, this section of the meeting was closed at 7:40 p.m.

MEETING CALLED TO ORDER:

Mike LaPointe, Chairperson called the Regular Meeting of the Planning Commission to order at 7:41 p.m.

ROLL CALL

PRESENT: Mike LaPointe, Ken Tabor, Estelle DeVooght, Bill Sanders, Gary Menhennick.
ABSENT: Scott Emerson and Steve Kinnunen.

APPROVAL OF THE MINUTES OF FEBRUARY 9, 1998

Mike LaPointe inquired if there were any additions or corrections to the minutes of February 9, 1998. Karen Chandler noted one correction to be made on page 2 (under approval of the minutes) to change the date from January 12 to February 9, 1998.

Bill Sanders moved, Gary Menhennick supported that the 2/9/98 meeting minutes be accepted with the correction to the approval date (February 9, 1998) of the agenda from the last meeting.
MOTION CARRIED.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Mike LaPointe inquired if there were any additions or changes in the agenda?

Bill Sanders moved, Ken Tabor supported that the Agenda for the March 23, 1998 be accepted as presented. **MOTION CARRIED.**

PUBLIC COMMENT:

Rich Rossway, Public Relations Representative for the Ojibwa Casino, explained their current status as relates to the Casino on Kawbawgam Road and their application to move it to a new location near the business district. His desire was to clarify any questions, concerns, rumors, and errors about the situation and hopefully work toward building a better relationship between them

and the Chocolay Township Board. Any future activity regarding the Casino will be shared with the Chocolay Township Board. The legal process for all this to happen is complicated and may take up to three years, and involves the Federal Government, the Indian Gaming Regulation Act, State law, and Tribal laws. Rumors of hotels, restaurants, and relocating of homes at this point are just that. Moving homes would be a very last resort.

Rossway responded to questions from the Commissioners and then thanked them for this opportunity to talk with them.

Karen Chandler announced a public hearing at the Cherry Creek School on Tuesday, April 14, 7:30 p.m. regarding the Casino issues.

Don Britton reviewed the status on the trail situation as relates to the Johnson property-- we were off on our lines a little bit. Further comments were made about the crossing of the Chocolay River and Golf Course.

John Smith gave an update on the North Country Trail -- which is strictly a hiking trail.

The Public Comment Section was then closed.

OLD BUSINESS

At the request of the Chocolay Township Planning Commission, a presentation on Marquette Community Foundation(MCF) was made by Tammy Seavoy, MCF Trustee for nine years. This presentation involved oral comments and a seven minute video, distribution of their 1996 Annual Report, and responding to questions from the commissioners. John Smith commented that the impetus for this presentation stemmed from an inquiry into securing some funds for the trails' system. No action was taken at this time.

NEW BUSINESS:

Consider Lot Split # 12 - Daniel Rydholm Lot 14 Riverside Addition to Lakewood
The Zoning Board of Appeals met to review a variance for a proposed addition on the home of Daniel Rydholm. The variance was approved and at this time the lot and home meet the requirements of the Zoning Ordinance. After further review of the application and the other relevant facts related to the subdivision in which the lots are located, I recommend that Lot Split #12, Riverside Addition to Lakewood, Lot 14, where property owners are exchanging a portion of Lot 14 to eliminate an encroachment, be approved.

Bill Sanders moved, Gary Menhennick Seconded that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that Lot Split #12, Riverside Addition to Lakewood, Lot 14, where property owners are exchanging a portion of Lot 14 to eliminate an encroachment, be approved. **MOTION CARRIED.**

Consider Conditional Use Permit # 46 - Fraco, Inc.

Ken Tabor moved Estelle DeVooght seconded that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Fraco Inc. at 200 Cherry Creek Road for Conditional Use Permit # 46 be approved to allow for a change to the original site plan to now add redi-wash equipment and a 40 x 70 building to house the equipment, to relocate the underground fuel storage tank of 10,000 gals, to place a scale near the office, and to add a 36 x 70 storage addition on existing block plant building and remove the two Quonset huts proposed in permit # 17, on the following described property:

Section 7 T47N R24W

The N 660' of W 1278.26' of NW 1/4 of SE 1/4 lying W of Cherry Creek Road
exc the S 500' of E 460.37' thereof. Located at 200 Cherry Creek Road.

With the following conditions:

1. That previous conditions placed on Conditional Use permit # 6 and # 38 be preserved.
2. That the two rows of pines planted at five feet intervals along the north lot line be preserved as a thirty-foot buffer.
3. That at such time as the storage building and platform scale are constructed, the Zoning Administrator and Fraco Inc. will agree to the placement on the site plan as presented to the Planning Commission for this Conditional Use Permit # 46.

- That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to use.

MOTION CARRIED.

Review & Consider Approval of 1997 Annual Report

Bill Sanders moved Ken Tabor seconded that after review and acceptance we forward the 1997 Annual Report to the Chocolay Township Board. **MOTION CARRIED.**

Discuss Annual Road Ranking

ROAD NAME	Location	2nd Road Dead End	Collector Distrib	Condition	Design Standard	Density	Total	Rank	CTPC Rank	Board Rank
Little Lake Road (RR-2)	2	1	2	2	3	4	14	4		
Greenfield Road (RR-2)	2	1	0	2	3	1	9	1		
Mangum Road (RR-2)	2	1	0	4	3	2	12	3		
Shot Point Road	4	0	0	0	3	3	10	2		
Coming Street	4	1	2	2	3	4	16	5		

PROJECTS FOR PAVING OF A GRAVEL ROAD										
Gentz Road	2	0	0	2	4	0	8	1		

After review and discussion of the above road rankings being considered for improvement, the following questions were recorded:

- The ranking for "Density" seems to be out of sync with the other factors -- verify!
- What are they (Chocolay Township Transportation Planning Group) talking about in terms of improvements, i.e., pavement, resurfacing? Could we have specifics for each road?

Karen Chandler will research these issues and report back.

Review Township Hall Addition

The Chocolay Township Planning Commission reviewed the Township Hall Addition, per Act 168 of 1959 Township Planning § 125.330 *Basic plan; approval of public way, space, building or structure, Section 10*. Schematics and floor plans were viewed and discussed. Bill Saunders commented on his knowledge and understanding about preserving and respecting the historic nature of buildings and the need to stay away from changing the symmetry of the facade -- cardinal rule of renovations. After much discussion, the following motion was made:

Gary Menhennick moved Ken Tabor seconded that we appoint Bill Sanders as our representative for input on the Chocolay Township Hall Addition and to work with the Planning & Research Director Karen Chandler in communicating this input to the Township Board. **MOTION CARRIED.**

PLANNING DIRECTOR'S REPORT:

- I have made copies of information sent to the Township Board from the Chocolay River

Watershed Council. It seems they maybe starting a Strategic Planning process.

- 2) At the last meeting, Board approved the rentals of motor vehicles and site plan review. I have sent a memo to Mark Maki, Zoning Administrator for his interpretation of private clubs. Private clubs have been a permitted principal use in the C-2 districts and we should use the same meaning for the C-1 district.

The Board also approved the Recreation Plan and directed staff to begin preparing a grant application for property acquisition for trail development. Larry Gould and I have been working to get the grant application ready for the Board meeting on March 16. A public hearing will also be held at that time. We need to thank Don Britton for all of his time and energy. Don has personally contacted all of the property owners along the proposed trail route.

- 3) I have been working with Jim Blondeau, Fire Chief, Larry Gould, Jack Menhennick, and Jim & Elry Reetz to get some history of the Fire Department preserved. The department was organized in 1967 and the first truck was purchased in 1968. We'll have a story on the front cover of the next CABA Quarterly due out the end of March.
- 4) Private road request -- Mark Heikkila -- tabled to April -- will need to extend to May. He is working with County Road Commission.
- 5) The Chocolay Watershed Council is looking for volunteers for RiverFest.

PUBLIC COMMENT: NONE

COMMISSIONER COMMENT:

A brief discussion was heard on the current status of the Casino in hopes of being helpful and beneficial to the understanding of all commissioners.

Mike LaPointe reported on the Watershed Initiative Conservation District, funding available from same, and the process to access those funds, as relates to Marquette Harbor. This initiative could have impact on Chocolay. Efforts include trying to organize for the Chocolay River, Carp River and Dead River.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

Correspondence to - DNR, CUPPAD & Mqt. Co. Planning Commission - Copy of Recreation Plan

Correspondence to - Robert Menard, MCRC - on pedestrian overpass bridge

Correspondence copy of letter sent to Representative Mike Prusi

Correspondence from - Ojibwa Casino Resort

Chocolay Township Board minutes of 02/02/98 & 02/16/98

Chocolay Township ZBA minutes of 01/22/98

Marquette Township Planning Commission minutes of 01/14/98

Mission Statement of Marquette Sustainability Council

1997 Annual Report of Marquette County Solid Waste Management Authority

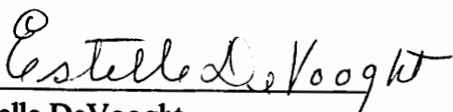
MSPO workshops May 21 in Marquette

Memo from - Mark Maki, Zoning Administrator - Zoning Report/Information

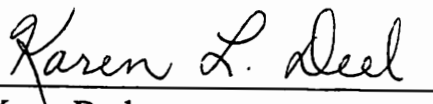
Legislative Fax from MTA 02/27/98

ADJOURNMENT:

There being no further business, the March 23, 1998 Planning Commission Meeting was adjourned at 9:50 p.m.



Estelle DeVooght
Planning Commission Secretary



Karen Deel
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, APRIL 13, 1998**

PUBLIC HEARINGS: None.

MEETING CALLED TO ORDER:

Mike LaPointe, Chairperson called the April 14, 1998 Regular Meeting of the Planning Commission to order at 7:30 p.m.

ROLL CALL

PRESENT: Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick.

ABSENT: Steve Kinnunen and Ken Tabor.

STAFF PRESENT: Karen Chandler, Director of Planning & Research

OTHERS PRESENT: Karen L. Deel, Recording Secretary, Don Britton, Mark Maki, Zoning Administrator, Sharon and Bob Roshak.

APPROVAL OF THE MINUTES OF MARCH 23, 1998

Mike LaPointe inquired if there were any additions or corrections to the minutes of March 23, 1998.

Bill Sanders moved, Gary Menhennick seconded that the 3/23/98 meeting minutes be approved as submitted. MOTION CARRIED.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Mike LaPointe inquired if there were any additions or changes in the agenda? A memorandum from Mark Maki, Zoning Administrator, was submitted for addition to the agenda, under VIII. B. Zoning Issues.

Bill Sanders moved, Scott Emerson seconded that the Agenda for the April 13, 1998 be accepted with the addition. MOTION CARRIED.

PUBLIC COMMENT:

Mark Maki, 405 Riverside Road, and Zoning Administrator commented on the issue of the Casino and the Township Board taking a position that they did not support it in the current location because of planning. Mark Maki noted that more recently that the Board now supports it if it would be in the Township business district. He noted this would be an appropriate support issue for the Planning Commission. However, the Public Hearing that is scheduled is not the same kind of hearing where you notify the property owners, but a general advisory public hearing. It appears to be brought about by the Casino employees who want to be heard. Listening to the comments I have heard, I think it would be good for the Planning Commission to support the Board's position. This is a residential area. There is a Federal Law that indicates a casino can not be detrimental to the surrounding community.

Mark Maki further commented on the trail grant application and wondered why there was an issue with hunting? He asked for clarification about how "hunting" came about being added to the grant -- was it really for the issue of hunting or was it for getting additional points in the grant process. If you look at the Township Trails, none of them are suitable for hunting.

OLD BUSINESS

DISCUSSION ON PRIVATE ROAD 6A - MARK HEIKKILA: Karen Chandler, Director of Planning and Research presented a memo to the Commission outlining the current status of Mark Heikkila's Private Road Request and recommended that the Commission table the request again while the applicant is making progress with the County Road Commission on their part. Discussion followed.

MOTION by Bill Sanders, supported by Gary Menhennick, that we table the Private Road 6-A request by Mark Heikkila and instruct the Director of Planning & Research to bring it back to agenda when it is ready for action. Motion carried unanimously with one dissenting vote.

DISCUSS ANNUAL ROAD RANKING: In follow-up to last month's meeting and instructions to the Planning Director to provide addition information on the Road Ranking issue, Karen Chandler presented an explanation of the road conditions for the road ranking, corrected the ranking for "density," and submitted this information for review and consideration. An overhead projector reflecting maps of the areas in question were viewed. The actual road rankings are as follows:

Road Name	Location	2nd Road Dead End	Collector Distrib	Condition	Design Standard	Density	Total	Rank	CTPC Rank	Board Rank
Little Lake Road (RR-2 & RP)	2	1	2	2	3	4	14	2		
Greenfield Road (RR-2)	2	1	0	2	3	1	9	5		
Mangum Road (RR-2)	2	1	0	4	3	2	12	3		
Shot Point Road (L/S/R)	4	0	0	0	3	3	10	4		
Corning Street (C-2 & R-1)	4	1	2	2	3	4	16	1		

PROJECTS FOR PAVING OF A GRAVEL ROAD										
Gentz Road (RR-2)	2	0	0	2	4	0	8	6/1		
							0			

MOTION by Scott Emerson, supported by Bill Sanders, to approve the Annual Road Ranking Report developed by the Planning Director, as presented above, and to forward it to the Chocolay Township Board for action. Motion carried unanimously.

REVIEW TOWN HALL ADDITION: Karen Chandler and Bill Sanders reviewed their activities since the last Commission Meeting when they were authorized to give input to the Architect regarding preserving the historical nature of the building. A drawing and related memos were reviewed. No action required.

DISCUSSION ON COMMUNITY FOUNDATION: A memo from the Planning Director to the Commission was reviewed. It outlined a plan for the Trails Committee to enter into an Agreement with the Marquette Community Foundation (similar to the Ishpeming & Negaunee Community Foundations). This information is being presented to the Commission for comment (since the Trails Committee reports to the Commission). Discussion followed, and included a review of how this is a long-term investment by people in this community, and that you could apply for the money just like you to for a grant. Basically, you would be spending the interest earned by the donations/monies from this community to the Foundation.

MOTION by Bill Sanders, supported by Scott Emerson, that the Commission endorse the Trails Committee recommendation to develop an Agreement with the Marquette Community Foundation, as outlined, and that Chairman LaPointe submit a letter to the Chocolay Township Board to that effect. Motion carried unanimously.

NEW BUSINESS:

DISCUSS HUNTING ON TOWNSHIP OWNED PROPERTIES: Laws governing firearms stipulates that you can not discharge a gun within 500 feet of a residence. Is it necessary to forbid hunting if there's a law that covers the issue?

A discussion was heard on the issue with input from Sharon Roshak and Don Britton, with a final understanding that the sentence about "hunting" had been removed from the grant application and that no one was really intending to have hunting from the trails permitted. Legally, the laws governing firearms do not allow for the discharge of firearms within 500 of a residence, therefore it was felt the concern was put to rest.

Mark Maki inquired if there was some way to work with the attorney to develop a legal document with the people who are giving permission for the trail to go through their properties that would include language to protect the Township from people changing their minds, or if someone sells their property?

It was suggested that the Trails Committee address the issue of a policy regarding the discharging of guns in the Township. The Planning Director will talk with others and develop a policy to take to the Board.

ZONING ISSUES FROM MARK MAKI: Mark Maki addressed the Commission and reviewed his letter which outlined 5 zoning issues in the Township and recommendations for addressing them, plus a recommendation that a private road be named. Please see the enclosed Memorandum.

A lengthy discussion ensued about zoning definitions, pros and cons of zoning areas that affect personal property, and whether or not the Zoning Board really should be stipulating what people can and cannot do on their own property. Areas of discussion included Taxidermy, Kennels, Contractors yards, Intensive Agriculture, and Bed & Breakfast signage.

In summary, it was the consensus of the group that additional information was needed to address these zoning concerns, i.e., definitions, laws and regulations, etc.

PLANNING DIRECTOR'S REPORT: Director Chandler did not have a written report, but did call attention to some booklets on the table which are available for Commission Members review. A reminder about the Public Hearing, time, location and anticipated reaction was heard.

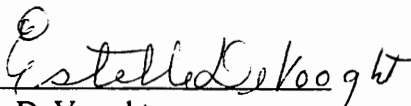
PUBLIC COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCE:

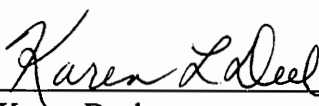
- A. Correspondence from Varnum, Riddering on broadcasting towers.
- B. Chocoday Township Board Minutes of 3/2/98 and 3/16/98.
- C. Ad Hoc Trail Development Committee Minutes of 2/3/98.
- D. Marquette Township Planning Commission Minutes of 2/11/98 and 2/25/98.
- E. Information on KI Sawyer Development.
- F. Basic Planning & Zoning Workshop sponsored by MML in Escanaba, May 2.

ADJOURNMENT:

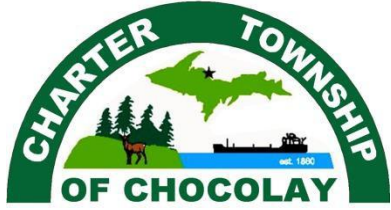
There being no further business, the April 13, 1998 Planning Commission Meeting was adjourned at 9:20 p.m.



 Estelle DeVooght
 Planning Commission Secretary



 Karen Deel
 Recording Secretary



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting in May, 1998.

There was no meeting scheduled.

CHOCOLAY TOWNSHIP PLANNING COMMISSION
JUNE 1, 1998

PUBLIC HEARINGS CALLED TO ORDER:

Mike LaPointe, Chairperson called the June 1, 1998 Public Hearing section of the Planning Commission to order at 7:30 p.m.

PRESENT: Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Bill Sanders, Gary Menhennick, and Ken Tabor. **ABSENT:** Scott Emerson.

STAFF PRESENT: Karen Chandler. Director of Planning & Research

Conditional Use #47 - Gentz/Homestead Golf Course: Karen M. Chandler reviewed the application as a conditional use permit request from Randy Gentz, owner of Homestead Golf Course. They are requesting to put up a pole building for cart storage. They are not ready to build the pro-shop until next summer. We did send out information to property owners within 300'. All correspondence was positive.

Randy Gentz explained the exact location, which is slightly different, than the map used. Cart storage would be on the bottom level of a future clubhouse. He reported he lost his garage last winter with snow and needed to proceed with this cart storage shed in order to open for business.

No other comments were heard.

Conditional Use #48 - Seidl: Karen Chandler reviewed this application for conditional use permit for use of a recreation structure at 885 Cherry Creek Road, which would mean a cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreation or vacation and not a permanent place of residency. Several of the neighbors have stopped in expressing their opposition to this. The property is condemned, as it does not have an approved septic system. Applicant was not present.

No other comments were heard.

Private Road #12 - Varvil: Karen Chandler reviewed the request from applicant Dana V. Varvil, which involves a request to approve a private road located within the following described property: Section 8 T47N R24W that part of the SW 1/4 of NE 1/4 lying south of M-28 and the SE 1/4 of the NE 1/4 lying south of M-28, Cherry Creek and the Chocolay River. Chandler reported she submitted this request to the County Road Commission and the County Drain Commission. We did have correspondence and it was positive.

Steve Peltó was present to represent the applicant. Peltó said he would make his comments under New Business, and noted he had a new map and information from the surveyor, and will answer questions then.

Secretary DeVooght read a letter from Robert Grove of Marquette and he had no objections to the request.

Mark Maki, Township Zoning Administrator, commented on the language in the Planning Directors recommendation. His concern was based in the language under #4. "The requirements of the County Road Commission for curve radius, grades, crowns and ditches are not shown on this survey and this requirement must be met." He made various suggestions based on information in the memo received from Larry Gould, DPW Supervisor.

No further comments were heard.

MEETING CALLED TO ORDER:

Mike LaPointe, Chairperson called the June 1, 1998 Regular Meeting of the Planning Commission to order after the Public Hearings.

ROLL CALL

PRESENT: Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Bill Sanders, Gary Menhennick, and Ken Tabor. **ABSENT:** Scott Emerson.

STAFF PRESENT: Karen Chandler. Director of Planning & Research

OTHERS PRESENT: Karen L. Deel, Recording Secretary, Mark Maki, Zoning Administrator, Sharon Roshak, Carol J. Pelkola, Steve Pelto, William E. Kessel, Cathy & Randy Gentz.

APPROVAL OF THE MINUTES OF APRIL 13, 1998

Mike LaPointe inquired if there were any additions or corrections to the minutes of April 13, 1998.

A correction was made on page 2 of the minutes, paragraph 3, changing the wording in the last sentence... "Motion carried with one dissenting vote."

Bill Sanders moved, Ken Tabor seconded that the 4/13/98 meeting minutes be approved as corrected. MOTION CARRIED.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Mike LaPointe inquired if there were any additions or changes in the agenda? The agenda was adjusted by moving VIII. New Business before VII. Old Business.

Estelle Devooght moved, Bill Sanders seconded that the Agenda for the June 1, 1998 be accepted as adjusted. MOTION CARRIED.

PUBLIC COMMENT:

Mark Maki, 405 Riverside Road, and Zoning Administrator commented that he had sent a memo to the Commission on Trails, and said that it has been six months since we started this project to get a trail all the way through the area. I am just brining it back to the Planning Commission's attention and again requesting that some kind of legal paperwork be prepared so that when people sell their property, the new owners can't object to the current owners approval of the trail. The Planning Commission and Township need to be involved in this to help Don Britton accomplish this.

Mark Maki commented further regarding the golf courses and the bed and breakfast businesses that need signs and the reviewed the requirements for signs. He would like some language to allow 24 square feet for off premise signs with permission from the property owners so that it would allow them a sign.

NEW BUSINESS:

Conditional Use Permit #47 - Gentz/Homestead Golf Course: Chairman LaPointe asked if anyone had any questions for Mr. Randy Gentz. Estelle DeVooght asked if all traffic has to go past his house. His response was yes.

Bill Sanders motioned Gary Menhennick seconded that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Gentz/Homestead Golf Course for Conditional Use Permit # 47 be granted

With the following conditions:

1. That previous conditions placed on Conditional Use permit # 19 and the amendment made on November 11, 1996 be preserved.
2. That at such time as the pro-shop building are constructed, the Zoning Administrator and Gentz/Homestead Golf Course will agree to the placement on the site plan as presented to the Planning Commission for this Conditional Use Permit # 47.
3. That a Zoning Compliance Permit be obtained from the Chocoley Township Zoning Administrator prior to use.

MOTION CARRIED

Conditional Use Permit #48 Seidl: Chandler reported we are working with her to get a temporary structure. She also reported receiving a call asking what the requirements were and neighbors were concerned and not sure she should be out there in a mobile home and wood heat etc. Chandler suggested tabling the request until there is an acceptable septic system there.

Chandler also reported there are various service agencies working with her to try and help her with this situation. We have been working with the Health Department and Building Codes people.

Concern was expressed by the Commission that she may just move out there without anyone's permission, and noted that it would be nice if she was present to discuss this with her.

Gary Menhennick moved, Steve Kinnunen seconded that we table this request until we have more information. MOTION CARRIED.

Private Road Request #12 - Varvil: Chairman LaPointe asked Mr. Pelto for his input. Steve Pelto, Presque Isle, Marquette, MI, commented that he was representing Dana Varvil. Pelto explained the request and clarified any concerns voiced.

Mark Maki entered the discussion again regarding the language in the motion. Various suggestions were made for change.

Gary Menhennick moved, Bill Sanders seconded that the Chocolay Township Planning Commission recommend the Township Board approve the private road request from Dana Varvil from the intersection of Autumn Trail to the end of Parcel D as identified on the Survey Sketch dated June 1, 1998 with the following conditions:

1. A covenant be established on the parcel deeds identifying the private road status and the owners responsibility for road maintenance, bridge maintenance, right-of-way maintenance, and drainage maintenance as well as requiring that open access to the private road be maintained for public services.
2. A certificate of bridge weight capacity for a minimum of 80,000 pounds be certified by an engineer and presented to the Planning Director.
3. A temporary cul-de-sac as per County Road Commission requirements be included and dedicated at the end of the private road (at parcel "D") as a turn around for emergency vehicles until such time as the private road maybe extended and further approval will be requested.
4. The requirements of the County Road Commission for curve radius, grades, crowns, and ditches are not shown on this survey and this requirement must be met.
5. Developer to comply with all other agency regulations.
6. Road name to be Wintergreen Trail.
7. A Zoning Compliance permit will be issued after all conditions are met.

AND REVISIT THOSE AREAS OF LANGUAGE CONCERNS EXPRESSED AT A LATER DATE.

MOTION CARRIED.

OLD BUSINESS

Annual Election of Planning Commission Officers and Review of Bylaws:

A motion was made by Estelle DeVooght, supported by Ken Tabor, that we retain the same slate of officers: Mike LaPointe Chair; Bill Sanders Vice-chair; Estelle DeVooght Secretary; Steve Kinnunen Vice-Secretary. MOTION CARRIED.

The Bylaws were distributed for review and no recommended changes made.

Discussion on Land Division Act Ordinance: Mark Maki suggested that the Chocolay Township Planning Commission recommend to the Township Board adoption of this document. It was suggested that this document be reviewed and brought back under Old Business next month.

Discussion on (1) Taxidermy; (2) Kennels; (3) Contractor's Yards; (4) Intensive Agricultural Use; (5) Sign provisions for Bed & Breakfast; (6) Private Road designation in OS and RP Districts.

A 3-inch notebook of information was received regarding these topics, with 50-75 pages on agriculture alone. Discussion followed. Two additional topics were added: Golf Course Signs and Portable Saw Mills.

Chairman LaPointe appointed a committee to work on the Intensive Agriculture Use language, consisting of: Estelle DeVooght, Bill Sanders, and Mike LaPointe. They will meet in two weeks.

A lengthy discussion took place regarding the requirements for private road building. This will come back for discussion at a future meeting.

Karen Chandler and Mark Maki will work on language regarding the golf course signs. Contractor's Yards and remaining topics will be taken up in October or November.

Planning Director's Report.

- 1) We have a rezoning text amendment request coming before us at the July meeting. The request will be for an office as a conditional use in the C-3 Districts. In particular if approved, this request will be for an office at the Varvil Center. The Varvil Center continues to be problematic since it was rezoned from C-2 to C-3 many years ago. The complex itself is more conducive to the C-2 district than the C-3. You will recall that the Environmental Assessment done in the fall of 1996 by students of the NMU Geography Department suggested that we rezone that area to C-2.
- 2) We have our new computer equipment and systems in place in the office. We have also had the offices completely repainted. This has caused some temporary problems with the computers. We now operate with Windows 95 and are using Office 97 programs. This means that we no longer have access to WordPerfect. The entire \$1.1 million budget has to be retyped from WordPerfect to Excel. The departmental budgets must be given to all department heads by July 1. Since I am responsible for this budgeting process, I plan to load Arc-View to my station sometime after July 1.
- 3) When we planned our meeting schedule in December, I indicated that I might not be available for our meeting on the second Monday in July. We will have a public hearing at that meeting. Would the Planning Commission consider changing that meeting to the second Tuesday or would you prefer to hold the meeting on the regular schedule? Monday nights will be difficult for me during July.
The July Planning Commission meeting was changed from Monday, July 13 to Tuesday, July 14, 1998.
- 4) Update on the private road request by Mark Heikkila. The County Road Commission will be hearing a proposal on the property at their next meeting. The request should be back to us by July or August.
- 5) There was a question on trail development at public comment. The Township Board has applied for an acquisition grant. A representative from Lansing walked the property today with Larry Gould, DPW Supervisor and Don Britton. Larry Gould is also working with the Township Attorney to finalize agreements with the property owners along the trail area.

PUBLIC COMMENT - NONE.

COMMISSIONER COMMENT:

Estelle DeVooght reported on a large amount of truck traffic on Karen Road and inquired about mining requirements.

Estelle DeVooght also reported on a number of junk cars and was directed to report it to the Police Department.

LaPointe reported that Lynn Frazier has not yet completed his screen windbreak, but will be working with the Soil Conservation District to accomplish this requirement.

LaPointe also reported on the coordination of Planning Directors of the City and Marquette Township regarding an "Overlay Zone."

INFORMATIONAL ITEMS AND CORRESPONDENCE:

Correspondence from Mark Maki re: trails.

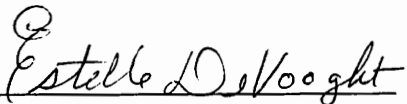
Chocolate Township Board Minutes of 4/6/98, 4/14/98, and 5/4/98.

Ad Hoc Trail Development Committee Minutes of 4/7/98 and 5/5/98.

Zoning Board of Appeals Minutes of 2/26/98 and 4/23/98.
Chocolay River Watershed Project Advisory Council Minutes of 4/30/98
U.P. WaterFest '98 at NMU June 18-19.

ADJOURNMENT:

There being no further business, the June 1, 1998 Planning Commission Meeting was adjourned at 10:00 p.m.



Estelle DeVooght
Planning Commission Secretary



Karen Deel
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
TUESDAY, JULY 14, 1998**

PRESENT: Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick, and Ken Tabor.

ABSENT: Steve Kinnunen

STAFF PRESENT: Karen Chandler, Director of Planning & Research

OTHERS PRESENT: Karen L. Deel, Recording Secretary, Mark Maki, Zoning Administrator, Randy & Cathy Gentz, Denise Mullins, Dale & Olive Hillier, and Kay Beauchamp

PUBLIC HEARINGS:

Rezoning #100 – C-3 to C-1, Meadows Request at 1430 M-28, The Varvil Center

Planning Director Chandler reported this was a request brought in by Charlane Meadows, who has petitioned the Chocolay Township Board to rezone the following described property from a current zoning classification of C-3 to C-1:

Part of the SW¼ of the NW¼ Section 10 T47N R24W Located at 1430 M-28.

George and Gale Manosky are the current owners of the property.

The original application was C-2, however, permitted uses include gas station use, etc., with sandy soil. It went back to Meadows and they agreed to C-1. I have received no letters, but 2 phone calls that agreed to C-1. The applicant is not here this evening.

No other public comments were forthcoming.

Rezoning #101-Applicants Dale & Olive Hillier, Parcel At 118 W. Wright Place From R-1 To C-2.

Planning Director Chandler reported the applicants have petitioned the Chocolay Township Board to amend the CT Zoning Ordinance to rezone the following described parcel from the R-1 to C-2. The site is surrounded by C-2 and R-3.

Part of the SW1/4 of the SE1/4 Section 6 T47N R24W Parcel "C" Located at 118 W. Wright Place.

Background information reveals that when Hilliers purchased the property in 1975, it was zoned commercial and changed upon Hilliers request. Now 20 years later the property on three sides are zoned commercial, and they now wish to have theirs changed back to commercial, as the property will be put up for sale.

One letter of objection has been received from a neighbor, Margaret (Maggie) Meiss, which was read into the record by Secretary DeVooght.

Chandler reported the applicants are present, and they were invited to comment. Dale Hillier stated, "Karen Chandler explained it well." He noted he had raised his family of 5 children next door to commercial property and they have all moved, and now that they plan to sell the property, he believes it would be more salable if it were zoned commercial. Olive Hillier commented she had always tried to be a good neighbor and that "rumors" and "misinformation" may be the cause for any neighborhood objections.

Margaret Meiss, who lives on the "corner" voiced her concerns, at length, about the change and re-stated her concerns as enumerated in her letter, which is on record.

No other comments were forthcoming.

Rezoning #102 Text Amendment for Golf Course Signage, Chocolay Township

Planning Director Chandler reported this request was the result of discussion at the last meeting, and language was developed in response to the issue, which is now presented for public review.

The Chocolay Township Planning Commission has petitioned the Chocolay Township Board to amend the Zoning Ordinance with new language that will add the following, to allow for signs off premise.

Section 812 Golf Course Directional Signs

Notwithstanding Sections 809 and 811, a sign not exceeding 24 square feet, identifying the location of a Golf Course shall be permitted in any residential zone upon permit granted by the Zoning Board of Appeals upon finding that: A substantial number of motorists who might seek the advertised establishments pass the proposed location; that such establishment has no other sign visible from the same road; that consent of the property owner has been obtained; and that placement of the sign will not cause any hazard or significant obstruction of any scenic view.

A group of pictures reflecting various types of signs and which were considered directional and which were advertising types.

Randy Gentz, golf course owner, commented in favor of the language change.

No other public comment was forthcoming.

Conditional Use #49 – A public park on Silver Creek Road, Chocolay Township.

Planning Director Chandler reported the applicant, Chocolay Township, has requested that the CTPC consider granting a conditional use permit to allow for expansion of the public park on Silver Creek Road, i.e., additional parking, buffer screen between park and residential area, and a new access, utilizing the natural features of the property. A letter was received from Ida Mercure objecting to the project because of increased noise, traffic, and environmental risk. Another letter/call was received today concerned about the foot traffic.

Larry Gould explained there is no intent to develop a new access, just move the parking from one side of the field to the other, along with the development of a green area, and bleachers. An overhead projection reflected the details of the plan.

Kay Beauchamp of 261 Silver Creek Road expressed concern about the traffic, teen-age parties that are already happening, and policing of it.

Olive Hillier, 118 W. Wright Street, offered comments in agreement with the concern about the late-night parties. She was in support of the park development but would like to see additional security around the park area. A fence was suggested.

Larry Gould commented that a fence would not prohibit parties and would be cost prohibitive. As for the access, temporary access was created to get the bulldozer in. The buffer zone will be increased to 40 feet, with trees and a berm to control noise.

Denise Mullen, 321 Silver Creek Road, commented she agrees with trees and no fencing, particularly trees for a buffer. As far as the park goes, it is only 4 months out of the year, otherwise it is pretty quiet, normally.

No further comment was forthcoming. Public Comment was closed at 8:05 P.M.

MEETING CALLED TO ORDER:

Mike LaPointe, Chairperson called the July 14, 1998 Regular Meeting of the Planning Commission to order at 8:06 P.M.

ROLL CALL

PRESENT: Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick and Ken Tabor.

ABSENT: Steve Kinnunen.

APPROVAL OF THE MINUTES OF JUNE 1, 1998

The June 1, 1998 meeting minutes were presented for approval. Mark Maki, Zoning Administrator, asked that a correction be made under his comments on **page 1, last paragraph, second line, deleting "saying it was too restrictive."**

Bill Sanders moved, Ken Tabor seconded that the 6/1/98 meeting minutes be approved with the above correction. MOTION CARRIED.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

It was suggested that we modify the agenda by moving VIII.A.B.C.D. to VII between B. and C. and add a letter from Mark Maki under VIII. as F.

Bill Sanders moved, Estelle DeVooght seconded that the Agenda for the July 14, 1998 be accepted with the suggested changes. MOTION CARRIED.

PUBLIC COMMENT: NONE.

OLD BUSINESS**CONSIDER CONDITIONAL USE #48 – SEIDL**

Planning Director Chandler reported that this request is not being recommended for various reasons:

1. This conditional use cannot be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The conditional use, with the condemnation of the septic system, will interfere with the general enjoyment of adjacent property.
3. The conditional use will not represent an improvement to the property under consideration and the surrounding area in general.
4. The conditional use cannot be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.

The applicant has been invited on several occasions to meet with the Commission to discuss her situation, but to no avail. Chairman LaPointe asked Director Chandler to review the background information for the Commission's edification and review. A lengthy discussion ensued on this topic and it was learned that Arlene Seidl had never paid her application fee. Although there was compassion and sympathy expressed by Commission members for the individual involved, and various other options reviewed that could benefit her, Chandler was instructed to convey the contents of her letter to Arlene Seidl and the following motion was made:

It was moved by Ken Tabor, seconded by Gary Menhennick, to inform Arlene Seidl of the Commission's concerns and that we can not discuss it [the application] without her paying the fee. Vote was unanimous.

CONSIDER PRIVATE ROAD #6a – HEIKKILA

Planning Director Chandler explained that we have two new Commissioners since this request came into being. She reviewed the request from its beginning in July of 1997.

Motion by Gary Menhennick, seconded by Bill Sanders, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that Private Road Request #6A, be denied because the applicant is not the owner of the property surveyed for the private road. Motion carried.

REZONING #100 – APPLICANT CHARLANE MEADOWS, PARCEL AT 1430 M-28 THE VARVIL CENTER FROM C-3 TO C-1

The application materials and map were reviewed. A brief discussion followed.

Motion by Scott Emerson, supported by Bill Sanders, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the rezoning of

that part of the SW1/4 of the NW1/4 of Section 10 T47N R24W located at 1430 M-28 from the current zoning classification of C-3 to C-1 be approved. Motion carried.

REZONING #101 – APPLICANTS DALE & OLIVE HILLIER, PARCEL AT 118 W. WRIGHT PLACE FROM R-1 TO C-2.

The application and related materials were reviewed one more time. Commissioner Emerson commented that he was sensitive to Ms. Meiss' comments but would have to support the recommendation based on the materials at hand.

A general discussion of the issue ensued, with input from all concerned.

Motion by Bill Sanders, supported by Gary Menhennick, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the Rezoning of that part of the SW1/4 of the SE1/4 of Section 6 T47N R24W Parcel "C" located at 118 W. Wright Place from the current zoning classification of R-1 to C-2 be approved. Motion carried with one dissenting vote (DeVooght).

REZONING #102 – APPLICANT CHOCOLAY TOWNSHIP, TEXT AMENDMENT FOR GOLF COURSE DIRECTIONAL SIGNS.

Director Chandler explained how they came up with the language via a committee effort and advise from legal counsel. Discussion followed with a review of the related materials.

Motion by Bill Sanders, supported by Scott Emerson, that the Chocolay Township Planning Commission recommends to the Chocolay Township Board that the text amendment rezoning request #102 to allow for golf course directional signs be approved. Motion carried.

CONDITIONAL USE #49 – APPLICANT CHOCOLAY TOWNSHIP.

Mike LaPointe expressed his concern about the teenagers in the area of the park and suggested that citizens contact Chocolay Township Police Department. Karen Chandler will convey the message to the Police Department.

Bill Sanders made some suggestions for change regarding the proposed park plan, stating that it would make more sense to have the parking at the far end of the field, and the greens and bleachers closer to the fence with the drive between them. The sketch was reviewed again, and a lengthy discussion ensued with input from all concerned. Sanders said he wants to go on record objecting to the design as submitted.

Issues of safety, traffic flow, continuity of plan in the overall scheme, barriers or buffers, topography, future areas that could be developed, future needs for the soccer sport, other options for soccer fields, were discussed in great detail with input from those concerned. Questions about changing the plan and incurring additional expense or changing completion dates were also considered.

Motion by Ken Tabor, supported by Gary Menhennick, that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Chocolay Township for a public park at Silver Creek Recreation Area for Conditional Use Permit # 49 be granted.

Bill Sanders moved to AMEND the motion, supported by Estelle DeVooght, that the parking and drive be moved tight to the west end of the lot, 120' from the soccer field and the buffer along the south side along the homes on Silver Creek Drive be maintained at 40'.

VOTE TO AMEND THE MOTION CARRIED UNANIMOUSLY.

VOTE ON THE MAIN MOTION WITH THE AMENDMENT CARRIED UNANIMOUSLY.

DISCUSSION ON PRIVATE ROAD REQUIREMENTS.

Discussion on private road requirements was heard. Larry Gould, DPW Supervisor was in attendance and presented such requirements and standards as they are spelled out. As to whether the language in the ordinance was necessary, the language cannot exceed what the County requires. General discussion followed with no action required.

Margaret Meiss requested to make a public comment so she could go home. Chairman LaPointe acknowledged the request.

Ms. Meiss stated, "I am still pretty upset about your decision regarding the house on the corner being rezoned to commercial. I don't think its part of the community plan, from what I understand. Who is in charge here? I don't see how it could benefit anybody but the house owners. I have a hard time understanding how you can make any decisions. Karen Chandler are you in charge of this? The "greening of the Township has been put off and put off. It should have been done in October of 1995 and here it is July 1998 and still dragging along. In the meantime, all these decisions are being made with negative impact in the township. All this pollution stuff. Nothing is being done. If you are the Planning Director, who do I talk to any more. No one seems to know what is going on. Can you tell me why you think this is a plus to the community?"

Chairman LaPointe asked Ms. Meiss if she would like to meet with Director Chandler, and encouraged her to do so. He further educated Ms. Meiss on the purpose and intent of Public Comment, and that as far as Commissioner decisions are concerned, they are based on the information and materials provided for them by the Planning Director.

Public Comment was then closed with thanks for the comments.

Gary Menhennick invited Ms. Meiss to phone him or meet with him for further discussion over coffee, and noted that Commissioners were appointed officials and would be glad to talk with her at an appointed time.

LAND DIVISION ORDINANCE

A revised copy of the Land Division Ordinance was presented for consideration. Discussion was heard regarding the process of reviewing of applications. There are some suggested changes pending Attorney Summers review.

Motion by Scott Emerson, supported by Estelle DeVooght, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the attached Land Division Ordinance be approved. MOTION CARRIED.

Motion by Scott Emerson, supported by Estelle DeVooght, that the Chocolay Township Planning Commission request that annual reports on Land Division applications be supplied to the Commission by the Township Assessor. MOTION CARRIED.

DISCUSSION ON INTENSIVE AGRICULTURAL DEFINITION

In view of the time, it was suggested that this topic be brought back next month.

DISCUSS 1998 BUDGET REQUESTS

Planning Director Chandler revised the budget worksheet to include this years budgeted amounts and five month actual expenses with a column for requests. Suggestions were made to increase the office supply account, reduce the Internet Access costs, and include a quote from MAPS North to enter data on the entire 3,300 parcels in Chocolay Township on ArcView. Chandler also encouraged the Commission to consider requesting monies in Capitol Outlay to hire an outside consultant to work with the Commission to update the Comprehensive Plan.

TRAIL DEVELOPMENT MEMO FROM MARK MAKI

Planning Director Chandler was asked to respond to the letter received from Barb Crill since t the Trails Committee will not be meeting until August.

PLANNING DIRECTOR'S REPORT

I received a phone call this afternoon from a resident looking for a definition of a contractor's yard. Will the Planning Commission be looking to define this term? I have received information from PAS on contractor's yards and I can bring this back to the next meeting if we plan to define this term.

Remember the Chocolay RiverFest '98 is coming up Saturday, August 8 at the Beaver Grove Recreation Area. If you haven't attended in the past, stop by and enjoy the exhibits.

I brought copies of the CABA Quarterly for those of you who may have missed it in last week's Action Shopper.

Advertising for the Chocolay RiverFest was distributed, as well as copies of the CABA Quarterly.

Chandler encouraged the Commissioners to consider membership with the Lake Superior Community Partnership, even though the fee structure is high.

Chandler alerted the Commissioners to a private road request from 1993 that maybe coming back for review.

INFORMATIONAL ITEMS DISTRIBUTED.

Chocolay Township Board Minutes of 5/18/98

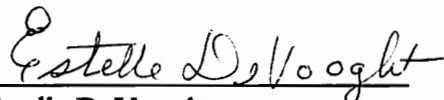
Ad Hoc Trail Development Committee Minutes of 6/2/98

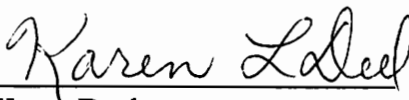
Memo from Mark Maki re: Trail Development

Correspondence from Charles Nosal on status of trail development.

ADJOURNMENT:

There being no further business, the July 14, 1998 Planning Commission Meeting was adjourned at 10:30 P.M.


 Estelle DeVooght
 Planning Commission Secretary


 Karen Deel
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, AUGUST 10, 1998**

PRESENT: Mike LaPointe, Estelle DeVooght, Scott Emerson, Steve Kinnunen, Bill Sanders, Gary Menhennick, and Ken Tabor.

STAFF PRESENT: None

OTHERS PRESENT: Karen L. Deel, Recording Secretary, Mark Maki, Zoning Administrator.

PUBLIC HEARINGS: NONE.

MEETING CALLED TO ORDER AND ROLL CALL: The regular meeting of the Chocolay Township Planning Commission was called to order at 7:30 p.m. by Chairperson Mike LaPointe, on August 10, 1998.

ROLL CALL: All present as noted above.

APPROVAL OF MEETING MINUTES:

The 7-14-98 meeting minutes of this commission were presented for approval. Commissioner Sanders asked to edit the minutes as follows: *Page 5., second to the last paragraph, last sentence to read, "Sanders said he wants to go on record objecting to the design, as submitted."*

Motion by Commissioner Sanders, supported by Commissioner Kinnunen, to approve the 7-14-98 Chocolay Township Planning Commission Meeting Minutes as edited, and noted in the preceding paragraph. Motion passed unanimously.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

No changes or additions suggested.

Motion by Commissioner Kinnunen, supported by Commissioner Sanders, to approve the 8-10-98 meeting agenda as submitted. Motion carried.

PUBLIC COMMENT: None.

OLD BUSINESS:

Review Changes made in Land Division Ordinance: (It was immediately noted that the second page of the enclosed Mike Sommer's letter was missing from all meeting packets. Mark Maki made the necessary copies and they were distributed.)

After review and comparison of the language as submitted and as revised, it appears that Director Chandler has included the changes as noted in the letter. No objections to the changes were voiced by the Planning Commission. ***It was the consensus of the Commission that the Land Division Ordinance be forwarded to the Board as submitted to us.***

Discussion on Intensive Agricultural Definition: The Committee Report on Intensive Agricultural Definition was reviewed. Members of the Committee are Mike LaPointe, Bill Sanders, Estelle DeVooght and Karen Chandler.

Chairperson LaPointe noted that this issue was originally brought up by Mark Maki and himself after hearing of concerns in West Branch Township. The result of that discussion was to form a sub-committee, which is now reporting on their efforts. In their deliberations, the following questions were raised:

1. **How cost effective would intensive agriculture be in this area? And is its potential a real threat?**
2. **How does intensive agriculture relate to health, safety and welfare of the Township residents? Could intensive activities be prevented on their impact to health, safety and welfare alone?**

3. **Can we ask the Township Attorney to investigate intensive agriculture in relationship to the County Health Department? Have they had any experience with intensive agriculture? How does intensive agriculture affect water/wells on site?**
4. **How many parcels (farm or otherwise) could be affected by the possibility of intensive agricultural use in Chocolay Township?**

The question this evening is: *Where do we think we should go with this?*

A lengthy discussion ensued. Bill Sanders commented, "I had some second thoughts about this since our original discussion. My concern is for us to do this, we have to come up a definition, or borrow some or take from somewhere else." Estelle DeVooght noted the information received from Ely Township, the numbers were ludicrous. Is there another way to do this without numbers. Scott Emerson suggested that we learn from others and their experience in responding to these kind of questions. Sanders noted another obstacle – say some guy is trying to grow something, do we need to set where that line is? Gary Menhennick inquired if there are other regulatory agencies that set these [regulations] out? The property in Chocolay Township is very valuable – is there a problem in this township? Mike LaPointe noted there is a problem and he was involved in it. Menhennick inquired, "Do we need to be one more burden?" DeVooght noted that there is not that much land in Chocolay Township left for farming. Concerns were expressed that if definitions were not developed now, maybe in the future, if somebody started farming or developing definitive language, there might not be representation from the farming community involved. Other questions about controlling "farm smell" were discussed. Is this a quality of life issue or a nuisance odor? Estelle DeVooght explained the West Branch Township situation as quite unique and explained it, as it involved her son. Menhennick summarized his concerns as two issues: 1 is Size of lot, and 2. Seeking approval from the Planning Commission. It was noted that farming has changed in the area, it used to be 80% of population farmed, now it has dropped to 2%. Mark Maki commented he did not think it appropriate to put numbers on a definition, but only through regulating lot size. *It was the consensus of the group that before anything can be done, we would need answers to the above questions, and to focus on lot sizes and a broad-based definition. Also, Mark Maki volunteered to bring back some language for their review and reaction.*

DISCUSSION ON BOARD APPEAL OF SITE PLAN/FORMATION OF RECREATION COMMITTEE:

Chairperson LaPointe noted that at our last meeting we reviewed a Site Plan submitted by Larry Gould and listened to an oral presentation as to how, why and when this would happen. After much discussion we passed a motion to recommend a change in the plan before submitting it to the Board. In talking to Supervisor Fende, he plans to appeal the "condition" we recommended to be set on the site plan.

A lengthy discussion ensued and in summary, it appears that we based our decision on information different than what the Township Board used when they decided to appeal our recommendation. The information was again reviewed and input received from each individual Commissioner regarding their recollection of the situation. Commissioners again expressed their concern for the safety of the children, the need for the warm-up or practice field to be close to the playing field, and the fact that this Commission's decision was based on information shared with us by Mr. Gould.

Bill Sanders stated, "I feel a certain responsibility for Larry Gould's being on the defensive. By the same token, it is our job to address these things. There are things you can do to this to make it safe. (Bill submitted 3 additional drawings to that effect.)"

Scott Emerson commented if the visual plan is to build another soccer field to the west, we should stay with our position. I would need some type of firm statement as to whether they are going to do that or not.

Mike LaPointe commented, "I don't think anybody has really sat down and looked at the big picture -- this site, Beaver Grove, and Lion's Park. I really thing we ought to set up a recreation committee, look at these areas. I looked at Beaver Grove at 6:30 PM, there were 80 cars in the

lot, and there were from 50-60 kids in the practice field. There are a lot of kids and lots of traffic and this is only one field.”

If a Recreation Committee was developed, who would they answer to? Would it be a regular/standing committee or ad hoc committee?

Bill Sanders recommended that we just send a memo to the Township Board telling them that after reviewing all the information submitted to us from the last meeting, we want to re-iterate our conditions on the Site Plan from the last time. Basically, we are “sticking to our guns” or “maintaining our original position, and furthermore that any future development would be compatible or better served by our original recommendation, and to enclose the three drawings reviewed this evening. *It was the consensus of the group to endorse Sander’s recommendation.*

As to the formation of the Recreation Committee, the Planning Commission has the following questions – what is the chain of command? Would it be a regular committee or ad hoc committee? How will the Planning Commission connect to this? We have a Master Plan, would this committee address the Master Plan? Would it be like the Trail’s Committee? What would be this committee’s finite mission and time frame? The Planning Commission would not support a Recreation Committee but an Ad Hoc Committee to address specific issues, the same as the Trails Committee.

PLANNING DIRECTOR’S REPORT: None.

COMMISSIONER’S COMMENTS: Chairperson LaPointe noted in his recent discussions with Director Chandler that Scott Emerson had some information and plans for the Landscape Ordinance regarding the “greening concept” and asked Commission Emerson to comment. Commissioner Emerson explained that he had given all his notes and information to Director Chandler and was not in a position to comment right now. He further stated that he would rather address the issue some time in October after he had completed some of his current tasks, but did note that we have tremendous natural beauty and it should be preserved and maintained even in the commercial area by park-like appearances. A brief discussion followed but no decisions made.

Bill Sanders commented that he is currently working on a Zoning Project in Marquette Township and had experienced some frustrations with their local requirements as they pertain to drawings, owner’s name and legal descriptions, site plan, etc. Sanders noted that this personal experience has made him more aware of the issues and hopes to use this experience in making decisions with this Commission and setting requirements for this township. He expressed his concern that we don’t get caught up in ordinances that are too restrictive or subjective. We need to search for the good middle road without pushing people out.

Mike LaPointe noted that he though Emerson’s suggestions were good with the broad based approach to membership in developing such a plan.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

Chocolay Township Board Minutes of 6-15-98

Zoning Board of Appeals Minutes of 5-28-98 and 6-25-98

Information on Water Testing by MDA – August 15 at Marquette County Fair

Correspondence from MSPO re: renewal sticker.

Correspondence to Margaret Meiss in response to her questions.

PAS Memo re: Road to be Traveled: Planning & Preserving Transportation Corridors.

ADJOURNMENT: The meeting was adjourned at 9:05 p.m.

Estelle DeVooght

Estelle DeVooght
Planning Commission Secretary

Karen L. Deel

Karen L. Deel
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, SEPTEMBER 14, 1998**

PRESENT: Mike LaPointe, Estelle DeVooght, Bill Sanders, Gary Menhennick, and Ken Tabor.

ABSENT: Scott Emerson and Steve Kinnunen

STAFF PRESENT: None

OTHERS PRESENT: Jeanette R. Collick, Recording Secretary, Reverend Guy S. Thoren and Bill Rowe.

PUBLIC HEARINGS: Mike La Pointe, Chairperson called the Public Hearing to order at 7:32 p.m.

(1) LOT SPLIT #13 - HIGHLAND MEADOW LOT 7; APPLICANT, KENNETH & VERA JACOBSON:

Mike LaPointe, Chairperson inquired if there were any representation for Lot Split #13, or if there were any questions or public comment regarding this issue. There were none.

Mike LaPointe closed the public hearing regarding Lot Split #13.

(2) CONDITIONAL USE PERMIT #50 - ST LOUIS THE KING CATHOLIC CHURCH:

Mike LaPointe, Chairperson inquired if there were any representation for Conditional Use Permit #50, or if there were any questions or public comment regarding this issue.

Reverend Guy S. Thoren was present to answer any questions that may come up when this would be discussed during the meeting.

Mike LaPointe inquired if there were any further questions or comments regarding Conditional Use Permit #50. There were none.

Mike LaPointe closed the public hearing regarding Conditional Use Permit #50. There being no further public hearings, Mike LaPointe closed the public hearing section of the September 14, 1998 Planning Commission Meeting.

MEETING CALLED TO ORDER:

The regular meeting of the Chocolay Township Planning Commission was called to order at 7:40 p.m. by Chairperson Mike LaPointe, on September 14, 1998.

ROLL CALL: All present as noted above. Scott Emerson and Steven Kinnunen absent.

APPROVAL OF MEETING MINUTES:

The August 10, 1998 meeting minutes of the Planning Commission was presented for approval.

Motion by Commissioner DeVooght, supported by Commissioner Menhennick to approve the August 10, 1998 Planning Commission Meeting Minutes as presented.

Motion Carried: 5-0.

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

Commissioner DeVooght suggested that New Business, B be moved up on the agenda before Old Business.

Motion Commissioner DeVooght, supported by Commissioner Sanders to approve the September 14, 1998 Planning Commission agenda as suggested.

Motion Carried: 5-0.

PUBLIC COMMENT:

Chairperson LaPointe inquired if there were any public comment. There were none. He closed the first public comment section of the meeting.

NEW BUSINESS:

DISCUSS CONDITIONAL USE PERMIT #50 AND REVIEW SITE PLAN AS SUBMITTED BY ARCHITRON FOR ST LOUIS THE KING CHURCH

The following comments were made regarding Conditional Use Permit #50:

- There needs to be a height variance.
- Design - this was discussed that the 15' variance is subject to recent Zoning Board of Appeals approval.
- Zoning Ordinance allows for 30' - proposed height is 52'. There would be no people at this height, but has to have sky light or airway. This would be able to be obtained.
- We need to see the correct site plan. It was noted that the corrected site plan would not be changing the land.
- Why was church hi-lighted. It was noted that this was probably hi-lighted for the discussion.
- It was asked when construction would begin. It was noted that probably next year.
- There will be a corrected a site plan at the Chocelay Township Office this week.

Chairperson LaPointe inquired if there were any further discussion or questions regarding Conditional Use #50. There were none.

Commissioner Sanders moved, supported by Commissioner DeVooght that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Architron, LTD for St. Louis the King Catholic Church for a religious/instructional facility as Conditional Use Permit #50 be granted with the following conditions:

1. **That a Zoning Compliance Permit be obtained from the Chocelay Township Zoning Administrator prior to use.**
2. **Official site plan be presented to the Chocelay Township for their approval included in the minutes as discussed.**

Motion Carried: 5-0.

COMMISSIONER COMMENT:

The Recreation site parking was discussed.

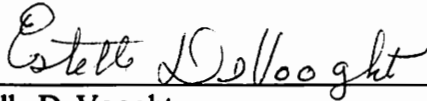
It was noted that there would be a Planning Commissioners training workshop in October in Mackinac Island. If anyone is interested in going, please inform Karen or Mark that you would like to attend.

INFORMATIONAL ITEMS AND CORRESPONDENCES:


- A. Chocoday Township Board minutes of 07/20/98 & 08/17/98
- B. Zoning Board of Appeals minutes of 7/23/98
- C. Chocoday River Watershed Project minutes of 07/16/98
- D. Correspondence to - Dr. Richard Vermeulen - on trail development
- E. Miscellaneous Information received from Arlene E. Hill, Township Clerk on ordinances in Shelby Township in Macomb County on public parks and in Southfield Township in Oakland County on wireless communication facilities.

ADJOURNMENT:

The meeting was adjourned at 8:30 p.m.



Estelle DeVooght
Planning Commission Secretary



Jeanette R. Collick
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, OCTOBER 12, 1998**

PRESENT: Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick

ABSENT: Steve Kinnunen and Ken Tabor.

STAFF : Karen Chandler, Director of Planning and Research
Mark Maki, Zoning Administrator

OTHERS: Karen L. Deel, Recording Secretary
John F. Smith, Don Britton, Crystal Glass, Jeff Glass, and Mark Keegan

Mike LaPointe called the meeting to order at 7:35 p.m.

PUBLIC HEARINGS:

Conditional Use Permit #51 – Jeffrey Glass, Gitchee Gumee Campground.

Jeffrey Glass, owner of the Gitchee Gumee Campground & RV Park, 2048 M-28 East, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow for expansion of the existing Conditional Use Permit for a Campground and a Resort designation in Section 7, T47N, R23W.

Karen Chandler, Director of Planning and Research, explained the expansion which is to eliminate a section of the existing camping area that was never developed and include a storage building, a building for children's recreation, two camping cabins, and the installation of up to 10 cabins (re-worked and remodeled use mobile homes), in addition to cross-country ski trails, on the property designated as CO 44-11 on the tax roll. This will change the original permit from 30 acres and summer use, to over 70 acres and year-around use.

Ms. Chandler also reported receiving two responses from neighbors which were positive, with encouragement to expand on the cross-country trail portion.

Jeffrey Glass, owner of the property, made the following comments: "I took out the original permit when I was 20 years old; I am now 50." He reviewed the history of his beginnings and how he has come to this point in time where he wants to make the above expansion. He shared articles from Recreation magazines highlighting the Park and its cleanliness, read letters from people who have stayed there, showed pictures of people who have stopped at the park, and displayed material reflecting what kind of cabins he plans to build. He called attention to the fact that this park was really developed from re-cycled materials and he intends to continue in this vein with the used mobile homes that he plans to convert into attractive wood sided cabins that can house up to 8 people each. He explained the difference between park models and cabins and the law/ordinances that allow what can be used in the various situations. He elaborated further on the fact that his current enterprise is really seasonal and with this expansion it would allow him to operate year-around. He explained the background work he has done to date to meet all the requirements in terms of septic tank and tile field, licensing, Michigan Campground rules, etc. etc. He explicitly promised that if his project did not meet up to the required standards and did not have a positive appearance and positive enhancement to Chocolay Township, they could close him up and he would leave.

Mark Keegan, 2033 E. M-28, stated he got the notice in the mail, and being quite new to the area, met Jeff and walked through his park with him. He was impressed with what he had done thus far; it is clean, no gum wrapper, no cigarette butts. He and his wife both support his request for a permit to expand on what he has going there. He further stated, "I am sure his cabins would be top notch and an improvement to the Township."

John Smith, 2176 E M-28, stated he supported Jeff's efforts. It would fit in perfectly with the trails out there for cross-country skiers and snowmobiles. He stated he has lived there 13 years and never had a problem, they are real good neighbors. I would hope you would give what he needs to expand out there.

The Public Hearing was closed at 8:00 p.m.

MEETING CALLED TO ORDER AND ROLL CALL: The Regular Meeting was called to order at 8:01 p.m. It was noted that Ken Tabor and Steve Kinnunen were absent, as noted at the beginning of these minutes.

APPROVAL OF MEETING MINUTES:

The 09-14-98 meeting minutes of this commission were presented for approval.

Motion by Commissioner Sanders, supported by Commissioner Menhennick, to approve the 9-14-98 Chocolay Township Planning Commission Meeting Minutes as submitted.

Motion carried: 5-0

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

It was suggested that we switch the order of business as follows:

VIII NEW BUSINESS, A. Conditional Use Permit #51

VII OLD BUSINESS, B. Ad Hoc Trail Committee Update.

A. Intensive Agricultural Information

Motion by Commissioner Sanders, supported by Commissioner DeVooght, to approve the 10-12-98 meeting agenda as shown above.

Motion carried. 5-0

PUBLIC COMMENT:

Don Britton requested to address the Ad Hoc Trails Update at the time it is discussed.

NEW BUSINESS:

Chairperson LaPointe asked if there were any comments or questions from the Commissioners regarding Conditional Use Permit #51, Jeffrey Glass and Gitchee Gumees Campground.

Clarification was requested regarding where cabins will go. Response: I will space them out in ½ acre sites in the nice Norway Pine area and will clear the Jack Pine out. I will start out with 6, and then add the remaining four as I go along. The resort cabins are different than the 2 camping cabins; camp cabins will be closer to the service building where they can use the bathrooms and showers there.

Director Chandler also explained her understanding and MIs-understanding of the cabin situation and further noted that her recommendation would include the change from Park Models to Cabins.

Motion by Commissioner Emerson, supported by Commissioner Menhennick, that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Jeffrey Glass for expansion of the existing campground and a resort designation with the development of cross country ski trails as Conditional Use Permit # 51 as submitted on the site plan, which includes 2 camping cabins, 1 Kids Clubhouse, 1 Storage Building, be granted with the following conditions:

1. The approval of the resort designation at this time is for six cabins with possible expansion of an additional four as shown on site plan submitted with application after MDEQ written approval of the septic system capacity for a total of ten cabins.
2. That the Zoning Administrator be given copies of the MDEQ written approval and Marquette County Health Department written approvals for all water and septic system hookups.
3. That the Zoning Administrator be given a copy of the site plan prepared by Robert Cambensy when completed, showing the cabins, expansions in the campground and the cross country ski trails.
4. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to use.

Motion carried: 5-0

OLD BUSINESS:

Ad Hoc Trail Committee Update: Don Britton commented on his attendance at the Rails-to-Trails Conference held in Battle Creek, as well as some plans to work with the DNR and Wisconsin Central Railroad for future planning of that property.

A Petition has been received by the Trails Committee that was reviewed and it is almost certain that this Petition was formed by someone who does not have the current and most up-to-date information about the trails and Ivan Fende, Larry Gould and Don Britton will be looking for an opportunity to speak to each one on the list to clarify the issue.

The Trails Committee recommended that the Planning Commission send a recommendation to the Township Board that its former position regarding railroad grade remain non-motorized from the Visitor's Center to the Varvil Center.

Motion by Commissioner Menhennick, supported by Commissioner Sanders, to send to the Chocoley Township Board our former stand that the railroad grade remain non-motorized from the Visitor's Center to the Varvil Center.

Motion carried: 5-0

Other related information and discussion took place regarding trails, multi-use trails, the petition, Trail Grants, Michigan Trailways, and proposed Rail-Trails in the State.

Review of information on Intensive Agriculture:

Director Chandler reported on the information she enclosed in the meeting packet for this evening, which included discussions with Dr. Kurt J. Norgaard of MSU's Department of Agricultural Economics, and copies of some of his slides on the topic.

General discussion took place on the information from Director Chandler, information received from Mark Maki, Zoning Director, and what direction we want to take.

It was the **consensus of the group** that the two language proposals be sent to this Dr. Norgaard for his review and feedback.

Chairperson LaPointe also suggested that the Right to Farm Guidelines be included.

Planning Director's Report:

Director Chandler did not present a written report inasmuch as she just returned from attending a family funeral.

She did report that she went to the Land Division Act conference and there are still a lot of questions about how we are going to start dividing land.

Chandler also reported on the site plans for the First of America Bank property on the corner of US41 and Cherry Creek Road. Burger King is planning on putting in a convenience store and Burgher King restaurant. This will be on the next meeting's agenda.

Chandler also noted that the "Left Turn" light is not in place yet at this intersection but it was promised by October 15. John Smith noted he saw the equipment in the motel parking lot.

PUBLIC COMMENT: John Smith commented briefly on the complex and confusing situation regarding the Intensive Agriculture language and the potential for problems, i.e., is it a real problem or is it a neighborly dispute.

COMMISSIONER'S COMMENT:

Mike LaPointe asked for information from the last meeting regarding the Ford Road. Mark Maki gave an oral report on the background of the situation. In summary, the people have not made a formal request on their own yet.

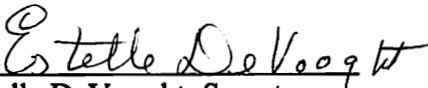
Commissioner Sanders suggested that we consider spending money for a consultant to come in and help us with the access problem. He believes there is money out there but we need someone who has time to start writing and researching grants that we might qualify for.

General discussion was heard on various topics amongst the commissioners.

INFORMATIONAL ITEMS AND CORRESPONDENCE DISTRIBUTED:

1. Chocolay Township Board Minutes of 9/21/98
2. Correspondence from MSU Extension re: Community Tourism Workshop
3. Correspondence from Cathy DeVooght re: Petition re: Snowmobile/Multi-use Trails.
4. Correspondence to Jim Woods, DNR, re: Land Acquisition.

The meeting was adjourned at 9:30 p.m.



Estelle DeVooght, Secretary



Karen L. Deel, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, NOVEMBER 9, 1998**

PRESENT: Mike LaPointe, Estelle DeVooght, Bill Sanders, Gary Menhennick, Steve Kinnunen and Ken Tabor.

ABSENT: Scott Emerson

STAFF : Karen Chandler, Director of Planning and Research

OTHERS: John Hlinak

Mike LaPointe called the meeting to order at 7:30 p.m.

PUBLIC HEARINGS:

Karen Chandler, Director of Planning and Research, explained the rezoning request. The applicant, Mr. John Hlinak was present. The request is to rezone his parcel from R-4 (Mobile Home Park) to R-3 (Multi-family). Mr. Hlinak stated why he wanted the rezoning. He's looking for relief on his sewer rates and the Township Board will not take action until the zoning issue is resolved. It had been suggested he apply for the multi-family zoning district. He rents out rooms in the home and has for almost thirty years.

Mike LaPointe asked for further public comment. Hearing none the Public Hearing was closed at 7:40 p.m.

MEETING CALLED TO ORDER AND ROLL CALL:

The Regular Meeting was called to order at 7:40 p.m. It was noted that Scott Emerson was absent, as noted at the beginning of these minutes.

APPROVAL OF MEETING MINUTES:

The October 12, 1998 meeting minutes of this commission were presented for approval. Two typing errors were noted for correction.

Motion by Commissioner Sanders, supported by Commissioner DeVooght, to approve the October 12, 1998 Chocolay Township Planning Commission Meeting minutes as corrected.

Motion carried: 6-0

APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:

It was suggested that we switch the order of business as follows:

VIII NEW BUSINESS A. Rezoning request # 103, to before VII OLD BUSINESS.

Motion by Commissioner Sanders, supported by Commissioner DeVooght, to approve the November 9, 1998 meeting agenda as shown above.

Motion carried. 6-0

PUBLIC COMMENT:

No public comment.

NEW BUSINESS:

Discuss Rezoning Request #103 - Applicant John Hlinak, Property Parcel from R-4 (Mobile Home Parks) to R-3 (Multiple Family). Mr. Hlinak is not allowed multi-family use under the current zoning classification. Correspondence was sent to Mr. Hlinak suggesting he talk with the Catholic Church and include their properties to make for a contiguous R-3 zoning district otherwise to rezone just Mr. Hlinak's would create a small spot zoning within the R-4 district.

Questions were raised on the setback requirements when a district is changed. And the setback requirements for adjoining districts, i.e. the Church property and how it would be affected.

Questions on the road came up. There has been a court case involving this issue. John Hlinak has legal ingress and egress from his parcel by easement from Richard Hahka. There was a question on whether this has been an approved private road. Chandler will check the past records.

Bill Sanders is interested in a site plan for this parcel. A rezoning to R-3 may allow for more buildings on the site. All setbacks and surrounding parcels should be reviewed for compatibility.

Commissioners agreed that they wanted the following questions answered for the December 14 meeting

1. How do the existing roads relate to frontage for this parcel?
2. Have these roads been designated as private roads or are they a part of the Mobile Home Park plan?
3. How does the non-conforming use section relate to this parcel if Mr. Hlinak has been renting rooms for almost thirty years and has been zoned into different districts over the years?
4. Is a site plan for the current parcel and the buildings required?

Moved by Commissioner Kinnunen and supported by Commissioner Sanders that this rezoning request be tabled until a site plan is received and all questions have been answered.

Motion carried 6-0.

OLD BUSINESS:

Review of information on Intensive Agriculture: Chandler received information from Patricia Norris, Associate Professor with the Michigan State University Extension. Ms. Norris would come to a Planning Commission meeting and would invite Kevin Kirk with the Michigan Farm Bureau. A discussion could take place with both sides being presented.

It was suggested that a lot of time has been spent on this issue and some commissioners would like to see the issued tabled. Just keep a file on all information received and discussed to date for future use.

Mike LaPointe asked that Mark Maki's comments be sent to Ms. Norris for review and recommendation and that her information be sent to West Branch Township for their information.

NEW BUSINESS:

Discuss Attorney's Opinion on Motion Language for Conditional Use Permit. Discussed the letter received from Township Attorney, Mike Summers. Have we had problems with these motions in the past? Chandler indicated that there has not been a problem and that the motion had been changed after Zoning Administrator Mark Maki asked that the Planning Commission consider include the Standards in the motion for approval or denial.

To make a motion directing future Planning Commission's on a motion to be passed ties up the Planning Commission's ability to place individual decision making into each situation. Each conditional use permit has unique issues. No further action was taken on this issue.

PLANNING DIRECTOR'S REPORT:

Chandler reported that the DNR grant for multi-use trails will be turned down. We will not be able to purchase the necessary properties. A call was received from Representative Stupak's office on our requirements for mining & mineral extraction within 3,000 feet of a public park. This requirement became an issue for a property owner near the proposed trail system. A petition regarding snowmobiling and multi-use trails was received at the Township Office and the Planning Commission received it in last month's packet.

Chandler attended an ESRI user-group meeting in Marquette. Several people from the US Forestry Departments were there along with County people. It was a good session. Marquette County and the Lake Superior Community Partnership also held a meeting to discuss uses and funding for the GIS program in Marquette County. There is a lot of interest, but funding the project maybe a problem. The County's staff is looking for possible grants.

PUBLIC COMMENT:

No public comment.

COMMISSIONER'S COMMENT:

We should look into the 3,000 foot requirement in the Mining & Mineral Extraction section of the zoning ordinance. In some cases the 3,000 feet maybe too much and in others it may not be enough.

Copies of the Mining & Mineral Extraction section of the zoning ordinance will be included in the next Planning Commission packet for review and discussion.

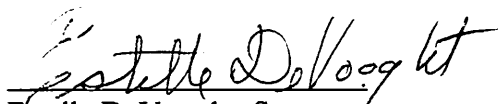
In reviewing the minutes from Marquette Township, it was suggested that we number our pages in a similar fashion.

The new light on the flag is not glare free. We really should look at a lighting ordinance. There are lighting requirements in many communities and they specify which lights to use and which lights not to use. The lighting at the Welcome Center is one example of good lighting. All the light is faced downward and no watts are wasted in an upward direction.

INFORMATIONAL ITEMS AND CORRESPONDENCE DISTRIBUTED:

1. Chocolay Township Board minutes of 10/05/98 & 10/19/98
2. Chocolay Township ZBA minutes of 09/24/98
3. Marquette Township Planning Commission minutes of 8/12/98
4. Correspondence to - Jim Woods, DNR - on DNR Grant

Chairperson Mike LaPointe declared the meeting adjourned at 9:15 p.m.


Estelle DeVooght, Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, DECEMBER 14, 1998
7:30 PM**

PRESENT: Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick, and Ken Tabor.

ABSENT: Steve Kinnunen

STAFF: Karen Chandler, Director of Planning and Research

OTHERS: Karen L. Deel, Recording Secretary, Mark Maki, Don Britton, Bob & Sharon Roshak, George Niemi, Bill Hall, Ava & Ralph Bennett.

Mike LaPointe called the Public Hearing meeting to order at 7:30 p.m.

PUBLIC HEARINGS:

Planning Director Chandler reviewed the applicant's (Silver Bullet Management Corporation) request that the Chocolay Township Planning Commission (CTPC) consider granting a conditional use permit to allow for a combination (co-brand) fast food restaurant and convenience/fuel store in one building in Section 7, T47N, R24W, located at the now vacant First of America Bank building at the corner of U.S. 41 and Cherry Creek Road.

Chandler further noted that one other businessman stopped in Friday and said he had no problems with the proposal. No negative comments have been received.

Bill Hall, President of Silver Bullet Management, stated "we are a restaurant management group out of Wausau, WI. We have 30 Burger King stores throughout the Upper Peninsula of Michigan and north central Wisconsin. The advantage of co-branding is both operators are able to take one piece of property and develop it in combination with each other and co-exist on the same piece of property." Mr. Hall circulated a picture of an operation similar to what they are proposing for the current site. He further stated, "Silver Bullet does not get involved in the gas station. We run the Burger King and the gas partner runs their side. We do not have a gas partner identified as yet for this site. We propose this Burger King to seat 90 customers, as opposed to the one in Marquette that seats 145 customers, and we will not have a Child Play Room here. We propose to remove the current building and build new on the site."

Chairperson LaPointe asked for Public Comment and none was forthcoming, so this portion of the meeting was closed.

CALL TO ORDER:

Chairperson LaPointe then called the Regular Meeting of the CTPC to order at 7:40 p.m. and noted that all were present except Steve Kinnunen, as noted in attendance above.

APPROVAL OF MINUTES:

Motion by Commissioner Sanders, supported by Commissioner Tabor, to approve the CTPC Meeting Minutes of 11/9/98 as printed.

MOTION CARRIED. Vote was unanimous.

APPROVAL OF AGENDA:

Motion by Commissioner Emerson, supported by Commissioner Sanders, to change the order of the agenda as follows:

- #1. VII.B. Discuss Recommendation of Ad Hoc Committee on Trail Development
- #2. VIII.A. Discuss Conditional Use Permit #52, Silver Bullet Management Corp.
- #3. VII.C. Review Mining and Mineral Extraction Section of Zoning Ordinance.
- #4. VII.A. Discuss Rezoning #103 – Hlinak Property from R-4 to R-3.
- #5. VIII.B. Discuss 1998 Meeting Dates Schedule.

MOTION CARRIED. Vote was unanimous.

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, DECEMBER 14, 1998
7:30 PM

PRESENT: Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick, and Ken Tabor.

ABSENT: Steve Kinnunen

STAFF : Karen Chandler, Director of Planning and Research

OTHERS: Karen L. Deel, Recording Secretary, Mark Maki, Don Britton, Bob & Sharon Roshak, George Niemi, Bill Hall, Ava & Ralph Bennett.

Mike LaPointe called the Public Hearing meeting to order at 7:30 p.m.

PUBLIC HEARINGS:

Planning Director Chandler reviewed the applicant's (Silver Bullet Management Corporation) request that the Chocolay Township Planning Commission (CTPC) consider granting a conditional use permit to allow for a combination (co-brand) fast food restaurant and convenience/fuel store in one building in Section 7, T47N, R24W, located at the now vacant First of America Bank building at the corner of U.S. 41 and Cherry Creek Road.

Chandler further noted that one other businessman stopped in Friday and said he had no problems with the proposal. No negative comments have been received.

Bill Hall, President of Silver Bullet Management, stated "we are a restaurant management group out of Wausau, WI. We have 30 Burger King stores throughout the Upper Peninsula of Michigan and north central Wisconsin. The advantage of co-branding is both operators are able to take one piece of property and develop it in combination with each other and co-exist on the same piece of property." Mr. Hall circulated a picture of an operation similar to what they are proposing for the current site. He further stated, "Silver Bullet does not get involved in the gas station. We run the Burger King and the gas partner runs their side. We do not have a gas partner identified as yet for this site. We propose this Burger King to seat 90 customers, as opposed to the one in Marquette that seats 145 customers, and we will not have a Child Play Room here. We propose to remove the current building and build new on the site."

Chairperson LaPointe asked for Public Comment and none was forthcoming, so this portion of the meeting was closed.

CALL TO ORDER:

Chairperson LaPointe then called the Regular Meeting of the CTPC to order at 7:40 p.m. and noted that all were present except Steve Kinnunen, as noted in attendance above.

APPROVAL OF MINUTES:

Motion by Commissioner Sanders, supported by Commissioner Tabor, to approve the CTPC Meeting Minutes of 11/9/98 as printed.

MOTION CARRIED. Vote was unanimous.

APPROVAL OF AGENDA:

Motion by Commissioner Emerson, supported by Commissioner Sanders, to change the order of the agenda as follows:

- #1. VII.B. Discuss Recommendation of Ad Hoc Committee on Trail Development
- #2. VIII.A. Discuss Conditional Use Permit #52, Silver Bullet Management Corp.
- #3. VII.C. Review Mining and Mineral Extraction Section of Zoning Ordinance.
- #4. VII.A. Discuss Rezoning #103 – Hlinak Property from R-4 to R-3.
- #5. VIII.B. Discuss 1998 Meeting Dates Schedule.

MOTION CARRIED. Vote was unanimous.

PUBLIC COMMENT:

Bob & Sharon Roshak both addressed the commissioners regarding the Trail Development, its history, and the current changes being proposed, indicating that this Planning Commission and the Chocolay Township Board had voted that these trails would be "non-motorized." If the plans change as development occurs, will there be additional opportunity for public input?

Ava & Ralph Bennett, 205 Riverland, also addressed the commissioners regarding the Trail Development and the lengthy, changing process that has taken place, as well as their opinion about the Commissioners changing their position on the issue, and that with future elections, we may have the opportunity to elect different Board members to handle this issue.

A lengthy open discussion followed with all public parties and commissioners about the Trail Development Committee, their efforts, their stumbling blocks, their changes in direction, their proposals for alternate routes, their contacts with the various entities involved, i.e., Ameritech, Wisconsin Central RR, DNR, MDOT, residential property owners, locations of the trails, Varvil Center, noise abatement efforts, purpose and function of the trails, petitions against the proposal, law enforcement of snowmobilers, funding for law enforcement for same, DNR maps reflecting trails that really do not exist, and the need to designate someone to talk to the four parties that are so vehemently against any trail development, attorney involvement, law suits, mineral rights, and the necessary health, safety and welfare of the people in Chocolay Township, etc. etc.

RECOMMENDATION FROM AD HOC COMMITTEE ON TRAIL DEVELOPMENT.

The above discussion was heard regarding the Committee recommendation.

Motion by Commissioner Sanders, supported by Commissioner Menhennick, that the Chocolay Township Planning Commission recommends the following:

To ask the Chocolay Township Board to start discussions with the DNR for

1. to find out how long it will take to purchase the Wisconsin Central grade.
2. to encourage the DNR to look at the idea of continued use of the bike path through the business district with buffers and landscaping, and alternate routes to avoid residential districts.
3. to approach funding sources to improve the M-28/Chocolay River bridge.
4. to encourage more enforcement of existing snowmobile laws.
5. to encourage non-motorized use during the summer months. No ORV use on the trail.

MOTION CARRIED. Vote was unanimous.

Chairperson LaPointe extended a special "thank you" to the Trails Committee who have worked very hard on finding alternatives.

CONDITIONAL USE PERMIT #52 – SILVER BULLET MGMT CORP.

Commissioner Emerson expressed his concerns about the building image and asked if it could be anything else? Bill Hall noted there was one other possibility and showed the Commissioners a second picture.

Emerson further commented on his concern for additional green space, including suggestions for what kind of trees are favorable for the area and what he preferred. Emerson's comments included his review of the site plan, and what he liked and did not like. He further suggested no overhead lights but the utilization of downward lights, and suggested that Mr. Hall review the other sites like Mr. Movies, the Medical Center, etc.

Commissioner Menhennick commented that while he doesn't disagree with Commissioner Emerson, he would like to see consideration of additional shrubs and bushes included in the landscape, and power lines to be underground.

Bill Hall commented, "I think we could do what you want through a landscape plan; I am sure we could come up with something."

Commissioner DeVooght inquired how the existing building compares with the proposed building in terms of size. Hall responded the new building would be 1 and ½ times larger.

Chairperson LaPointe instructed Director Chandler to share the Townships Strategic Plan with Silver Bullet Management for use in their considerations in terms of green space, etc.

Mr. Hall commented he can not start a site plan process, or landscaping process, or even get a gas station partner until he has the Planning Commission's permission to go ahead.

Motion by Commissioner Sanders, supported by Commissioner Tabor, that after careful consideration of all the general standards as set forth in Section 701 of the Township Zoning Ordinance and finding the applicant is in compliance with these standards, the request by Silver Bullet Management Corporation as Conditional Use Permit #52 as submitted on the application be granted with the following conditions:

1. A Site Plan shall be submitted for Planning Commission review and approval.
2. Silver Bullet Management be encouraged to keep the green space, and further be encouraged to dedicate a bike path along the westerly edge of the property.
3. A Zoning Compliance Permit be obtained from the Chocoley Township Zoning Administrator prior to construction.

Motion by Commissioner Emerson, supported by Commissioner Menhennick, to amend the motion by adding to #2 the following language... "and finally to consider the Commercial Landscaping section of the Chocoley Township's Strategic Plan of 1995 in their decision-making."

MOTION CARRIED. Vote on the amendment was unanimous.

MOTION CARRIED. Vote on the main motion was unanimous.

REVIEW MINING AND MINERAL EXTRACTION SECTION OF ZONING ORDINANCE:

Chairperson LaPointe reviewed the background leading to this discussion and the fact that the Trails Committee requesting this review in light of several residents protesting the Trail Committee's efforts and wanting to protect their property and mineral rights. The Mining and Mineral Extraction Sections of the Zoning Ordinance, along with two letters received from mining companies, and copies of sample ordinances from other municipalities were distributed for review. It has been suggested that a sub-committee be formed to look at the distance requirements and review the sand and gravel permitting process.

It had been suggested that those residents protesting the trail based on protecting their mineral rights were operating with erroneous information.

Lee Blondeau commented that the definition of "public park" really needs to be clarified, and the 3,000 foot requirement seems excessive. Further, he commented that if someone wants to sell some sand, topsoil, or gravel, does that constitute a mining operation? Does it make a difference if the mining site is active or inactive?

Does the 3,000 feet mean the distance to the actual mining operation site or to the mining site property boundary?

Director Chandler recalled that the distance was determined based on the noise factor, i.e., crushing rock, etc.

A sub-committee was formed to look at these issues, as follows:

Ken Tabor, Bill Sanders, Karen Chandler, Lee Blondeau, and Gary Menhennick

DISCUSSION OF REZONING #103 – HLINAK PROPERTY – R-4 TO R-3

Chairperson LaPointe noted that the applicant John Hlinak was not present and that this agenda item should not be addressed without his presence.

A general discussion followed with input from Director Chandler, Zoning Administrator Maki and Commissioners as to what the issues were, what has been done to date, and what can be done in the future.

Motion by Commissioner Menhennick, supported by Commissioner Emerson, to table Rezoning #103 until such time that the surrounding properties are included in the rezoning request to eliminate a potential spot zone.

MOTION CARRIED. Vote was unanimous.

DISCUSS/SET MEETING DATES SCHEDULE FOR 1999:

Director Chandler submitted a proposed list of meeting dates for the CTPC for 1999. May and June presented problems in that Chandler will be in classes in May and June on those particular Mondays. An alternate date of the second Tuesday was suggested.

Motion by Commissioner Emerson, supported by Commissioner Sanders that the Planning Commission set their meeting dates as follows:

January 11	April 12	July 12	October 11
February 8	May 11	August 9	November 8
March 8	June 8	September 13	December 13

MOTION CARRIED. Vote was unanimous.

PLANNING DIRECTOR'S REPORT:

Regarding the request for the CTPC Meeting Packets to be numbered, a brief discussion was heard, followed by confirmation of their request to number the pages for easier navigation during meetings.

Director Chandler submitted a printed report, as follows:

1. GIS coverage for 1999. What would the Commissioners want?
After a brief discussion, it was the consensus of the Commissioners that this decision really needs to be made by staff. Related to this, discussion was heard on Marquette County's efforts in computerizing information and how it connected to Chocolay Township's needs and visa versa. Chandler responded that through the Lake Superior Partnership, there are avenues where we can connect and share information and attend meetings to learn more. In any event, the plans for next year's needs was deferred to the staff for their consideration and prioritizing.
2. Leroy Wahlstrom has applied to re-zone the parcel on M-28 currently zoned R-3, to be changed to C-2. Details will be presented at the next month's meeting.

PUBLIC COMMENT:

Mark Maki, 405 Riverside, Marquette commented as follows: Scott's (Emerson) suggestion was the best, for inclusion to the Mining & Mineral Section 404 at B 2 add the letter (d) trails.

I did send a memo on snowmobile trails... in the meantime we have a trail running through the township that is a trail. DNR won't admit it is a trail, yet they put up signs and people are using it. It appears on maps that say they are printed in cooperation with the DNR. At some point it will become an issue. It will be in violation of the zoning ordinance. It is one continuous circle.

The DNR does what they want, even though they said "they would not run it through, if the Township opposed it." It does not do much for their reputation to do this.

Commissioner Menhennick commented in defense of the DNR and sited the efforts out at Little Presque Isle and the cabins they built there. They did listen to the people in that case.

It was suggested that the meeting minutes be researched for the above quoted language by the DNR.

Discussion followed again about trail alternatives, land authorization agreements, Ameritech, WI Central RR, and related issues.

COMMISSIONER'S COMMENTS:

A general discussion was heard on topics previously discussed. No new items were added.

INFORMATIONAL ITEMS AND CORRESPONDENCE:

- A. Chocolay Township Board minutes of 11/02/98
- B. Chocolay Township ZBA minutes of 10/20/98 & 11/05/98
- C. Chocolay Township Ad Hoc Committee Trail Development minutes of 12/01/98
- D. Marquette Township Planning Commission minutes of 10/14/98
- E. Correspondence to - Jim Woods, DNR - on DNR Grant
- F. Memo from - Mark Maki - Zoning Ordinance Requirements
- G. 1999 MSPO Basic Training Workshops

The meeting was adjourned at 10:10 PM

Estelle DeVooght 1-11-99
 Estelle DeVooght, Secretary Date

Karen L. Deel Jan 11, 1999
 Karen L. Deel, Recording Secretary Date

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JANUARY 11, 1999
7:30 PM

PRESENT: Commissioners Estelle DeVooght, Scott Emerson, Gary Menhennick, Bill Sanders, and Ken Tabor.

ABSENT: Commissioners Steve Kinnunen, Mike LaPointe

STAFF: Karen Chandler, Director of Planning and Research

OTHERS: Karen L. Deel, Recording Secretary, Mark Maki, Don Britton, Bob & Sharon Rochak, Lee Blondeau, John Hlinak, Kathy Garrow.

Commissioner Sanders called the Public Hearing meeting to order at 7:30 p.m.

PUBLIC HEARING: Rezoning Request #104, LeRoy E. Wahlstrom, from R-3 to C-2.

Planning Director Chandler reviewed the applicant's (LeRoy E. Wahlstrom) petition that the Chocolay Township Planning Commission (CTPC) consider amending the Chocolay Township Zoning Ordinance to **rezone the following described parcel from the current zoning classification of R-3 to C-2:**

Part of the NE 1/4 of Section 7 T47N R24W, Chocolay Township, Marquette County, MI known as lots 9-15 of Maude B. Warren's unrecorded plat, and more particularly described as commencing at the NE corner of Section 7; thence S00°39'10"W, 1327.77' (recorded as 1327.6') along the E line of Section 7 to the PoB and N 1/16 corner; thence continuing S00°39'10"W, 279.42' (recorded as 278.4') along the E Section line to the N'ly Right-of-way line of Highway M-28 (200' R/W February 1997); thence S82°11'45"W, 380.74' along the N'ly Right-of-Way line of Highway M-28 to a point of Tangency; thence NW'ly, 302.51' along the arc of a 855.37' radius Right-of-Way curve to the right, having a delta angel of 20°15'47" and a chord bearing N87°40'24"W, 300.94' to the SW corner of Lot 15 Maude B. Warren's unrecorded plat; thence N12°22'08"E, 314.14' along the W line of said Lot 15 to the N 1/16 line of Section 7; thence continuing N12°22'08"E, 22.72' along the W line of Lot 15 to the NW corner of Lot 15; thence S89°02'40"E, 609.02' (recorded as 609.4') along the N line of Maude B. Warren's unrecorded plat to the PoB. Parcel contains 4.77 Acres and is located near the NE corner of the M-28 and US 41.

It is currently multiple family and they are asking for it to be commercial. Chandler noted they received a call from C. Lindstrom of MDOT inquiring what the proposed development might be. At this point we don't have any information on any development there. The Holiday Station District Manager stopped by and they are in favor of the rezoning. They also wanted to know what development might be forthcoming. We also received a letter from Togo's owners, Joe and Ann Fountain, which Commissioner DeVooght read into the record.

Mark Maki, 405 Riverside Road, pointed out a couple things on the overhead map, and reviewed some of the history of the area. He noted all the parcels in the area that are currently zoned commercial and the problems getting in and out of their properties. He noted it would be nice to have a specific plan that included curb cuts, traffic flow, etc.

Kathy Garrow from Togo's commented that from their standpoint, they really do need access. "I am really starting to get concerned about an access with so much traffic. We tried so hard to talk to Wahlstrom's to give us access. I don't want to see anybody get hurt."

Don Britton commented he had come out of that driveway several times and to trying to make a left turn is impossible.

Lee Blondeau commented he was in favor of the request. But we are going to have to do something with the traffic.

The Public Hearing was closed at 7:40 p.m.

The Regular Meeting was then called to order at 7:40 PM. Commissioner Sanders chaired the meeting in the absence of Commissioner LaPointe. Commissioner Sander's noted that Commissioner Kinnunen was also absent.

APPROVAL OF MEETING MINUTES:

Commissioner DeVooght moved Commissioner Tabor seconded to approve the Regular Meeting Minutes of the Chocolay Township Planning Commission, dated 12/14/98, as submitted. Vote was unanimous.

APPROVAL OF AGENDA:

Commissioner Sanders suggested that the agenda be re-organized in the following order:
VII.A.= 1. VIII.A.=2. VII.B.=3. VII.C.=4. VIII.B.=5.

Commissioner DeVooght moved Commissioner Tabor seconded to approve the revised agenda as suggested. Vote was unanimous.

PUBLIC COMMENT: Mark Maki, 405 Riverside Drive, read a letter from Mike Davison, 300 Partridge Bay, with property at 146 Lakewood Lane, Marquette, regarding the proposed snowmobile trail. In the letter Mr. Davison makes suggestions to Supervisor Ivan Fende that he write a letter to key people within Ameritech, including the following information:

1. A brief synopsis of the citizens' overwhelming support for the "Rails-To-Trails" project, and their strong objection to a "snowmobile trail" running through neighborhood residential areas, because of speed, noise, alcohol, safety, liability, and inability to police violators.
2. A map of the township to include the passage of the railroad grade through the township. With areas of deed restrictions highlighted.
3. A request for Ameritech to be a good corporate citizen by placing the deed restrictions on this small segment of land for 100 years. The township could offer to cover the associated nominal cost for the deed change.

Mr. Davison further included a list of Ameritech board members, with bibliographies, so that you can select individuals who may be sympathetic to our concerns, for letters and possible phone calls.

Mark Maki commented further about this whole situation and inquired why representatives of the Township are saying one thing here and other things at meetings outside the area.

Sharon Rochak said her understanding was that the Railroad Grade would not be groomed without a permit and it was groomed last Friday, and asked the Commission to look into that.

REZONING REQUEST – HLINAK – R-4 TO R-3.

Planning Director Chandler reviewed the materials included in the meeting packet regarding this request. At the last meeting, Chandler was instructed to write Mr. Hlinak about the Commission's action to table the request until such time that the surrounding properties are included in the rezoning request to eliminate a potential spot zone. A letter has been received from Mr. Hlinak's attorney advising us that Mr. Hlinak does not plan to add any additional properties to his petition. A letter was also received from one of the neighbors requesting that we table this request until the easement situation can be resolved. Chandler also commented that within the requirements of the Zoning Ordinance, the future potential of this parcel if rezoned to multiple family is about 17 apartments at 600 square feet each. And that would be just one floor.

John Hlinak, 234 Silver Creek Road, explained the history of the situation about the easements, both the 16' and the 4'. Commissioner Sanders asked if we have a recorded copy of the easement? We have a copy of the 16' easement.

We are looking at a multiple family versus single family. Hahka's are not interested in multiple family use of their easement. Commissioner DeVooght commented that "until Mr. Hlinak comes to terms with Hahka's, we should not rezone it.

Commissioner Menhennick commented he thought there might be some confusion that came when Hlinak sold the trailer park and didn't allow himself entry and exit.

Mr. Hlinak commented that the church was interested in purchasing some property from him and building a rectory on it but as of today he has not had any definite word on it, but if that

happened, then the entry and exit problem would be solved. He is also working with the Church for an easement if they're not interested in purchasing the parcel.

A motion was made by Commissioner Menhennick and supported by Commissioner DeVooght to table this request for 90 days to allow Mr. John Hlinak time to pursue the issue with the people from the church about an easement or possible purchase of his parcel. Vote was unanimous.

REZONING REQUEST #104 – LeRoy Wahlstrom requesting a rezoning of a parcel on the Northeast Corner of M-28 from R-3 to C-2.

It was noted that no representatives were in attendance on behalf of the Wahlstrom's. Commissioner Sanders and Menhennick commented they had no problem with the zoning request made by Wahlstrom's. Commissioner Emerson said he would not be in favor of this request unless there is some way we could have a public hearing which would be better for the businesses in the area. There was strong feeling expressed that Wahlstrom's or a representative should be here to participate in the discussion.

Commissioner Menhennick stated we should set up a meeting with MDOT regarding the driveway access issue. This is so important to the business district. They may not realize how important it is.

Motion by Commission DeVooght, supported by Commissioner Sanders that we deny the rezoning request. AYES: DeVooght. NAYS: Menhennick, Emerson, Sanders and Tabor.

Commissioner Sanders noted that if you apply the Ordinance to this request, it is entirely appropriate. The whole access thing has to be addressed at some time, but it is not a factor in approving or denying this current request.

Motion by Commissioner Menhennick, supported by Commissioner Tabor, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the rezoning request by LeRoy E. Wahlstrom for the following parcel be approved: Part of the NE 1/4 of Section 7 T47N R24W, Chocolay Township, Marquette County, MI known as lots 9-15 of Maude B. Warren's unrecorded plat, and more particularly described as commencing at the NE corner of Section 7; thence S00°39'10"W, 1327.77' (recorded as 1327.6') along the E line of Section 7 to the PoB and N 1/16 corner; thence continuing S00°39'10"W, 279.42' (recorded as 278.4') along the E Section line to the N'ly Right-of-way line of Highway M-28 (200' R/W February 1997); thence S82°11'45"W, 380.74' along the N'ly Right-of-Way line of Highway M-28 to a point of Tangency; thence NW'ly, 302.51' along the arc of a 855.37' radius Right-of-Way curve to the right, having a delta angel of 20°15'47" and a chord bearing N87°40'24"W, 300.94' to the SW corner of Lot 15 Maude B. Warren's unrecorded plat; thence N12°22'08"E, 314.14' along the W line of said Lot 15 to the N 1/16 line of Section 7; thence continuing N12°22'08"E, 22.72' along the W line of Lot 15 to the NW corner of Lot 15; thence S89°02'40"E, 609.02' (recorded as 609.4') along the N line of Maude B. Warren's unrecorded plat to the PoB. Parcel contains 4.77 Acres and is located near the NE corner of the M-28 and US 41. MOTION CARRIED.

MINING AND MINERAL EXTRACTION SECTION OF ZONING ORDINANCE.

Planning Director Chandler's memo to the Planning Commission was reviewed and it included a recommendation for language change in Section 404. B. 1. And 404.B.2. This was developed in response to the question of the 3,000 foot requirement currently in the language as the distance between mining operations and hospitals, churches, schools, public parks or cemeteries. The question arose within discussions of the definition of a public park and its application to recreational trails. After the committee reviewed the issue, it became obvious that the distance involved in an "impact area" could vary depending upon what kind of operation is taking place, i.e., a gravel and rock crushing operation would have a larger "impact area" than a sand or topsoil "impact area." So the committee is saying "Determine your impact area" first, and while 1,000 ft is presumed to be an appropriate distance, it may be increased or decreased according to the specific reason for the site request. Discussion followed.

Mark Maki submitted a memo on this topic, asking if anyone could tell why the original setback was established at 3,000 feet in 1992 and why is it being considered now?

It was explained that if you took a map and drew a 3,000 circle around each church, school, public park and cemetery, and now the trails, there would not be much opportunity at all in Chocoley Township for a mining or mineral extraction operation, and the person raising the question, may have an interest in selling fill dirt when the highway is being worked on next summer. The current 3,000' restriction from a trail would not allow this to happen for Cathy DeVooght.

Commissioner Emerson noted that the trails issue is really tangential to the reason we brought this up in the first place. The first question was about the definition of a public park.

It was the consensus of the Commissioners that the language be referred back to its Committee for language improvement and that Planning Director Chandler investigate this further with the County Road Commission and MDOT.

ZONING ADMINISTRATOR'S REQUEST ON HADLEY PARCEL.

A memo from Mark Maki, Zoning Administrator, regarding the Hadley Parcel was reviewed. Mr. Maki noted this is not a big issue but it's a piece of unfinished business in that the entire area was zoned Open Space at one time and was changed to RR-1 and RR-2 in the 1970's. This parcel (3 acres) was probably overlooked by the Township as it sits alone surrounded by State land. His memo suggests that the Township become the sponsor to clear up the issue by adding this request to a planned public hearing.

Discussion followed. Commissioner Emerson stated he thought we were going to contact the owner for input. Commissioner Menhennick stated if we get a current letter from the owner, we will consider it further. Mr. Maki agreed to contact the current landowner on the matter.

SECTION 300: Height Definition and Accessory Building Height.

Planning Director Chandler presented information regarding a recent request for a Height Variance in building a garage. Our Height is 14 ft, Marquette is 15', as well as Marquette Township is 15'. We have only had one other request for same. This has been the only request since we changed the ordinance in April of 1996. This Fisher Request is on the Township Board agenda as an informational item for their meeting on 1/12/99. Chandler's recommendation is to leave the height requirement alone unless otherwise directed by the Township Board to do so.

Mark Maki addressed the issue and noted that you can build a garage like the one proposed, anywhere in the U.P. but in Chocoley Township. He felt the language should be changed, including the language relevant to the Fire Department access. Mark said he has tried for 4 years to get the height definition changes. We've come a long way since the amendment in 1996, but we are still not there.

No action was taken on the issue.

PLANNING DIRECTOR'S REPORT:

Planning Director Chandler gave an oral report.

The Township Board is going to be looking at an issue tomorrow night about the formation of a Recreation Committee. The Recreation Plan suggests that a Committee be formed. It was suggested by DPW that the Committee consist of 5 members: 1 each from the Planning Commission (Mike LaPointe), Engineering Field (Carroll Hicks), Baseball Association (?), Soccer Association (?) and DPW (Larry Gould). Chandler did ask Ivan Fende to include someone from the Trails Committee and that was denied. This group would also be applying for grants. Discussion followed.

It was the consensus of the Planning Commission Members that Planning Director Chandler write a letter to the Township Board from the Planning Commission with our recommendation that they consider a 7 member committee, and that they advertise these Committee Membership Positions to the public.

The Planning Commission further instructed Planning Director Chandler to write a letter to the Ameritech people as outlined in Davison's letter regarding the snowmobile trails etc.

The Planning Commission further instructed Planning Director Chandler to write to the Township Board asking them to pursue grant funds and to contract with a Planning Consultant to develop alternate highway access in the vicinity of M-28 and U.S.-41 intersection, and that it include lighting.

Chandler also reported that she tried to contact Randy Van Port Fleet at the Escanaba office of MDOT. He will be out of the office until January 19. He is working on the State guidelines for snowmobile traffic along state highways. We should plan to have a meeting with Mr. Van Port Fleet sometime in the near future.

INFORMATIONAL ITEMS AND CORRESPONDENCES

- A. Chocolay Township Board minutes of 12/07/98 & 12/21/98
- B. Marquette Township Planning Commission minutes of 10/21/98 & 11/11/98
- C. Correspondence to - MDEQ - response to permit applications

The meeting was adjourned at 10:00 p.m.

Estelle DeVooght, Commission Secretary

Date

Karen L. Deel, Recording Secretary

Date

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, FEBRUARY 8, 1999
7:30 PM

PRESENT: Commissioners Estelle DeVooght, Scott Emerson, Steve Kinnunen, Mike LaPointe, Gary Menhennick, Bill Sanders, and Ken Tabor.

ABSENT: None.

STAFF : Karen Chandler, Director of Planning and Research

OTHERS: Karen L. Deel, Recording Secretary, Mark Maki, Don Britton, Bob & Sharon Roshak, Lee Blondeau, Steven Pietila, Ralph & Ana Bennett, John G. Smith

PUBLIC HEARINGS – NONE.

MEETING CALLED TO ORDER:

Chairman LaPointe called the regular meeting of the Chocoday Township Planning Commission to order at 7:30 p.m.

Roll call was conducted and all Commissioners are noted as in attendance.

APPROVAL OF MEETING MINUTES:

The meeting minutes of the regular meeting of the Chocoday Township Planning Commission, dated January 9, 1999 were presented for approval. Commissioner Menhennick requested one change to be made on Page 5., paragraph 3, line 4. "question, may have an interest..."

It was moved by Commissioner Sanders, supported by Commissioner Menhennick, that the January 9, 1999 meeting minutes be accepted, as modified. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

One item was added to the agenda as VIII. B. Overlay Zone/Snowmobile Trails.

It was moved by Commissioner DeVooght, supported by Commissioner Menhennick, to adopt the agenda with the one addition. Motion carried.

PUBLIC COMMENT:

Planning Director Chandler stated, "There has been a Conditional Use Permit Request brought to the office by Trails Inc. It will be coming up for Public Hearing at the next meeting. The Permit does not have a map with it for the Overlay Zone but it goes from the Casino east to the Old County Road BA and down to Camp Four Road. We would not place an overlay on the County Road. It will be running East.

OLD BUSINESS: Discussion on Mining and Mineral Extraction Section of Zoning

Ordinance: Chairman LaPointe asked the Committee (Bill Sanders, Gary Menhennick, Ken Tabor, Lee Blondeau, and Karen Chandler) if they were ready to propose and address the requested language re-write for Section 404, Mining and Mineral Extractions. As of the meeting time, no re-write language was available, but the committee is going to meet again and complete the charge. A brief discussion followed about whether the 3,000 ft distance limit should be reduced to 1,000 ft, or 500 ft., or 100 ft, and would it affect snowmobile trails, gas lines or should it be flexible? Director Chandler reported she spoke to Andy Sikkema at MDOT and Mike Etelamaki at the Marquette County Road Commission and they have no problem with 500 ft. **No action taken at this time.**

OLD BUSINESS: Discuss Creation of Recreation Committee: Chairman LaPointe opened the meeting to discussion this topic and asked Larry Gould, DPW, to explain and clarify his rationale for a 4-man committee. Gould said he was looking at a small, 4-man working committee with quarterly meetings. Maybe initially, it would take a meeting a month, or every other month, to get established and organized. Gould reported they would review the CTPC's Strategic Plan and physically visit the recreation areas as soon as whether permitted. He explained further, that he envisioned the Committee doing things beyond what is specified in the Plan but to be an ongoing working committee. Gould felt it was important to get members from the two heaviest user groups (soccer and ball) involved. They are using the recreation areas every night and on weekends, they give of their time and money for this purpose. So, membership would be 2 Public Officials and 2 User Groups Members. This would be a working

committee, not a decision-making committee, and they would make recommendations to the Planning Commission which ultimately would go to the Township Board for action. This was presented to the Township Board and they referred it back to the Planning Commission for further review and consideration after receiving a memo from the Planning Commission recommending a 7-member committee.

Commissioners asked questions of Mr. Gould and offered their input and rationale for a larger committee as follows: Two additional members, at large, were proposed, with advertising for member interest in the community. It was pointed out that the Strategic Plan requires "grass roots" input from the community, and if we involve the community in the planning stages of activities, this would respond to that need.

Questions and answers followed, with an understanding being developed that the Recreation Committee would be an ongoing committee that would work with Mr. Gould in the formation of recommendations to the Planning Commission regarding recreation activities, development, etc. etc. How would the Trails Committee fit in? It was Gould's opinion that the Trails Committee was for trails and would not continue after being done with their project. Menhennick noted that his feelings about the Trails Committee was focused more on snowmobile trails and the Recreation Committee would be a multi-purpose effort, and he just wants to be sure that the two are networked together. The Chairman of the Trails Committee felt their work would be ongoing and might include other types of trails. How did you [Gould] decide you should have someone from the Soccer and Ball Clubs? Gould responded it was because of their active involvement to date and their commitment of time and resources.

It was the consensus of the Commissioners that the Recreation Committee should have 7 members, with two of them being filled by advertising in the community for membership, and that the Recreation Committee would make recommendations to the Planning Commission, which would then be considered for action by the Township Board.

NEW BUSINESS: Discuss Proposed 1999 Recreation Grant Application: Following the above discussion, Mr. Gould presented information about the Grant Application Process with the DNR and discussed time lines, priorities, and projects. In the information handouts were 10 items that needed to be prioritized for consideration in the 1999 Application being developed, with a deadline of April 1. After much discussion, Commissioners were instructed to individually prioritize their lists and submit them to Mr. Gould for inclusion in his application. A lengthy discussion ensued regarding the outlined projects being considered. It was noted that these monies, if awarded, would not be available until 2000. Feedback from the discussion included the fact that a pavilion was being considered and Gould was encouraged to pursue it with consideration of community support in erecting the building, and not a contracted builder; something similar to how the fair ground buildings were built. It was the consensus of the Commissioners that community support will affect a sense of pride and care-taking if they are involved in the project. **It was noted that a letter of commitment and support from the community is needed to be included with the Grant Application.**

A discussion was also heard on whether or not activities should be limited to only soccer and ball and not other activities that the general community would find attractive, or even attract tourism. Gould noted that what information he had was what was developed in the Recreation Plan and given to the Board for adoption, and if there are other plans to be made, they would have to be developed by the Recreation Committee for future consideration. **It was noted that there isn't much for kids in the community to do if they were not involved in team sports or organized activities. There is a need for a family place to go and enjoy an outing, and not be chased away by a scheduled event coming in.**

Last but not least, Gould noted that the prices attached in the Action Program handout were, in fact, 1998 costs, and they would have to have an inflation factor calculated for prices that would be in the year 2,000.

NEW BUSINESS: Discuss Overlay Zone for Snowmobile Trail. Don Britton requested this agenda item and was invited to address it. Britton commented that after working on the Trails Committee for 3-4 years, and then was given the Overlay Zone for Snowmobile Trails written language, and further the Conditional Use Permit language which applies to it. When reading it, he noted in #5 of the General Standards that the language was vague and subject to interpretation

in many ways. He felt this language really didn't (couldn't) pertain to trails. He further noted that to his knowledge, there is no other overlay zone in the whole U.P. or State of Michigan, but only in Chocolay Township. Planning Director Chandler commented, "We have no way of getting a snowmobile through the Township unless we put the Overlay Zone in." Mr. Britton stated he is objecting to the whole Conditional Use language. Commissioners offered their explanation of the Overlay Zone and noted that by doing this, their intention was to help the Trails Committee, not hinder their activity. It was further noted that "one person" can not stop the activities of the majority. Chairman LaPointe noted that this was adopted to make it easier and based on the advice and information we had, this was the best way to go.

Related to the above discussion, Commissioner Menhennick requested that he would like to see the Planning Commission again recommend to the Township Board that they should look into becoming a member of CUPPAD. By belonging to CUPPAD, you can get information about what other townships are doing etc, and we don't then have to invent the wheel every time we take on a project. In response to this request, additional discussion was heard on the cost of a CUPPAD membership and previous experience dictated that membership was cost-prohibitive.

A brief discussion was again heard on the Trail Committee activities and the status to date.

PLANNING DIRECTOR'S REPORT: Director Chandler distributed copies of the letter Supervisor Fende sent to Ameritech requesting their assistance in solving a potential noise problem in our residential neighborhoods regarding the proposed Snowmobile Trail.

Chandler reported that consideration of the development of M-28 & U.S. 41 intersection properties by the Township Board has been put on hold until Wahlstrom's return to the area in April. A meeting will be set up with them then.

There is a possible meeting here Friday morning on MDOT guidelines. Any interested Commissioners should call the office on Thursday for definite time.

Chandler distributed copies of a Fax from the Michigan Townships Association re: SB 205, Michigan Right to Farm Act Bill.

Chandler encouraged Commissioners to write letters of support to Bill Brondyke, DNR, Gwinn regarding support for the DNR acquisition of the Wisconsin Central Railroad grade for non-motorized trails.

PUBLIC COMMENT: Mark Maki called attention to the new copies of the Zoning Ordinance which he distributed to the Commissioners.

COMMISSIONER COMMENT: None.

INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:

- A. Chocolay Township Board Minutes of 1/12/99.
- B. Chocolay Township Zoning Board of Appeals minutes of 12/21/98.
- C. Marquette Township Planning Commission minutes of 12/9/9998 and 12/17/98.
- D. Correspondence to Trails Inc. re: Application for Conditional Use Permit.
- E. Notice for APA Conference.
- F. Notice for National Town Meeting.

The meeting was adjourned at 9:45 p.m.

Estelle DeVooght, Commission Secretary

Date

Karen L. Deel, Recording Secretary

Date

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, MARCH 8, 1999**

PRESENT: **Commissioners** Estelle DeVooght, Scott Emerson, Steve Kinnunen, Mike LaPointe, Gary Menhennick, Bill Sanders, and Ken Tabor.

ABSENT: None.

STAFF : Karen Chandler, Director of Planning and Research

OTHERS: Karen L. Deel, Recording Secretary, Gary Miller, Jerry Weeks, Chris Yuill, Bill Kessel, Chris Hyde, John & Gwen Bayerl, Don Williams, Joyce Gravelle, Gary Gravelle, Dennis Hickey, Dave Barto, Donna Barto, Sharon Roshak, Bob Roshak, Mike Bal, Dave Retaski, Ryan Chartier, Larry Sparks, Allan Keto Michigan DNR, Carolyn McCleary, Darren McCleary, Michael Roose, Marguerite Roose, John F. Smith, James Lake The Mining Journal, Dorothy Petroskey, Francine Sanderson, Burt Sparhawk, Emil Kezerle, Don Britton, Jim Jamieson, Cathy DeVooght. Not everyone present signed in, and some have made comments below and their names do not reflect in the attendance list.

PUBLIC HEARINGS

Chairman LaPointe declared the Public Hearing on Conditional Use #53 open at 7:30 p.m., and explained the procedure to be followed for the hearing. First Planning Director Chandler will give the background information, then the applicant will make his comments, followed by comments from the public. In order to accommodate the large crowd, Chairman LaPointe said each person wishing to comment could address the assembly once, giving his name and address, and to respect those around you with differing opinions and feelings.

Director Chandler reported, first of all, we have worked with this Overlay Zones but we have not had any language in the ordinance addressing snowmobile trails within the Township. So about a year ago, the Township Board approved the language the Planning Commission and Trails Committee has been working on for what they called an Overlay Zones for Snowmobile Trails. What the Overlay does is actually lay over all the different zoning districts within the Township, so you might have a residential district, open space district, you might have a resource production district, you might have a rural residential district where you could have 5 acres or more for property, and pretty much these trails run through all those different zoning districts. We have 2 applications from Trails, Inc, from Al Conrad, their president. He is here tonight to answer questions also.

The first application brought in about a month ago was Conditional Use Permit Request #53. They are requesting that Chocolay Township Planning Commission consider granting a conditional use permit to allow for an Overlay Zone for a Snowmobile Trail in T47N, R23W, Sections 7, 8, 9, 10, 11, 12, 14, 23, 26 & 36 and in T47N, R24W, Section 12. The proposed snowmobile trail would start at the trailhead at the Ojibwa Casino II and run east on portions of the abandoned railroad grade and on Co. Rd BAA until it runs southeasterly on predominantly state land to the Alger County Line. The overlay zone is approximately 50 ft wide designated and approved snowmobile trail within that area.

An overhead map was projected on the screen reflecting the proposed trail, in two colors: The Chocolay Township would only have jurisdiction over those areas in purple, and the County Road Commission has jurisdiction over the green areas. We also do not have jurisdiction for zoning on trust property held by KBIC. Only the area in purple is in question for Conditional Use #53. All residents within 300 feet were notified. We have received some correspondence in favor of Permit Request #53.

Al Conrad, President of Trails, Inc., 488 Silver Creek Road, and we have applied for this conditional use permit. This portion of the trail is in two parts, pretty much the non-obtrusive portion of the trail. The trail at this point does not go by any residential homes. We think it is a good route, and safe.

Bill Kessel, 111 Green Bay Street. "There will be no trails running by anybody's house without going through court. That's it. This will be decided in court. We are wasting our time here tonight."

Gary Miller, 154 Ridgewood Drive. "You will be asked to sanction a trail in a long-standing residential area and you will be asked to sanction noisy machines, drunk drivers, sometimes going as fast as they want to."

Chairman LaPointe clarified that the Public Comment currently being taken is only for Conditional Use Request #53; a second hearing will be held for Request #54 which goes through the residential area.

John Bayerl, 136 Ridgewood Drive. "I would like some information. Does this trail make any sense without Overlay Zone #54?"

Chairman LaPointe explained his understanding that there are two separate applications and two separate Public Hearings.

Al Conrad explained that it actually does make sense to apply for two with the idea that the Casino is a good trailhead with a good parking area, and is a destination location.

Cathy DeVooght, 6341 U. S. 41 South. "The State of Michigan owns about ½ of Chocoday Township. I think you should pursue snowmobiles to go play, and that is what it is – "play", on State of Michigan property, they have thousands of acres. Apparently, everybody is opposed to snowmobiles but you guys want to push, push, push that on everybody. Either in that area or behind me. There is no reason for it. They have trailers to carry their machines there."

John F. Smith, 2176 East M-28. "I actually own, if you look at the map up there where it says 'Gordon's' and the very next 40, that is what I own. I purchased that property couple years ago, knowing full well there was a snowmobile trail there. It's been there for many years. I have lived there for about 14 years now. I am probably on the minority side. I am in favor of the trail right there mainly because it is a very safe route. The other day I was actually paying attention to 'do I hear the sleds out there,' and 'are they intrusive on my 40?' I was sitting there on Saturday night, I was kind of listening, I could hear this super loud sled, and I thought 'boy he must be in my back yard.' He was out on 28. I kind of feel by putting the sleds back there on this trail, you get them off the highway, we get them out from in front of my driveway, and I just feel it is a much safer area. I kind of went around the area, did kind of a quick count, very unscientific, on my way to work and coming home, I decided to see how many people in Chocoday actually have sleds. I came up with a figure of about 300. So, I come to the conclusion that if you try to stop this, what your friends and neighbors have, to use their machines, they can use the county roads. There is probably going to be provisions made for MDOT to allow them to use M-28, so it boils down to 3 things. They are going to come through here, that is a fact. I don't think we are ever going to get around that. So, do we put them where we can control them? Do we actually control the situation? Or do we put them on M-28 where we have no control and no say? That is a likely possibility. They will be crossing everyone's driveways, and it will be legal for them to do. The solution is the county roads. Lakewood Lane and every other road in here is a county road. They have a right, the county ordinance says they can ride there. Its unsafe. I think you all have to take a look at this, step back and determine what is going to be the safest route. You are not going to keep them from coming here. If you do a trailhead there, you will have 300 people. I have seen that many sleds in this Township. If you try to control them, at least you have control. I am not going to sit here and blow smoke at people and say snowmobiling is safe. I had a unique opportunity yesterday and I went out on the groomer just to see what was on the trails. What I did run across, and very amazed to see a lot of families out yesterday. I did not see anybody drunk. They were driving at a reasonable speed. I kind of thought if I was in the groomer I would see someone acting unlawful, at a high speed, reckless, and it would be a perfect opportunity to see it. I seen one guy who had to slow down but it was on a very tight corner. So, all in all, when I got back, I walked on my 40, I paid attention to what sleds were back there and there were a few, lots of noisy trucks and cars on the road too. I have been going to the Trails Committee Meetings for years, trying to find a solution. I challenge everybody here that is going to probably have a more negative aspect of this, to come to the Trails Committee and help us find a solution. You take your time to come to this meeting, its time to come and help us find a solution."

Robert H. Ball, David & Linda Johnson and John F. Peterson send correspondence opposing Conditional Use #53. Jeff Glass and Karen Hart send messages they were in favor of Conditional Use #53. Donald Dayo called on ¾ offering information to change trail route.

Robert Abel called in opposing the trail. Correspondence from Frank Ravitz says he has no problem with the designated trail if its used just for snowmobiles. Correspondence from Robert L. Able, with power of attorney for his parents, Joseph & Selma Abel, voiced opposition to Permit #53.

The Public Hearing on Conditional Use Permit Request #53 was closed at 7:45 p.m.

Chairperson LaPointe opened the Public Hearing on Conditional Use Permit Request #54 at 7:46 p.m.

Planning Director Chandler reported the Application for Conditional Use Permit #54 from Al Conrad, Trails, Inc. President, has requested Chocolay Township Planning Commission to consider granting a conditional use permit to allow for an Overlay Zone for a Snowmobile Trail in T47N, R24W, Sections 9, 10, 11, and 12. The proposed overlay zone for a snowmobile trail would start at the trailhead at the Ojibwa Casino II and run westerly on portions of a seasonal county road, into Section 10 and then along the abandoned railroad grade in Section 9 until it meets M-28.

This conditional use is going to be affecting several home owners. After I was given this map, I received a phone call from Joe Gibbs who owns the golf course here. He is not in favor of the trail running through his golf course. He would rather, when he first called, said come up the Section 11 line and run just on the north side of his property, just off the railroad grade. He sent a map which is in the Planning Commission packet that now suggests that they come up on Trust Property to the railroad grade and run across. That was his suggestion. They do not have land control over Joe Gibbs but they would have land control at the Casino and land control from Ameritech at this point, and again this is on a conditional use and that's pretty much where they had intended to run. The application before the Planning Commission tonight is as it was proposed when it came in, so that is what they should be looking at.

This proposal would need consent of the landowner by agreement, license, right-of-way, easement or other instrument. 132 notices were sent out to property owners on this trail. The other trail had 36 notices.

Chairman LaPointe noted, as a Commission, we can only act on what is before us and not a proposed change to it. I would like Al Conrad to comment on this.

Al Conrad, President, Trails Inc. We started grooming trails 3 years ago. We inherited this trail and did minor changes to the trail. Other than that we picked up a trail system that was already there. In doing this work, we got easements from people like Ameritech. The MDOT in terms of M-28. Looking at what legal rights that trail may have with the permits, its uses, etc. I came here tonight to try to work out a trail system in Chocolay Township that we can all live with. When we got the MDOT permit this winter, that was for one way down each side of M-28, across the Chocolay River bridge, across the driveways, MDOT right-of-way and that included all the driveways from the railroad trestle on back. As a groomer, we have the legal right to come into Chocolay Township. Basically, to actually do that job the way it was proposed, we would have been asking people to move light poles, fences. We probably could have done all that, we probably could have gotten paid from the DNR to do that. We were authorized to do that. We decided not to move light poles, not to move fences, we decided to that on our own expense, going around the structures. The Ameritech easement that we have gives us land control from M-28 to the Alger County line, down the railroad tracks. We were based late in the year, I believe it was the first in December, we had a board meeting and told to apply for a permit for this ordinance. We sought legal counsel about that ordinance. Our legal counsel told us they were not interested in going into court without have a case that was not so good. About a month, after a lot of research, they let us know they were ready to go to court. Whether we win in court or don't win in court, I am not saying I have a case that I can beat you and run down this trail without regard. If I did that, I could run down the railroad grade. I really don't want to do anything like that. I am a trail groomer, I am a father, resident here. My job is to groom trails. My concerns are safety. I have read this entire packet, all the letters. I don't disagree with a lot of your comments. I could almost be on your side. But, we need to come up with an answer rather than a fight. I think Trails, Inc. has looked at the work that has been done by Chocolay Township and the Ad Hoc Committee and the trail that they proposed is a very good trail. It was away from your houses, away from the railroad grade. The DNR is looking for ways to make

this section of railroad grade, a non-motorized section. Everybody wants a way to do that. We don't want to run up and down your back yards. We don't want to do things like that. On the railroad grade, snowmobilers got tickets this year because the trail was not more than 50 feet away from the iron that was on the track. We had groomed closer to the track to stay further from the houses. It was illegal for us to groom it like that. We moved out into the area that would have been legal, it would have involved some of the fences that are along that way, sheds, dog houses, wood piles, that are actually in that Ameritech right-of-way. Do we want to do that, go knocking on doors and say 'we have land control her, please move it at your own expense. We don't want to do that. We want to maintain a safe trail, we want to build a better trail. This is what we inherited. This is what we have to work with. What I am asking is that you allow us some time and I think we are looking at two years. We contacted Representative Prusi's office for block funding to go back in and re-look at the trail that was proposed by Chocolay Township. Again, I have to say Chocolay Township's Ad Hoc Committee when they routed that trail, they did an excellent job. The trail did not involve anyone the whole length. It will not involved condemning anybody's property, or doing anything but working with the residents and property owners. I believe it is going to take us 2 years to do that. Do we want to stop this trail for two years while we build the other one. It will make it very difficult to get the funding to do that? It will make it very difficult to control snowmobiles, as we saw this year. When we quit grooming that section between M-28 and the Varvil Center, law enforcement went out and started writing tickets. People started driving down Lakewood Lane, any side road, people started going around. It put a lot of traffic in places where it really was not safe, not wanted, and shouldn't have been. I think we can resolve the problems with snowmobile trails, but I don't think we can solve them tonight. But, if people would rather work together, put our energy into something that is acceptable, rather than come to these meetings and debate the arguments. I have read all the letters. I have sat through a lot of Township meetings. I have heard the story. Because I am president of Trails, Inc. I get all phone calls. I don't say there isn't problems with snowmobiles, and there are certainly problems with snowmobiles by my house. If you will consider this trail, we will work to change the trail into something that will make this railroad grade non-motorized. When we talked to Mike Prusi's office, there is nobody more interested in resolving this issue. It is a money deal to resolve this issue, you people have made it possible for me to get money to do it. And to answer your question about the dollars per mile, I think we are possibly closer to \$420 per mile FOR THE YEAR. I think that I will probably lose about \$10,000 or \$12,000 this year. Trail's Inc is a non-profit business. I am a volunteer, Paul Smith is the other main volunteer. If we had to work 600 hours this year, we haven't worked at all. There has been money taken out of our pockets this year. We have about \$260,000 invested in equipment at this point. [Mr. Conrad reiterated his feelings about the people letters, their comments and what it means to them.] That is all I really have to say. I am the trail groomer. I don't want to go forth and win a small battle, put a trail in there. I would rather work with the trail that has already been put together. We have the support of the DNR to work on that project. I know we have support from the State. I hope you will allow me to do it.

Chairman LaPointe opened the floor for public comment at this time.

Gary Menhennick suggested that it would save time if Mr. Conrad would withdraw his request for a Conditional Use Permit with Mr. Joe Gibb's change. He can't use this proposal.

Mr. Al Conrad came forth and said, "With the change from the landowner, I have to withdraw the application for Conditional Use Permit #54 for this trail, then re-draw the trail per the landowners request and re-apply."

Chairman LaPointe stated we are still going to take Public Comment for what was presented to us, and reminded the audience to state their name, address and your feelings on this proposal.

Bill Kessel, 111 Green Bay Street. "What you want to do is drag our butts back here another night. Why? He can walk up there and put the line next to the railroad tracks. What difference does that make."

Response: If that line is re-drawn, there may be people who will have to be notified.

Emil Kezerle, 98 Riverland Drive. He owns 285 foot of frontage on Riverland Drive. Mr. Kezerle has also sent a letter to Director Chandler, dated 3/8/99, and asks that the letter be held over for the next hearing when Mr. Conrad re-applies.

Mark Maki, 405 Riverside Drive. This hearing is a real 'sham' with Mr. Conrad withdrawing his application. He further indicated he is the Zoning Administrator for Chocolay Township and that he was being investigated by Mr. Conrad, and also had received threats, and efforts to intimidate him. He felt it to be disgusting.

Lee Blondeau, He approves the proposed trail. He would not like to characterize all snowmobilers by "one bad apple." "There are a lot of people in the Township who use the trails. I think Al's proposal of a 2-year period to get the ball moving on this is good. I think it is the way to go. I think that would be positive and a good way to go."

Burt Sparhawk, 246 Lakewood Lane. "While I am not affected directly by this item, I am directly affected by the proposal. I would like to comment that I am not a snowmobiler but some of my best friends are. I do cross-country ski, and my son downhill skis, and some of my friends are ice skaters. Ice skaters get in their car and go to the arena to ice skate. I take my son in the car to the Marquette Mountain to ski. And fortunately I can go out my door and cross-country ski or snow shoe if I want, but not motorized. My question is, I guess, if we can go to these venues for ice skating, snow shoeing, downhill skiing, why can't the snowmobilers get in their cars and put their snowmobiles on a trailer and take them to the many miles and miles of existing trails that we have rather than going behind people's property or on people's property just for the fun of it. I would submit that we get to these other places to do our snow sports, why can't we put our snowmobiles on a trailer and take them to a place that already exists and not bother the people that are along this proposed trail." [applause]

Don Williams, 265 West Fairbanks. "I would like to re-iterate this gentleman's comments because it is exactly what I wanted to bring up tonight. I don't get all this 'to do' about trails, trails downtown, and trails out. These machines I believe were originally to be put out in the bush. Why do we have to run them through town and through people's yards. Why isn't there an idea of a staging area or areas, one at each end of town. They can still stay at their motels and still go to the restaurants, do all the business they want to do in Marquette, Chocolay, whatever. Hey, how did they get those machines here? Ninety percent of them were on the trails. When they get here, they can go to their motel, if they want to go and drive, ride to the bush. Trail that thing out to the staging area, put it out on the ground and go wherever they want. I just know all this to do about trails is crazy, because I don't think you need any of these trails. All you need to do is have your snowmobile on your trailer, take it out in the bush, and put it on the ground and your ready to go. You're not bothering anybody in the bush. I never hear anybody commenting about I have 40 acres of bush and I don't like people driving through my bush. I don't like them driving across my back yard but I don't care if they go out in the bush and drive all they want. That's where the snowmobilers have all their fun anyway, is out in the bush. Not going to downtown Marquette or the Casino. So, I just wanted to reiterate what this gentleman stated here. I am confused about a lot of these things, but it's a lot to do about nothing."

John Bayerl, 136 Ridgewood Drive. We just bought a new home on Ridgewood. One thing bothers me -- no one told us about snowmobile trails. I am not opposed to snowmobiles. I am opposed to noise and every time I see them on one side of my house they gotta drive 25 miles an hour, and on the other side they can go as fast as they want. We have to have mufflers on our cars. They don't drive up on my lawn. Its really a crazy, crazy situation. Can you put specific limits? This is going to make our home harder to sell. How come you raised my assessment 20% this year. Please talk to those people too. This is not a nice situation.

Gary Miller, 154 Ridgewood Drive. "We will be back again. My bedroom window is 60' from this trail and there is traffic out there all hours during the night. If this was a groomed trail, how much worse will it be. Your job as a Planning Commission is to protect the residents from this type of intrusion. Observe the quality of life we used to have. Not in our back yards. Protect us from this noise."

Jerry Weeks, 120 Ridgewood Drive. "If we decided we don't want that in our township, can we change that? I don't think so. That railroad is a piece of property, just like my house. I don't believe we should change the ordinance. If we change the ordinance every time something comes along, we would never have peace. The noise keeps you up all night long, the latest I have heard them is 4:30 in the morning. I am getting tired of this. It is dangerous, they run too fast, no mufflers or whatever it is on them."

Carolyn McCleary, 108 Ridgewood Drive. "I just moved here from Kansas. In Kansas we have recreational vehicles but they are out in the country. They don't run in behind people's houses. My bedroom window is also 60' from the railroad grade. I was up the other night at 2:30. I would love to tell them to call that gentleman who takes these calls."

Gwen Bayerl, 136 Ridgewood Drive. "We are about 60' from the trail. If I had a choice I would rather have snowmobiles go in front of my house. People don't get killed very often by cars in front of our house; I can't let my grandson ride down the slope in my back yard. Maybe I don't own that couple of feet there, but if he goes one foot over, he could get killed. I can't go out cross-country skiing there for fear of snowmobiles. I should think that as a home owner, I didn't plan on this trail."

Cathy DeVooght, 6341 U.S. 41 South. "What I am saying here is, our Township government doesn't seem to care about our people private lives, private living, and private property. They care more about the almighty dollar; that whoever is grooming the trail is getting paid, maybe whoever might decide to turn their property into a resort along the trail; its always going to be the big businessmen of the Township and of the County. Its not just the Township, business people are going to be making money. It could be lawyers, not all lawyers, believe me, but it will be some lawyers who are in partnership with other people on the other side, sitting back waiting to make this money. It is not worth people's lives, liberties and properties for somebody who is already wealthy to start with, to make more money."

Jim Jamieson, 117 Ridgewood Drive. "I am a snowmobiler. I moved up here from downstate Grand Rapids because of the winter activities. I did cross-country ski through that area back in '93 because of that snow. We don't have a trailer. A lot of folks like this area because they don't have to haul it anywhere. You mentioned because its fun, well it is fun. You leave the motel and drive where you want to go. For example, I leave my front yard and I go on to Copper Harbor along trails. That's one thing about the U.P. up here, its God's Country. I believe so. It is dollars, it brings in many dollars to the U.P. Like in the summer time, I am a scuba diver. That brings in a lot of dollars. Many people don't know that. This is a #2 dive spot in the world for ship wrecks. That brings in many, many dollars. There are two ways to look at this: a lot of people do move in because of the trails. And the other thing I have a question on is you had mentioned that until this becomes a non-motorized trail, how do you propose to do this. Since I do work for Ameritech and have a responsibility for Ameritech railroads in the northern part of the U.P., the Keweenaw, many miles of it. I have been arguing with people for years between Chassell and Houghton. You can not make that an unmotorized trail. They have tried that up in Houghton and people are putting up road blocks on their own sites. All police, sheriff and county calls are referred to me."

Al Conrad said he is not suggesting that we tell Ameritech what to do, it is their land. What I am suggesting is that we take the trail around the area. That would be the snowmobile trail taken away from the railroad track and away from the sub-division, bring it back out and find solutions to the problems.]

"Those folks would have to move their sheds, fences, if it is in the way. Any road blocks on Ameritech's property will be moved at your expense."

Don Britton, Chocolay Township Trustee, said this proposal is only temporary until some alternative route is made. Chairman LaPointe said we are not going to be acting on this tonight. Al Conrad commented he would like to withdraw his application.

Correspondence from Robert and Shelly Welker expressed opposition to Permit #54.

An E-mail from Dennis Zanetti, owner and Dennis Zanetti, resident, John Grabowy was in opposition to Permit #54.

A letter from Robert L. Abel, with Power of Attorney for his parents, Joseph & Selma Abel, opposed the request for Permit #53.

A note from Steve Pawielski, business owner, was in favor of granting request #53, and 54.

A letter received from Glenn M. and Evelyn Ann Johnson indicates opposition of Permit #54.

A letter from Philip A and Colleen K. Creech was in opposition of Permit #54.

A letter from Jean Olson was in opposition of Permit #54.

A letter from Mary Jane Lynch was in opposition of Permit #54.

Mari M Dahl sent a letter in opposition of Permit #54 but was in favor of a non-motorized trail.

Ralph and Ava Bennett sent a memo in opposition of Permit #54.

Emil S. Kezerle submitted a letter also in opposition of Permit #54, in addition to his public comments above.

Gentleman from Dana Lane. "I just would like to speak on behalf of 3 others in favor of the trail. I just would like to comment that these people who do live along these proposed trail on the railroad, and how many people who live there. I came here from the Keweenaw and they do have snowmobiles up there. I particularly like going down highway 41 because I am also about 40 feet off the road. It just so happens down the road a little ways is a bar. I can't tell you coming from that bar, they didn't like to use the trail, but one block over they wanted to use the highway. The state police clocked them going 70-80 mph. The way they were going down 41 when we left the bar and there was 12-15 of them at 3 AM at 80 mph, it's a little bit aggravating. These people who live along that right-of-way, they can anticipate a lot of noise."

Mark Maki, 405 Riverside Road. "Two additional comments – one is that it is unfortunate that with the controversy Ameritech has granted people the right to use this as well as the problem with the fact that the DNR is trying to acquire this land. Early on when this process started, I was on the Trails Committee and the DNR officials informed us that if the Township did not support the trail through the residential areas, DNR would not pursue it. That process went on for several months and that was in the Township Planning Commission, the Board and the Trails Committee have resoundingly said not to...

try and acquire this railroad. They will not guarantee the Township that they will not use it for a snowmobile trail in spite of what they said, so there are larger interests pushing this trail and the residents of this Township need to be aware of the fact that all of this stuff is just be passed down and passed down, and some morning you are going to wake up and read that the DNR has bought this railroad with your money and are putting a snowmobile trail through your property. We tried to get the DNR to commit that they won't do it, and all they will say is they want it for recreational use. They are going to try and force this trail down you. The Township can do a couple things about that. One is, they can try and get the DNR people in here and make this decision and make them accountable for they do work for the people in the State of Michigan. They should be accountable to the people. The other thing the Township can do is to try to purchase this right-of-way from Ameritech. The City of Marquette, as I understand it, is trying to purchase some of this right-of-way and Ameritech is negotiating with them. They should enter into those same negotiations with the Township. If the Township purchased this railroad right-of-way, and there were covenants put in this that would restrict motorized use within the residential areas, that would probably be enforceable. But unless the Township does something, the state is going to put this through. So, if the Township doesn't do anything to stop this trail, the Township is standing by and letting it happen."

Scott Emerson commented, "I did talk to an Ameritech representative today about that proposal of the Township buying this segment of trail, and I think he is worried that this would hinder the deal with the DNR. Ameritech wants to sell this, they don't want to continue to pay taxes on this... [Ameritech doesn't pay taxes] they want to sell the whole thing, lock, stock and barrel.

Mark Maki: Why are they negotiating with the City then?

Planning Director Chandler: Can I answer that? I have talked with representatives in Chicago from Ameritech. Apparently, in the city of Marquette, there are not cables buried by Ameritech so they do not own portions in the City of Marquette, only outside the City of Marquette and that's where they are negotiating. The City of Marquette will be negotiating with, I believe, Wisconsin Central, and not Ameritech. That's the difference."

Al Keto, Recreation Manager, DNR. "I guess some misconceptions – yes, we are looking at purchasing it as a multi-use trail. We are going to decide through public hearings, and working with the people on what type of trails will be there. If it comes down to the fact that no motorized trail is wanted there, then we are asking the people who don't want it there, to help us find alternate route. Within Chocolay Township, the Recreation Committee and the Planning Commission did a lot of work. They applied for a grant, they were approved, and that was pulled out. That would have eliminated a lot of this problem. As far as purchasing it, yes, by law MDOT gets first rights at it, Michigan DNR gets second rights at it, and after that, then it goes out. That's the procedure of abandonment and purchase of any railroad grades. We are in that line to purchase it and we are looking at it for a multi-use trail. It is not to say that it is going to be, there are no guarantees out there, but we are going to look at the whole situation. But our stance is that if the motorized trail isn't going in there, then we are going to ask the people along that route and in Chocolay Township, to assist us and Chocolay Township in finding a route that is suitable and a safe route for people to use."

Why can't they just put their snowmobiles on trailers and take them to an existing trail rather than coming through our neighborhoods in town."

Al Keto: "I guess you got to realize too and that's a point if your are local, snowmobiling has grown over a number of years. There are millions of snowmobilers that come through. It isn't a five mile ride anymore. People will leave St. Ignace and go to Copper Country in two days. They'll drive up across the bridge, unload their trailer, they will come to Munising and spend a night, go to Copper Country and spend a night, and then they go down to Ironwood and make a loop back to St. Ignace. That's the way most people go when they plan their trips nowadays. It isn't the old 5 mile or 30 mile trip anymore. People traverse across the whole U.P., even to Minnesota. And that's the way snowmobiling has grown. The reason we are looking at the trail site, it helps connect the segment between the ones that are used in the U.P. to make that available for snowmobilers who traverse across the whole U.P."

Al Conrad: We have the MDOT permit to use that on M-28. They are changing rules and guidelines with the DOT, there are problems along the U.S. 41 corridor. There are quite a few problems here in Chocolay Township concerning trails. The trail, as proposed here, would put the trail down M-28 into the commercial district. This is early on in planning. Basically, what we would like to do is use a block of local property in back of the Wahlstrom's Restaurant and Blondeau parking lot, and gain access to the community. Basically, it would be a parking lot and public roads, rather than the mess that we have here on U.S. 41. The reason Trails, Inc. has tried to work on the trails to re-route what the ad hoc trail committee has already worked on, is the people on Dana Lane and Ridgewood want a non-motorized trail that the DNR can put in place for biking, hiking, walking. Would we want to see that trail in our community, I don't think anybody wants to see that portion of the trail, they would like to see the snowmobiles go back into the country and away from the residents. It's going to take time. But the whole reason for proposing this and working on this project is to save the railroad as a DNR project. It would be a perfect snowmobile trail for a snowmobiler. If you are a resident, it's a nightmare. We are trying to work around this."

Warren McCleary, 108 Ridgewood Drive. "You talked about this, you talked about safety. There are no speed limits. You said you want to get them into town so why not make it like a road map. They move too fast by my house. If there any way you get around going back there?"

Walt Tuccini, 134 Ridgewood Drive. "I know snowmobiling has really mushroomed in the last years. I know snowmobiles go behind my house. I guess it is just a matter of priorities, but why is it more important for people to drop their snowmobile off their trailer at the Soo and drive to Duluth than it is for my own peace, quiet and safety? I don't see why that is more important. There is easily 3 times the amount of people living on Ridgewood now than they was in '85 when I moved in. There's lots of kids. I don't think it is worthwhile. If somebody wants to snowmobile from the Soo to Duluth, that's fine, but I don't give a damn how they get there, but not in my back yard."

Cathy DeVooght, 6341 U.S. 41 South. "I don't know if everybody in the room is aware there is more to the public than I think you guys are already aware of this that these Rails to Trails is not just Rails to Trails, it will be Rails to Trails to Rails. The DNR man there can probably tell you that all these old abandoned railroads or grades that they want to turn into these playgrounds for

the people with the snowmobiles, is a temporary thing. An interim thing until in the future they need railroads again. It didn't make sense that they abandoned them but they did, but they have a big plan, and it's a law that Governor Engler signed that all these Rails to Trails are eventually going to be Rails again. So we have got this plan, and we have got some people making money, eventually it will be railroad, back again."

Mark Maki, 405 Riverside Drive. "I still have a question for the petitioner, I would still like to know why the petitioner and his friends are spending hundreds of dollars trying to investigate me after I sent two letters to you telling you that had to abide by ..."

Chairperson LaPointe cut this comment/question off, and re-directed the meeting back to the Public Comments.

Mike Bal, 1599 East M-28. "I live on the opposite side of the highway of the tracks. I have stood in the kitchen looking over as the snowmobiles come by. In the winter time your house is all closed up, you are not sitting there with your windows open, you have to listen hard to hear these things go by. [Boos] I am a snowmobiler, I am for the trail. I agree with Mr. Smith, too, that you are not going to stop it. They are going to come in regardless and I see them lost and confused on 28 all the time because the snowmobile trail through there is so chaotic, they are going every which way. I helped give a guy directions today that was lost. They are going everywhere because the trail is so chaotic back there. I think the people that are complaining about it going in and out through their yard – if there was a speed limit, I think the majority of the people would heed it if it was posted, 'please slow down through this residential area' would abide to that just to be able to get through there. I know I would. I mean if there was a big, huge, red, stop sign when you come into that area that would make people stop, and have a note, 'must abide by speed limit, residential area, or trail will be closed.' I know I would go through there at 25 mph and its not that long an area to get through. I think most people would abide just to go through there. That is my opinion to make some of these people happier."

Gwen Bayerl, 136 Ridgewood. "I was thinking about my grand son in my back yard sledding, now I have to think about the kids in the front yard sliding down the snowbanks down into the streets. We all have to be careful for that. There is no guarantee that a car is not going to come down our street at 50-60 mph. There is no guarantee. I am sure you would obey a speed limit of 25 mph, but I can't be sure that its you in my back yard."

Letters from Emil Kezerle, Mari Dahl, Jean Olson, Philip & Colleen Creech, Glenn and Evelyn Ann Johnson, Ralph & Ava Bennett, Mary Jane Lynch were read into the record.

Ron Ziebell, 124 Riverland Road. "I guess it is my opinion that everybody is opposed to having snowmobile sleds go through on this railroad grade and I have to agree with them. When I moved up here about a year ago, I was hoping for peace and quiet. With those snowmobilers coming through at 3 am in the morning. There are some good ones and some bad ones. There is always a bad apple that spoils the barrel. I have seen snowmobiles go by close to 100 mph and that as a safety factor is unacceptable. I don't believe that no matter how much you patrol a trail, you will never be able to 100% enforce any laws or regulations. I am strictly opposed to this trail."

PUBLIC COMMENT WAS CLOSED AT 8:45 PM

Chairperson LaPointe called the regular meeting of the Chocolay Township Planning Commission to order at 8:55 p.m. All Commissioners were present as indicated above.

Motion by Commissioner Emerson, supported by Commissioner Sanders, to approve the February 8, 1999 meeting minutes of this Commission as presented.
MOTION passed unanimously.

Motion by Commissioner Emerson, supported by Ken Tabor, to approve the meeting agenda, with the Old and New Business items switched in order.
MOTION passed unanimously.

PUBLIC COMMENT:

Mark Maki, 405 Riverside Drive. "Two additional comments... one is that I noticed that the meeting is being recorded and I would like to request that I be afforded a copy of the actual recording of these tapes. Secondly, I do not believe the Township should take any action on any trail systems that does not coordinate a complete trail system through the Township nor one in which the property owners are not allowed to ask the petitioner questions. Thank you."

NEW BUSINESS:

Consider Conditional Use #53 – Trail's Inc. for Overlay Zone for Snowmobile Trail:

Director Chandler reported there were 36 notices sent out in this particular section. We did not get any calls but there is a letter in your packet from a property owner at 200 Kawbawgam Road that is not in favor. Chandler reviewed the proposed trail and what properties it went through, commenting on who owned the property on the way.

Discussion amongst Commissioners regarding this proposal included pros and cons to the issue, economic impact, benefit ratio, whether it made sense to approve one section without having the connecting links ready to go, etc.

Motion by Commissioner Menhennick, supported by Commissioner Tabor, that after careful consideration of all the general standards as set forth in Section 701 of the Township Zoning Ordinance and finding the applicant is in compliance with these standards, the request by Trails, Inc. for Conditional Use Permit #53 as submitted on the application and accompanying maps be granted with the following conditions:

- 1. The approval is for use from December 1 through April 1 annually, provided always that the consent of the landowners over which the snowmobile trail is proposed, is shown by agreement, license, right-of-way, easement or other instrument.**
- 2. That grooming take place only on the designated trail and the trail groomer is not to cross any undesignated/unapproved land uses within the Township without prior conditional use approval by the Planning Commission.**
- 3. That a Zoning Compliance Permit be obtained from the Chocoley Township Zoning Administrator prior to use.**

VOTE: AYES: Menhennick, Sanders, LaPointe and Tabor.

NAYS: Emerson, DeVooght, and Kinnunen.

MOTION CARRIED.

Consider Conditional Use #54 – Trail's, Inc. for Overlay Zone for Snowmobile Trail

Discussion amongst Commissioners included commendation of the Trails Committee for their work in trying to find an alternate route, acknowledgement that the majority of the people in the room are against the proposed trail, we are never going to please everyone, and what alternatives do we have.

Commissioner Kinnunen commented he had a problem with the issue knowing that we had an alternate trail identified by the Trails Committee but because of improper handling it was "blown."

It was also noted that what people are saying is not that they don't want a trail, but just not in their back yard. It was also noted that the petitioner had withdrawn his application as it is before the Commission this evening. So what is next? Should we pursue the alternate route? Director Chandler was asked to mark out the previously identified route that fell through to see if it had any merit or consideration. This was done on the overhead map for everyone to see. **Al Conrad commented that he would pursue the alternate route. The Trails Committee will also be working on this alternate route. The meetings are held the last Wednesday of each month at 7 p.m. right in this building and residents are invited.**

NO ACTION WAS REQUIRED ON THE WITHDRAWN PETITION FOR PERMIT #54.

Recess was declared while the audience departed the meeting.

The meeting was re-convened at 9:25 p.m.

CONSIDER Site Plan for Manthey Motors.

A site plan for Manthey Motors was reviewed and discussed. It was noted that it did not comply with the standard site plan in that it was not to scale.

Moved by Commissioner Menhennick and supported by Commissioner Emerson to table the request and ask for a detailed site plan. Motion passed unanimously.

OLD BUSINESS:

Discussion on Mining and Mineral Extraction Section of Zoning Ordinance

A memo from the Director Chandler on behalf of the Committee with revised language for the Mining & Mineral Extraction Sections of the Zoning Ordinance was reviewed and discussed. In summary, it changes the 3,000 foot language to 1,000 feet, as an impact area. Discussion followed as to how this number was achieved, and what flexibility does it have. The background situation that has led to this point and its need to change it was again reviewed.

Chairperson LaPointe did ask for comment from Cathy DeVooght as this language would affect her and her property.

Cathy DeVooght commented, "I don't know how many of you are aware that the Chocolay Township Board gave quit claim deed into the State at the Beaver Grove Recreation Area. All mineral rights from underneath the park across the street from me that my husband and me sold to the township gave all the minerals and right of ingress and egress at all times to go into that park at any time they want to take any minerals they want to and they I think it was Mr. Blondeau who made the application for mining ordinance to be in existence. Somebody came up with the bright idea of 3,000 ft as an impact area. You all know this, or at least the 4 people who made the ordinance, that the State of Michigan has a quit claim deed with Chocolay Township to take any and all minerals at all times from the very park that I am within 3,000 ft of mind you. Are you all aware of that? That's all I want to know."

"You are not capable of being fair, when it comes to me and my property, you do not play fair ball."

Commissioner Menhennick states there were two things changed, the 3,000 to 1,000 ft impact area, and also where impact area starts from.

Lee Blondeau commented that he thought the committee's idea is valid. Basically, there are two mining operations here—Lindberg and Blondeau.

With the 3,000 ft impact area, virtually all the property in Chocolay Township was excluded and if we adopt this change, it corrects that.

Cathy DeVooght commented further it was her land and she would just do whatever she wanted to do because the history between her and Chocolay Township was such that nothing is going to work anyway.

Chairperson LaPointe suggested that we have a public hearing on this.

It was moved by Commissioner Menhennick, supported by Commissioner Sanders, to adopt the new language as follows:

SECTION 404 MINING AND MINERAL EXTRACTION

B. No mining and/or mineral extraction operation or any mining related buildings, structures, processing equipment or tailing ponds, basins or mounds may be built, operated or maintained:

- 1. Until an impact area is determined. One thousand (1,000) feet is presumed to be an appropriate impact area from the point of operation. If the analysis reveals a site-specific reason why the impact area should be increased or decreased, the impact area shall be modified.**

Motion passed unanimously.

PLANNING DIRECTORS REPORT:

Planning Director Chandler reported her official letter of resignation has been accepted by Supervisor Ivan Fende. She has agreed to help out in the interim until the position is filled. She requested a meeting with the Executive Committee after this meeting. She further thanked the Commission for their cooperation over the last four years and commended them for their accomplishments but noted planning work is never done.

PUBLIC COMMENT

None.

COMMISSIONER COMMENT

Commissioner Menhennick inquired about bylaw review and revision. He also noted that Commissioner Kinnunen had missed too many meetings. Discussion followed and after Commissioner Kinnunen clarified his lack of knowledge of the number, and his desire to continue on the Commission, it was decided to let the matter end as so.

A second discussion took place about Commissioners commenting on issues that reflect poorly on the Commission and their performance. It was suggested that such comments could be made outside of the public meetings.

General discussion took place about the efforts of the Trails Committee, their accomplishments, and their incomplete projects, not just on snowmobile trails but other trails as well.

INFORMATIONAL ITEMS AND CORRESPONDENCES

- Chocolay Township Board Minutes of 2/1/99 and 2/15/99.**
- Marquette Township Planning Commission Minutes of 1/13/99 and 1/18/99.**
- Central Lake Superior Watershed Partnership Minutes of 1/19/99.**
- Letter from Gene Elzinga and copy sent to Mining Journal.**

The meeting was adjourned at 10:30 p.m.

Estelle DeVooght, Commission Secretary Date

Karen L. Deel, Recording Secretary Date

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, APRIL 12, 1999

PRESENT: **Commissioners** Estelle DeVooght, Steve Kinnunen, Mike LaPointe, Gary Menhennick, Bill Sanders, and Ken Tabor.

ABSENT: Scott Emerson.

OTHERS: Stacy Busch, Recording Secretary, Mark Maki, Don Britton, Sharon Roshak, Lee Blondeau, John Smith, Joe Menze, Richard Hahka, Ray Liubakka, Karl Benda, Liz Herman, Karen Lynch, Dale Manthey

PUBLIC HEARINGS

Chairman LaPointe declared the Public Hearing on Rezoning #105 open at 7:32p.m., and explained that the Chocoday Township Planning Commission is the applicant petitioning the Chocoday Township Board to amend the Chocoday Township Zoning Ordinance with a text amendment which would change the requirement in Section 404 B (1) from 3000 feet to an impact area.

Chairman LaPointe asked if there were any public comments on this rezoning.

Mark Maki 405 Riverside Road and Zoning Administrator-I have read the language and have some questions and comments. I am requesting 30 days for zoning review before this is forwarded on.

Lee Blondeau 30 N Tracie-Feels that the existing requirement is excessive in restrictions.

Public Hearing Rezoning #105 was closed at 7:35 p.m.

Chairman LaPointe declared Public hearing Special Use Permit #1 is opened for public comment at 7:36 p.m. He requested that the representative from the applicant Lindberg and Sons give some background as to what was going on.

Karl Benda A. Lindberg & Sons-During this Green Garden project we may need some sand. The sand on Ted Whittler's property has been tested and meets MDOT's specifications. We may need to use anywhere from 0-10,000 yards for this project.

Chairman LaPointe closed the public hearing at 7:38 p.m.

Chairman LaPointe declared the Public Hearing on Conditional Use #27 open at 7:38 p.m.

Chairman LaPointe asked if there was a representative from the church present and could give some background on the proposed project.

Ray Liubakka 504 Woodvale-The addition we're proposing is a 40 x 40 multipurpose room and Sunday school rooms.

A letter from Vincent Sinervo was received in favor of Conditional Use #27.

Liz Herman 1487 M-28-Concerns with increase in traffic flow.

Karen Lynd 1507 M-28-Concern as to where the new location is going to be. Also concerns with increase in traffic.

Public hearing was closed at 7:42 p.m.

MEETING CALLED TO ORDER:

Chairman LaPointe called the regular meeting of the Chocoday Township Planning Commission to order at 7:42 p.m.

Roll call was conducted and all Commissioners are noted as in attendance except for Scott Emerson.

APPROVAL OF MEETING MINUTES:

The meeting minutes of the regular meeting of the Chocolay Township Planning Commission, dated March 8, 1999 were presented for approval.

Moved by Commissioner Sanders, supported by Commissioner Menhennick, that the March 9, 1999 meeting minutes be accepted as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Chairman LaPointe requested that New Business be moved in front of Old Business.

Moved by Commissioner Menhennick, supported by Commissioner Sanders, to adopt the agenda as changed. Motion carried.

PUBLIC COMMENT:

Mark Maki-Comments on the minutes. Minutes regarding the approval of Conditional Use #53 (snowmobile trail east of Casino) and noted that the zoning ordinance requires that the decision be based and supported by facts. As one who opposed the partial approval of a trail, I am concerned that the Chocolay Planning Commission approved this with no support material on record as required by the zoning ordinance.

Also concerned about recent article in the Mining Journal where the DNR apparently still hopes to permit snowmobiles along the grade. Apparently local input is being ignored as for over 2 years the Township has approved this motorized use. I would like to have the Chocolay Township Planning Commission request that the appropriate DNR officials update the township on its plans.

Also concerning the minutes from the March 8, 1999 on page 9 the sentence should read “abide by Township Zoning Ordinance.”

Commissioner Gary Menhennick stated that the Trails Committee is working on an acceptable alternate route.

Sharon Roshak-I don't think the trail is on M-28. Shouldn't be where there are a lot of cars.

John Smith-Trail goes through 40 acres of mine. I like trail back in there. I have met a lot of my neighbors having it there.

NEW BUSINESS: Consider Rezoning #105-Mining and Mineral Extraction Section of Zoning Ordinance

In discussion of the Commissioners regarding this rezoning noted that they should not delay this any longer, new language makes process easier, see no reason to change proposed language.

Motion by Commissioner Tabor, Second by Commissioner Menhennick that the Chocolay Township Planning Commission recommends to the Chocolay Township Board that the text amendment rezoning request # 105 be approved.

AYES: LaPointe, Kinnunen, DeVooght, Sanders, Tabor, Menhennick.

NAYS: NONE.

MOTION CARRIED.

Consider Special Use Permit #1-Mining & Mineral Extraction-Lindberg & Sons, Inc.

Motion by Commissioner Tabor, Second by Commissioner Menhennick, that after careful consideration of the application for a mining and mineral extraction permit as provided in Section 404-407 of the Chocolay Township Zoning Ordinance #34, the Chocolay Township Planning Commission recommends to the Chocolay Township Board that this permit be approved with the following condition(s)

- 1. That a Zoning Compliance/Mining Mineral Extraction Permit be obtained from the Chocolay Township Zoning Administrator prior to use.**

AYES: Kinnunen, DeVooght, Menhennick, Sanders, Tabor, LaPointe.

NAYS: NONE

MOTION CARRIED.

Consider Conditional Use #27A-Faith Assembly of God Church-Building Expansion

In discussion of the Commissioners comments included that people are already at the church on Sundays so what more traffic would there be? The turning lane had to already have been a problem. Has the Road Commission been contacted about building a turning lane? Neighbors should petition to have a turning lane put in.

It was suggested that a letter be sent to MDOT about a turn off lane.

Motion by Commissioner Menhennick, Second by Commissioner Sanders that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Faith Assembly of God Church for an addition to the existing church as Conditional Use Permit #27-A be granted with the following conditions:

- 1. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to use.**

AYES: Kinnunen, DeVooght, Tabor, Menhennick, Sanders, LaPointe.

NAYS: NONE.

MOTION CARRIED.

Discuss Chocolay Watershed Plan

Chairperson LaPointe asked Larry Gould to explain the watershed plan.

Larry Gould-Chocolay River Watershed is developing a master plan for the watershed by contract with Whitewater Associates. Looking for input from Planning Commission and then go back to the Board for input. The three topics of problem areas were explained from the map. Discussion followed and there were no suggested changes other than possibly including more threatened areas. No specific locations given. The public will be notified by an add and maps will be posted within the township identifying areas affecting streams.

Commissioner's comments were as follows:

- Concern about labeling these sections. Landowners should be contacted to let them know what is going on.
- Bringing in Technical and Financial assistance to make improvements has worked in the past.
- If areas are labeled threatened areas because of development, then there should be more threatened areas maybe labeled, like in section 9 & 10.

OLD BUSINESS:

Consider Site Plan for Manthey Motors

Commissioner Menhennick moved, Commissioner Tabor second that the Chocolay Township Planning Commission approve the preliminary site plan submitted by Manthey Motors for their review on April 12, 1999.

AYES: DeVooght, Menhennick, Tabor, Kinnunen, Sanders, LaPointe.

NAYS: NONE

MOTION CARRIED.

Consider Revised Site Plan for the St. Louis the King Church

Motion by Commissioner Menhennick, Second by Sanders to approve revised site plan as shown on map.

AYES: Menhennick, Tabor, LaPointe, DeVooght, Sanders, Kinnunen.

NAYS: NONE.

MOTION CARRIED.

PLANNING DIRECTOR'S REPORT:

A New Director of Planning and Research has been hired.

PUBLIC COMMENT:

John Smith-Trail issue has a lot of opposition.

Don Britton-Trails Committee is proposing an X-Country Ski Trail. New Planning Director should be involved. Kawbawgam property should be listed in future recreation plan.

COMMISSIONER COMMENT:

- Send Karen Deel a letter thanking her for good job with the minutes.
- Motions should say why they are approved or denied.
- Funds available for bridges.
- Look at property for park on Kawbawgam Road.
- Keep numbering pages for agenda packet.

INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:

- A. Chocolay Township Board minutes of 3/01/99 and 3/15/99
- B. Chocolay Township Trails Committee minutes of 3/31/99
- C. Central Lake Superior Watershed Partnership minutes of 2/02/99
- D. Correspondence from - Lake Superior Community Partnership - Snowmobile Forum, Friday, April 30, 1999
- E. Correspondence from - Joseph E. & Margo Riopelle - on property ownership of Railroad ROW
- F. Information from Mark Maki

The meeting was adjourned at 9:25 p.m.

Estelle DeVooght, Commission Secretary

Date

Stacy L. Busch, Recording Secretary

Date

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, MAY 10, 1999**

PRESENT: Commissioners Estelle DeVooght, Steve Kinnunen, Mike LaPointe, Gary Menhennick, Bill Sanders, Scott Emerson and Ken Tabor (arrived 7:32).

ABSENT: None

OTHERS: Stacy Busch, Recording Secretary, Doug Riley, Director of Planning & Research.

PUBLIC HEARINGS-None

MEETING CALLED TO ORDER:

Chairman LaPointe called the regular meeting of the Chocoday Township Planning Commission to order at 7:30 p.m.

APPROVAL OF MEETING MINUTES:

The meeting minutes of the regular meeting of the Chocoday Township Planning Commission, dated April 12, 1999 were presented for approval.

Moved by Commissioner Sanders, supported by Commissioner Menhennick, that the April 12, 1999 meeting minutes be accepted as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Menhennick, supported by Commissioner Sanders, to adopt the agenda as presented. Motion carried.

Commissioner Tabor arrived 7:32 p.m.

PUBLIC COMMENT: None

NEW BUSINESS: Conditional Use Permit #49 Silver Creek Recreation Area "Access"

Doug gave some background on placing this item on the agenda for the Planning Commission to discuss whether the new driveway proposed for the Recreation Area was included in the original Conditional Use approval by the Planning Commission. In researching this issue it was revealed that a "new access" was included on the application, however, the access was not detailed on the site plan. In addition, the meeting minutes were conflicting on whether a new access was proposed. The property owners within 300' were notified. The nearest property owner commented that she did not have any particular problem with the drive other than she would like some trees planted as a buffer.

Larry Gould gave some added information as to why the new access should be put in that location.

1. The access will no longer "cut through" the parking lot for the school, especially against their new traffic pattern.
2. It appears logical to separate the traffic between the school and park for safety purposes.
3. The connection to Silver Creek will be designed to Road Commission specifications and is appropriately off-set from the drives across the street to avoid awkward turning movements with opposing traffic.

Commissioner comments were:

- Is this a good location for the driveway?
- Think it is a good location, are neighbors ok with this?
- Where is open space going to be?

Motion by Commissioner Menhennick, Second by Commission Sanders that after careful review and discussion of the record from the Conditional Use #49 approval of July 14, 1999, the new access drive for the Silver Creek Recreation Area was included in said approval and the file and plans shall be marked accordingly.

AYES: LaPointe, Kinnunen, DeVooght, Sanders, Tabor, Menhennick, Emerson.

NAYS: NONE.

MOTION CARRIED.

APPROVE 1998 PLANNING COMMISSION ANNUAL REPORT

Chairman LaPointe asked if there were any Planning Commissioner comments on the report?

Motion by Commissioner Sanders, Second by Commissioner Emerson to accept the 1998 Planning Commission Annual Report as prepared and pass onto the Township Board.

AYES: LaPointe, Kinnunen, DeVooght, Sanders, Tabor, Emerson, Menhennick.

NAYS: NONE.

MOTION CARRIED.

DISCUSSION-SEWER/GROUNDWATER CONTAMINATION WATER SYSTEM-PRIORITIES

Commissioner Emerson asked for this item to be placed on the agenda for discussion. It is felt that the Planning Commission has been left out on what the Water Committees intentions are. I would like the Planning Commission to be kept informed on what is happening with the Water Committee.

Commissioner Menhennick stated at this point it would be 5-7 years if we proceed, our groundwork is done if grant money becomes available. Plan and prepare to be years ahead. We are working with Sands and KBIC. If we can find good water, KBIC will put in 2 test wells that could get water system there whether the casino is there or not. We are looking at different areas. Tie into city if needed or have our own and use city as backup. Sands would like some sewer also. The idea is to lay the groundwork first to be ready when the grant monies become available. Tribal Community is a source of money.

Commissioner Emerson we need to make sure our priorities are straight. Majorities of the residents have good water already. We should see what the residents want first. The businesses may want it over residents. What does the Commission want first?

Commissioner DeVooght-This is going to cost a lot and then we have to pay every month. The Village is a big concern for water first.

Larry Gould, DPW Supervisor-We did a water study 5 or 6 years ago. The feasibility study for Chocoley is done. Planning is good but realistically the residents are not favorable of paying for the system. To convince someone whose well works fine is going to be a battle. This water system should be made big enough for hydrants.

AUTHORIZE-THANK YOU LETTERS-KAREN CHANLDER & KAREN DEEL

The Planning Commission authorized the above mentioned thank you letters to be sent.

DISCUSSION-NEW PLANNING DIRECTOR, COMMISSIONER, SUGGESTIONS/RECOMMENDATIONS

Chairman LaPointe welcomed Douglas Riley new Director of Planning & Research.

Doug Riley gave a brief explanation of his planning background and education. He also requested that the Planning Commission provide him with their suggestions/recommendations on areas for initial concentration.

The Planning Commissioner Comments/Suggestions were:

- Review the strategic plan
- Check on Planning Commission "To Do" list
- Get a Landscaping Committee together to create a Landscaping Ordinance.
- Keep numbering the agenda pages.
- Conditional Use procedure-Justifying motions.
- Problematic uses that are not addressed in the zoning ordinance.

PLANNING DIRECTOR'S REPORT:

1. Lindberg Mining Permit has been approved.
2. MDOT Reviews - You received a copy of the letter I sent to Andy Sikkema of MDOT regarding the Faith Assembly of God Church (on turning lanes as requested by the Commission at the April meeting). I also requested their input on the future review of

projects of this nature on State Highways. I have since talked with Mr. Sikkema and Chuck Lindstrom (the MDOT permit agent) and we have established a basic framework to obtain their review of projects of this nature prior to the Planning Commission's meetings in order that you can include their input for your review and condition approvals accordingly.

3. Snowmobile Forum - The DNR stated at the meeting that they are pursuing the purchase of the railroad right-of-way and are maybe 6 months away. Once they have the property in hand, they will begin their planning process, and look at all the alternatives, for the use of the right-of-way. They are obviously aware of the residential conflict issue and would love to find an alternate route to avoid that section.
4. Estelle DeVooght: Estelle has been reappointed to the Planning Commission for an additional 3-year term. Estelle was the only member whose term expires this year.
5. June Meeting - Reminder - the June Meeting constitutes the Commission's Annual Meeting and you may want to start thinking about the election of officers.

PUBLIC COMMENT: NONE.

COMMISSIONER COMMENT:

- Landfill complaining about filling up too soon. Is there a possibility of selling recycling and trash bins.
- What is the random drug screening tests all about?

INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:

- A. Letter to the Michigan Department of Transportation - M-28 Turning Lanes (Faith Assembly of God Church)
- B. Chocoday Township Board Minutes - April 5, 1999, April 12, 1999 and April 26, 1999
- C. AdHoc Water Committee Minutes - March 10, 1999
- D. Zoning Board of Appeals Minutes - March 25, 1999
- E. MTA - April E-News

The meeting was adjourned at 9:25 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
TUESDAY, JUNE 8, 1999**

PRESENT: Commissioners Mike LaPointe, Gary Menhennick, Bill Sanders, Scott Emerson and Estelle DeVooght (arrived 7:32).

ABSENT: Steve Kinnunen and Ken Tabor

OTHERS: Doug Riley, Director of Planning & Research.

PUBLIC HEARINGS-None

MEETING CALLED TO ORDER:

Chairman LaPointe called the meeting of the Chocoday Township Planning Commission to order at 7:30 p.m.

APPROVAL OF MEETING MINUTES:

The meeting minutes of the regular meeting of the Chocoday Township Planning Commission, dated May 10, 1999 were presented for approval.

Moved by Commissioner Emerson, supported by Commissioner Sanders, that the May 10, 1999 meeting minutes be accepted as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Menhennick, supported by Commissioner Emerson, to adopt the agenda as presented. Motion carried.

Commissioner DeVooght arrived at 7:32 p.m.

PUBLIC COMMENT: None

OLD BUSINESS:

REZONING #105 - TEXT AMENDMENT - MINING AND MINERAL EXTRACTION

The Planning Commission reviewed the reasons that the Township Board referred this item back to the Planning Commission for review. Essentially, the County Planning Commission and Township Attorney reviewed the proposed amendment and both believed the language was too vague, especially in terms of the "analysis" of the impact area. New/additional language has been proposed that the Attorney and staff believes clarifies the amendment in referencing the standards the analysis is based upon, who performs the analysis, and from where the point of impact is measured.

Brief discussion by the Commissioners followed regarding the amended language.

Motion by Emerson, Second by Menhennick that after further review the Planning Commission recommends to the Township Board that rezoning text amendment #105 be approved to read as follows:

- 1. Until an impact area is determined. One Thousand (1,000) feet shall be presumed to be an appropriate distance from any mining operations or structures. The area encompassed by that distance shall be designated the "impact area". If, as a result of review and analysis by the Planning Commission, a site-specific reason based upon health, safety or welfare, as specified in subsection 404,A)2), a) through d) would allow a reduced "impact area" or require an enlarged "impact area" such adjustment may be made as is found to be reasonable.**

AYES: LaPointe, Sanders, DeVooght, Emerson and Menhennick.

NAYS: None

MOTION CARRIED.

NEW BUSINESS:

ANNUAL MEETING - ELECTION OF OFFICERS

Motion by Emerson Second by Menhennick that Sanders be elected as Chair, LaPointe as Vice-Chair, DeVooght as Secretary and Kinnunen as Vice-Secretary for the Planning Commission for the June 1999 to June 2000 meeting year.

MOTION PASSED UNANIMOUSLY.

CONDITIONAL USE PERMIT MOTIONS

Doug Riley advised that as suggested by the Planning Commission at the May meeting, following concerns expressed by Zoning Administrator Maki, he had reviewed the issue of appropriate reviews and motions by the Planning Commission, particularly as they relate to action on Conditional Use Permits. Essentially, the Planning Commission may be inconsistent with addressing the Ordinance required standards of approval in their actions and subsequent motions.

The most appropriate motion references the section of the Ordinance in which the standards are contained and includes that the Planning Commission reviewed and found compliance with those standards. This method is expressed or suggested in the Township Attorney's opinion on this matter dated October 13, 1998. In addition, obviously the minutes should reflect evidence of the review of the individual standards to some degree. In the future, staff reports will provide comments on each of the standards with an opinion on whether they have been achieved and/or suggest conditions that could address deficiencies. The Commission can then review the staff reports and agree or disagree or modify these "findings". This action can be reflected in the minutes and the staff reports, therefore, become part of the public record.

Brief discussion followed. Riley did not believe the Commission needed to adopt or pass any specific motion on this issue, as we will simply attempt to address this issue during future reviews.

ORDINANCE AMENDMENTS - PROBLEMATIC USES

Doug Riley advised that, as suggested by the Commission at the May meeting, he had begun to review the Ordinance for land uses that are not addressed or that could be problematic (e.g. cellular towers, adult entertainment uses, etc.). Riley advised that he had also spoken with Zoning Administrator Maki about items within the Ordinance that have been absent or problematical for zoning administration and would like to address these also. In order to provide the necessary focus on this issue, it was suggested that possibly a standing "Ordinance Amendment Sub-Committee" could be formed to work on these issues and make periodic amendment recommendations to the Commission of the whole.

Emerson expressed his interest in serving on such a committee if the scheduling could be somewhat flexible due to his work obligations. DeVooght stated that she would serve as long as the committee was tightly focused, had a focused agenda and was not simply a "discussion group". Doug Riley stated that he envisioned a committee that would meet approximately once a month or every other month and tackle maybe 3 items per meeting. They would review the options and recommendations presented by himself and Zoning Administrator Maki on amendment alternatives and then make recommendations to the Commission of the whole. Every effort would be made to make the work sessions very focused and action based.

Chairperson Sanders appointed Emerson, DeVooght and himself to a standing Ordinance Amendment Sub-Committee to review and make recommendations on staff suggested Zoning Ordinance Amendments. Supported Unanimously.

CORRIDOR PLANNING

The Planning Commission advised that they had reviewed Doug Riley's memo of June 2, 1999 regarding a corridor planning effort for the US-41 commercial area which would address traffic/access management, landscaping/open space, lighting and drainage in one coordinated sub-area plan.

It was discussed that these types of plans are being encouraged at the local level by the Michigan Department of Transportation to help preserve or enhance the traffic functions of their highways. Subsequently, there may be monies available (through MDOT) to help pay the costs of completing such a plan, especially the access/traffic management element in which a consultant/traffic engineer would have to be hired. There is also money earmarked in the 1999 budget for an "update" of the Comprehensive Plan in which this plan could definitely be considered.

The Planning Commission suggested that Doug Riley further pursue putting this program together. This would include the basic scope of work, preliminary cost estimates, funding sources, etc. for further consideration by the Planning Commission on whether to proceed with this program.

PLANNING DIRECTOR'S REPORT:

1. There are two private road requests off from US-41 that are being worked on that may be submitted for Planning Commission consideration in the very near future.
2. Included in the packets is the Notice of Intent by the DNR for the Marquette to Munising Rail-Trail acquisition. Supervisor Fende is working on the response to this request based on the Township's previous action and official stance on the trail issue (non-motorized versus motorized).
3. The Township Board has agreed to join the Lake Superior Community Partnership pending negotiation of the fee structure.

PUBLIC COMMENT: NONE.

COMMISSIONER COMMENT:

- LaPointe requested that perhaps the Planning Commission could write a letter of support for the Sanders family on US-41 regarding their problem with the Michigan Department of Transportation on installing a "tunnel" for access to their pastureland that is being cut off from the US-41 expansion. After considerable discussion regarding the agricultural and open space policies of the Township, the Planning Commission directed Mike LaPointe and Doug Riley to write a letter from the Planning Commission to the appropriate authorities on this issue.
- Emerson asked if it would be possible to have Larry Gould attend a future meeting to address the garbage collection issue as he indicated he would in his memo of May 24, 1999. Discussion centered on garbage collection issues.
- DeVooght asked if anything had been done regarding contacting Wahlstroms regarding an access drive behind their property?

INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:

- A. Correspondence from - Larry Gould, DPW Supervisor on Plastic Refuse Bags and Recycling Containers
- B. Correspondence from - Joseph and Margo Riopelle dated April 2, 1999 (response?)

The Planning Commission asked Doug Riley to write a letter to the Riopelles regarding their request for Planning Commission assistance on the rail-trail reversion issue. Said letter to include that the Planning Commission believes this is private legal matter regarding their real estate and that, overall, the Planning Commission still promotes the use of the referenced area of the rail-trail for non-motorized uses.

- C. Correspondence from - MDOT - Faith Assembly of God Church
- D. Minutes - Chocolay Township Board - May 3 and May 17, 1999
- E. Minutes - Zoning Board of Appeals - April 22, 1999 and May 27, 1999
- F. Minutes - AdHoc Water Committee - April 14, 1999
- G. Minutes - AdHoc Trails Committee - May 4, 1999
- H. Minutes - Recreation Committee - May 13, 1999
- I. Minutes Chocolay River Watershed Council - March 31, 1999
- J. Minutes - Lake Superior Watershed Partnership Meeting - April 15, 1999
- K. Notice - MDNR - Notice of Intent for Recreation Grant Project - Marquette-Munising Rail-Trail Acquisition

The meeting was adjourned at 8:45 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary
(Director of Planning and Research)

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JULY 12, 1999**

PRESENT: **Commissioners** Gary Menhennick, Bill Sanders (arrived 7:35), Estelle DeVooght, Steve Kinnunen, Ken Tabor and Scott Emerson (arrived 7:40)

ABSENT: Mike LaPointe

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Larry Gould, DPW Supervisor, Don Britton, Bill Mahan, Bill Stenglein

PUBLIC HEARING-PRIVATE ROAD #13-Stenglein

Acting Chairman DeVooght called the public hearing to order at 7:30. Planning Director Riley gave an overview of Mr. Stenglein's request for approval of the private road under Section 402 of Zoning Ordinance 34. This proposed private road is located off US-41, directly across from Ortman Road in Section 8.

Public Hearing closed at 7:34.

MEETING CALLED TO ORDER:

Acting Chairman DeVooght called the meeting of the Chocolay Township Planning Commission to order at 7:34 p.m.

APPROVAL OF MEETING MINUTES:

The meeting minutes of the regular meeting of the Chocolay Township Planning Commission, dated June 8, 1999 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Kinnunen, that the June 8, 1999 meeting minutes be accepted as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Menhennick, supported by Commissioner Sanders, to adopt the agenda as changed, moving New Business C ahead of New Business B. Motion carried.

PUBLIC COMMENT: None

NEW BUSINESS:

PRIVATE ROAD #13-Stenglein

Commissioner comments were:

- Have there been any comments on the 5' offset?
- Is the cul-de-sac the right size?
- Has the road permit been filed with MDOT?

Menhennick moved, DeVooght second that after review of Private Road request #13; the standards of Section 402,D of Ordinance 34; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) The centerline of the private road be offset 5' to the south of the centerline of Ortman Road at the US-41 Intersection so as to retain a 63' setback from the Brown residence to the centerline of the proposed road.
- 2) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Easement which must be fully executed.
- 3) The applicant is required to provide certification from a surveyor that the private road standards of the Ordinance have been achieved at the conclusion of construction.
- 4) The applicant pays for and installs a road name and stop sign at the intersection of the road and US-41.
- 5) The applicant comply with the conditions and requirements of all other agency regulations including the Michigan Department of Transportation for the road connection to US-41.
- 6) The applicant investigate the need for a culvert under the road approximately 200' from US-41 to allow for north to south drainage.

- 7) The Declaration of Easement include wording to provide access to the Township and other public agencies to provide services on the road.
- 8) A zoning compliance permit shall be issued after all of the above conditions are met.

It should also be noted for the record that any development on lot created to the south of the road may experience soils, floodplain or wetland constraints towards the rear of the lots.

MOTION CARRIED

DISCUSS-RECYCLING/TRASH BAGS

Commissioner Comments:

- Is it possible to buy or lease containers for garbage and recyclables and do away with trash bags?
- Make recyclable containers standardized.
- Our township needs to take the lead and voice our concerns to the landfill.

Larry Gould comments on this issue were:

1. **PLASTIC REFUSE BAGS** – The landfill director raised this issue last year and there has been some controversy over whether there is a need to change. There was also discussions as to what acceptable alternatives are available. As you may recall, several years ago there was a biodegradable garbage bag on the market that did not work and no one has developed a new product. The landfill director wanted municipalities to discontinue the use of plastic bags since they felt it would help the deterioration of the refuse that is buried in the landfill. The issue was raised that with the compacted and baled refuse the recirculation of leachate still would not be able to readily be absorbed into the refuse to accelerate the deterioration process. The Township suggested that the landfill purchase a bag shredder to be used prior to baling or if they could come up with a cost effective and acceptable alternative it would be considered. I noticed in the landfill proposed budget they have requested funds for a bag shredder.

The other part of the bag issue is that the public does not want to go back to garbage cans. Last winter the city surveyed their residents and the residents did not want to go back to cans. One other thing that should be mentioned is that our contract with the refuse collector would have to be revisited since it deals with bags, and whether cans would be more costly to deal with.

2. **RECYCLING CONTAINERS** – This issue was discussed when we contracted out curbside recycling. Since that time there has not been any serious discussions about reusable containers for recyclables. A lot if people think the current system is good since they can use containers (grocery bags, etc) that they would otherwise dispose of at a cost. If there was enough interest to improve the current system then the issue could be addressed with our contractor.

It was suggested that perhaps we could consult with Northern Refuse on recycling bins for the recyclables and see what the price difference would be for using garbage containers versus bags.

DISCUSS-KAWBAWGAM CROSS COUNTRY SKI-TRAIL/POCKET PARK

Doug Riley gave an overview of what the AdHoc Trails Committee have proposed for the idea of a Cross County Ski-Trail and Pocket Park. It is proposed that the trail head/pocket park be located on the Township owned property on Kawbawgam Road and the ski-trail would then run east. The draft plan/map was reviewed with the Commissioners.

This proposed project has been preliminarily reviewed by the Recreation Committee and the Township Board. Essentially, the Recreation Committee supported the ski-trail as a short-term project and the pocket park as a proposed long-term project. The Township Board subsequently supported both elements of the project pending the resolution of all necessary commitments (easements, funding, maintenance, etc.) as proposed by the Ad Hoc Trails Committee.

This project, as proposed, will require the Planning Commission's future review and recommendations on the following:

- 1) A rezoning of the Township property to either Public Lands or RR-1. (The property is currently zoned C-1 and RR-2. The C-1 zoning does not allow "parks" and the RR-2 requires 20 acres or more for "parks".

- 2) A Conditional Use Permit to allow the overall "trail" (off Township property).
- 3) Planning Commission review of the site/development plan for the park.
- 4) Inclusion in the Township's Recreation Plan (future amendment/adoption)

These review items may be placed on the Planning Commission's August meeting if all submittal materials (easement, funding, etc.) have been acquired and are in to the Township in time to meet rezoning publication requirements for the required public hearings.

Don Britton stated that he is looking for suggestions from the Planning Commission on the proposed trail.

Commissioner Comments:

- It was suggested that the trails committee get some input from knowledgeable skiers in the planning process.
- Two problems with the proposed trail is that it is in close proximity to the snowmobile trail, the two trails cross over each other, which makes it unsafe.
- Signage needs to be clear.
- There should be a solid contractual agreement for grooming (concerned about volunteer grooming).
- Maybe have user fees for trail also.
- This trail should have something different to offer than all of the other trails in the area.
- Good plan.
- Potential expansion by using state land.

DISCUSS-BURNING BARRELS/OPEN BURNING

At the June 21, 1999 Board of Trustees Meeting, two residents on Briarwood complained regarding burning barrels in their neighborhood. The Township Board suggested that this issue be discussed by the Planning Commission as well as being placed on the next agenda of the Board of Trustees.

The Township Board has discussed this issue as late as July of last year. At the July 20, 1998 Board meeting, the minutes reflect that no action was taken on adopting specific regulations.

Essentially, right now the Township has no specific regulations or Ordinance to regulate this activity. The State of Michigan has statewide regulations and is the enforcing agent minus local laws. Regarding burning barrels, these are permitted for 1 or 2 family dwellings (no businesses) in an approved container for the burning of trash as long as they do not violate other air pollution rules (i.e. those limiting smoke and smells).

Of course, the issue of burning regulations largely comes down to enforcement, and the questions are:

- 1) Is there a need for local regulations?
- 2) Does the Township have the desire or resources to become the enforcing agency in this area?

Commissioner Comments:

- Have we gotten a lot of complaints?
- Why have it if we have not gotten any complaints?

It was indicated by staff that we had received approximately 4 complaints in 5 years. It was recommended by the Planning Commission not to pursue a burning barrel/open burning ordinance at this time.

CONSIDER-2000 BUDGET

Doug Riley suggested to the Planning Commission that he proposed no major changes from last year's budgeted amounts, except for increasing the committee meeting per diems for additional meetings for Ordinance amendment work, etc. and including \$500 for Miscellaneous.

In regards to the GIS support line item, the County is applying for a grant through the Land Information Access Association in which parcel based mapping for the entire County may be

achieved. (See the Michigan Association of Counties letter to Steven Powers, which is included in the Informational Items of your packet). If this occurs, in which they say the County has a good chance of receiving the grant, our parcel based mapping would be achieved. The Grant is for roughly \$250,000 in which \$60,000 must be pledged by the County and community. The County is pledging \$30,000 and has asked the Townships, Cities, and other agencies (schools, SCS, etc.) to pledge the other \$30,000. I am recommending that the \$2,500 in this years budget for GIS support be pledged by the Township in achieving this countywide initiative (i.e. we may be able to achieve our base parcel mapping for \$2,500 versus last years quote of \$26,000; along with being able to integrate with the County's system).

Riley would also suggested that we again request \$5,000 under Capital Outlay - Consultant - to allow us to contract for work on completion of some element of the Corridor Plan, major ordinance amendment work or perhaps necessary survey work.

PLANNING DIRECTOR'S REPORT:

1. The first meeting of the Planning Commission Ordinance Amendment sub-committee addressed the issue of kennels in the RP District, minimum lot sizes and widths for the C-1, C-2, and C-3 Districts and Seasonal Roads. Amendments were recommended on the kennels and minimum lot size issues and the public hearing/Planning Commission review will be in August.
2. The Township has joined the Lake Superior Community Partnership and Ivan Fende is the representative and Doug Riley is the alternate.
3. Spoke with Burger King/Ameriking and it will be spring before they re-approach the Township regarding their proposed new facility on M-28 and US 41 and they have hired a contractor to mow the lawn every couple of weeks.

PUBLIC COMMENT: None

COMMISSIONER COMMENT

Commissioner Menhennick spoke with Wahlstroms and they expressed interest in discussing corridor effort and possible drive connection to M-28.

Commissioner DeVooght-can we address cell towers/antennas as a future regulation/amendment item.

INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:

- A. Correspondence - Joseph and Margo Riopelle - Re: Rail/Trail Reversion
- B. Correspondence - MDOT - Re: Sanders Farm
- C. Correspondence from - MDOT - Re: Sanders Farm
- D. Correspondence from - Marquette Area Wastewater Treatment Facility - Re: Capacity and Future Issues
- E. Minutes - Chocolay Township Board - June 21, 1999
- F. Minutes - Recreation Committee - June 16, 1999
- G. Minutes - Central Lake Superior Watershed Partnership - May 20, 1999
- H. Minutes - Chocolay River Watershed Council - May 19, 1999
- I. Information - Michigan Association of Counties letter to Steven Powers - Re: GIS

The meeting was adjourned at 9:02 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, AUGUST 9, 1999**

PRESENT: Commissioners Gary Menhennick, Mike LaPointe, Estelle DeVooght Ken Tabor and Scott Emerson.

ABSENT: Bill Sanders, Steve Kinnunen.

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Don Britton, Sam Elder, Mike Beltz, Bill Todd, James & Betty Thompson

PUBLIC HEARING-CONDITIONAL USE #55-Recreational Structure on Mangum Road

Acting Chairman LaPointe called the public hearing to order at 7:30. Planning Director Riley gave an overview of Mr. Thompson's Conditional Use request for a recreational structure (camp) on Mangum Road, approximately 1,500 feet east of Kawbawgam Road in Section 17. The key element for this proposed use is that the applicants have already received Health Department approval for a septic system. No other intensive services are envisioned. The other key is that this request must be for "recreational structure use" only and cannot be converted to a year round residence (especially since as a mobile home does not meet the minimum residential standards of Section 401) and any approval must be conditioned on such.

Public Hearing closed at 7:32.

PUBLIC HEARING-REZONING #106-TEXT AMENDMENT-Kennels in RP District and Minimum Lots Sizes and Widths for C-1, C-2 and C-3 Districts

Acting Chairman LaPointe called the public hearing to order at 7:32. Planning Director Riley gave an overview of Rezoning #106, which entails two proposed zoning ordinance text amendments that were presented to the Planning Commission's Ordinance Amendment Sub-Committee by staff. The Sub-Committee subsequently concurred with staff and recommended that these amendments be presented to the Planning Commission and Township Board for consideration.

Kennels in the RP District:

Currently the ordinance allows kennels in the RP District but as a Permitted Principal Use. This could be problematic as it allows for no public review/hearing and requires no minimum site area. Kennels can be one of the most problematic land uses as far as nuisance elements and a formal review is clearly needed for the RP District in which they may be proposed.

The recommended option is to make it the same as the RR-2 District where they are allowed as a "Conditional Use on 20 acres or more." This would create a public hearing/review and formal Planning Commission/Board review to address appropriate nuisance issues.

Public and Commissioner comments as followed:

Bill Todd-Is this for new applicants?

Planning Director Riley-Any expansion would have to come to the Planning Commission for Conditional Use approval.

Commissioner Emerson-We see this as a way of getting rid of a problem before it happens.

Sam Elder-Are kennels only allowed in the RP District?

Minimum Lot Sizes/Widths for C-1, C-2, and C-3 Districts

The Ordinance does not currently establish minimum lot sizes and widths for these commercial zoning districts. This could lead to multiple, small, inadequate lots being created under the Land Division Act.

The recommended option would be to establish minimum standards in Section 300-Height and Placement Regulations

C-1	125' width	25,000sf
C-2	125' width	25,000sf
C-3	150' width	1 acre

Public and Commissioner Comments as followed:

Commissioner Menhenick-Could they go to the Zoning Board of Appeals for a variance? Is there any rush on the commercial side of this?

Planning Director Riley-Yes on first question, No on second question.

Public Hearing closed-7:40 p.m.

MEETING CALLED TO ORDER:

Acting Chairman LaPointe called the regular meeting of the Chocolay Township Planning Commission to order at 7:40 p.m.

APPROVAL OF MEETING MINUTES:

The meeting minutes of the regular meeting of the Chocolay Township Planning Commission, dated July 12, 1999 were presented for approval.

Moved by Commissioner Emerson, supported by Commissioner Menhennick, that the July 12, 1999 meeting minutes be accepted as corrected. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

It was suggested to move Old Business after New Business

Moved by Commissioner DeVooght, supported by Commissioner Menhennick, to adopt the agenda as changed, moving New Business ahead of Old Business . Motion carried.

PUBLIC COMMENT: None

NEW BUSINESS:

Conditional Use #55 - Recreational Structure (Camp) on Mangum Road, East of Kawbawgam Road

Commissioner Comments:

Could the Thompson’s build a house there if they wanted to?

Let it also be noted for the record that Mike Morgan has no objection to this request.

Menhennick moved DeVooght second that after review of Conditional Use request #55; the standards of Section 701 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #55 with the following conditions:

- 1) That this recreational structure cannot be converted to a permanent place of domicile or residency without receiving approval from Chocolay Township.
- 2) The applicant comply with the conditions and requirements of the Road Commission for the existing driveway.
- 3) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

MOTION CARRIED

REZONING #106-Text Amendment-Kennels in RP District and Minimum Lot Sizes for C1, C2 and C3 Districts

Menhennick moved Emerson second that the Planning Commission recommend approval of Rezoning #106 to the Township Board for a text amendment to Zoning Ordinance #34 to amend Section 212 (RP District) to change Kennels from being a Permitted Principal Use to a Conditional Use on 20 acres or more and to amend Section 300 to establish minimum lot sizes and widths for the C-1, C-2 and C-3 Districts.

MOTION CARRIED

PRELIMINARY PLAT-TENTATIVE APPROVAL-EWING PARK NO 2

Comments:

- Are the utilities underground?
- Would the church have potential sewer hook-up?
- Do the lots have sewer now?

Menhennick moved Emerson second that following review of the proposed Preliminary Plat of Ewing Park No. 2 dated 7/26/99 the Planning Commission recommends Tentative Approval of the Preliminary Plat to the Township Board with the following conditions:

- 1) That approval grants the proprietor approval of lot sizes, lot orientation, and street layout for a period of 1 year.
- 2) That the proprietor comply with the requirements of Chocolay Township Wastewater Ordinance #39 and any other additional requirements of the Department of Environmental Quality for the proposed sewer extensions.

MOTION CARRIED

PRELIMINARY PLAT-TENTATIVE APPROVAL-ELDERWOOD

Comments:

- The 50’ buffer strip would be reasonable.
- No trees are being cut down that do not have to be cut.
- What are the setbacks?
- Are there additional setbacks for corner lots?

Emerson moved Menhennick second that following review of the proposed Preliminary Plat of Elderwood Subdivision dated 7/26/99 the Planning Commission recommends Tentative Approval of the Preliminary Plat to the Township Board with the following conditions:

- 1) That approval grants the proprietor approval of lot sizes, lot orientation, and street layout for a period of 1 year.
- 2) That the proprietor comply with the requirements of Chocolay Township Wastewater Ordinance #39 and any other additional requirements of the Department of Environmental Quality for the proposed sewer extensions.

Also, the Planning Commission recommends to the proprietor and the Road Commission that the plat include language, as well as the subdivision deed restrictions, that lots #2 and #3 are to have no street access (curb cuts) to Ortman Road.

MOTION CARRIED

DISCUSS-REZONING REQUEST #103-Hlinak R-4 to R-3

Time has run out for this request. Should it be scheduled for next meeting and notify property owners again. This needs some action.

DeVooght moved Tabor second to deny this request and see where it goes from there and notify the landowners.

MOTION CARRIED

PLANNING DIRECTOR’S REPORT:

1. Recycling
2. Corridor Plan update
3. Burning Barrels
4. Board approval –Stenglein
5. Fire Chief-Gary Johnson
6. Trails Committee Recommendation

Menhennick moved, Emerson second that the Planning Commission support the Trails Committee recommendation to the Board and Department of Public Works on pursuing the construction of a bike path/sidewalk along Silver Creek Road from the overpass to the Silver Creek School.

MOTION CARRIED

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:

- A. Harvey Motors v. Maki
- B. Correspondence – Zoning Administrator Maki to Harvey Oil Co.
- C. Correspondence - Zoning Administrator Maki to Gibbs
- D. Correspondence - Fende/Twp. Board to Wisconsin Central; Ameritech; MDNR
- E. Minutes - Chocolay Township Board - July 19, 1999
- F. Minutes - AdHoc Trails Committee - July 6, 1999
- G. Memorandum - Beckman

The meeting was adjourned at 8:23 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, SEPTEMBER 13, 1999**

PRESENT: **Commissioners** Gary Menhennick, Mike LaPointe, Estelle DeVooght, Ken Tabor, Scott Emerson, Bill Sanders, and Steve Kinnunen

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Don Britton, James Compton, Jason Copeman, Judy Copeman, Gary & Cathy Peterson, Jon & Nancy Wennerberg, Gary Shane, Richard Sorensen, Tim Hunt, Jim Mitchell

PUBLIC HEARING-REZONING #107-TEXT AMENDMENT-Accessory Housing

Chairman Bill Sanders called the public hearing to order at 7:30. Planning Director Riley gave an overview of Mr. Copeman's request for amending the zoning ordinance to allow "accessory housing" for elderly parents or other family members.

Staff has completed a rather extensive review of this issue, (knowing that allowing these units can be problematical). Subsequently, we also discussed this issue with the Planning Commission's Ordinance Amendment Sub-Committee. We agreed that perhaps provisions should be made to allow such housing, especially due to the social issue of our aging populace and the need for alternate "assisted living accommodations". However, it is believed that any such Ordinance provisions should be rather restrictive in order to avoid these units from becoming duplexes or rental apartments and changing the character of the single family districts in which they may be located. Therefore, staff has reviewed the literature on this issue and several existing Ordinances regarding this use and utilized the best of these to recommend our own text amendment language to address these concerns.

The key elements of our proposed text amendment language is the following:

- 1) It creates an adequate definition of what is permitted as "Accessory Housing" and limits it to the parent(s) or grandparent(s) of the owner-occupiers of the single-family dwelling. (i.e. does not allow rentals for unrelated persons).
- 2) Adds this use as being permitted as a Conditional Use in the districts permitting single family homes. This is very important as it provides for public notice and adjacent property owner notification and the stricter review powers afforded the Planning Commission.
- 3) There is a floor area limitation to the size of the accessory housing unit.
- 4) Exterior elevation drawings (i.e. renderings) are required to be submitted to allow the Planning Commission and the public (adjacent property owners) to determine that there will be no visible change from that of a typical single family structure. (i.e. to avoid the appearance of a duplex).
- 5) The applicant is required to file an affidavit with the Registrar of Deeds indicating that the accessory housing unit is for a parent or grandparent only. (i.e. to prevent someone from purchasing the home unknowingly as a duplex).

While these provisions may not be flawless, and undoubtedly some enforcement problems could arise, at least we have the basis for adequate reviews and standards to limit adverse impacts to any residential area where they may be proposed.

One letter was received on this issue from Mr. & Mrs. Arnold. Riley reviewed this letter and advised that he had spoken with the Arnolds.

Public hearing closed at 7:39 p.m.

PUBLIC HEARING-REZONING #108-TEXT AMENDMENT-Site Plan Review

Chairman Bill Sanders called the public hearing to order at 7:39. Planning Director Riley gave an overview of Rezoning #108, which is a proposed text amendment to the Site Plan Review section of the Ordinance to exempt limited site and building changes from requiring Site Plan Review by the Planning Commission. This needed amendment was discussed with the Planning Commission's Ordinance Amendment Sub-Committee last month. The Sub-Committee subsequently concurred with staff and recommended that this amendment be presented to the Planning Commission and Township Board for consideration.

The basis for the amendment is because staff has witnessed that the new Site Plan Review requirements have proven rather burdensome (in regards to time and money) for many existing or prospective businesses desiring to change uses or make minor site improvements or additions

to their structures. The current Site Plan Review language requires that "any proposed use or building or any other improvement requiring a site plan shall not be issued until a Final Site Plan has been reviewed and approved...". The Ordinance then gives three exceptions that do not require formal Site Plan Review by the Planning Commission: (1) one and two family dwellings, (2) temporary building and structures and (3) accessory uses or structures.

An additional exception needs to be created to allow administrative review and approval of other "minor" changes. A classic example where this is needed is John Weting's office building immediately south of A&W where the businesses occupy individual suites. A beauty shop is proposed to be placed in one of the suites. Clearly, an Ordinance permitted business should not have to wait and receive formal Site Plan Review by the Planning Commission before being approved to go in, especially if the use only triggers a few additional parking spaces and no other Ordinance requirements.

Therefore, staff and the Ordinance Sub-Committee proposes the attached text amendment to address this problem. This is rather "typical" ordinance language that many Zoning Ordinances have to allow administrative review of such limited changes.

Public hearing closed at 7:42 p.m.

PUBLIC HEARING-CONDITIONAL USE #56-Wennerberg-Storage Building

Chairman Bill Sanders called the public hearing to order at 7:42. Planning Director Riley gave an overview of Conditional Use #56, Jon Wennerberg has requested Conditional Use Permit approval, including Site Plan Review, for two (2) mini-storage and two (2) R/V storage buildings. These buildings are proposed immediately west of Mr. Wennerberg's Star Industries facility at 115 Industrial Drive (Varvil Center).

Public hearing closed at 7:44 p.m.

PUBLIC HEARING-Private Road request #14-Peterson

Chairman Bill Sanders called the public hearing to order at 7:44. Planning Director Riley gave an overview of Cathy and Gary Peterson's requested approval of a private road under Section 402 of Zoning Ordinance 34. This proposed private road is located east off US-41 just north of the Beaver Grove Recreation Area in Section 16. (Proposed on the property previously recognized as the DeVooght property).

Staff has identified three primary concerns with the proposal. These are: 1) no cul-de-sac is proposed to be provided; 2) the soils near the connection to US-41 appear to be questionable and may need to be tested; and 3) the proposed maintenance and access provisions proposed are a little different than standard and need to be explored further.

In addition, the DPW Director and Fire Department has identified several concerns that the applicant also needs to explore and address. Therefore, staff is recommending that the Planning Commission conduct the Public Hearing on this item but then TABLE the request for one month in order to give the applicant, and the Township, an opportunity to further explore and clarify the identified concerns.

Public hearing closed at 7:45 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:45 p.m.

APPROVAL OF MEETING MINUTES:

The meeting minutes of the regular meeting of the Chocolay Township Planning Commission, dated August 9, 1999 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner LaPointe, that the August 9, 1999 meeting minutes be accepted as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Kinnunen, supported by Commissioner Emerson, to adopt the agenda as presented. Motion carried.

PUBLIC COMMENT: None

NEW BUSINESS:

Rezoning # 107-Text Amendment-Accessory Housing

Commissioner Comments:

Do any other areas have square footage limitations? This should be limited to 300 sq. ft.

Answer: Yes, AARP requirements are 280 sq. ft for 1 person and 400 sq. ft. for 2 persons, maximum being 900 sq. ft.

We are worried about these additions turning into rental units.

This use should be limited to parents and grandparents only.

What about incapacitated children?

Is this for a separate structure or an addition?

Has the attorney reviewed this yet?

It was felt that a larger sq. ft. should be allowed.

Public comment:

The size limit of 300' is smaller than an apartment.

This may be discriminatory to say that you can add on but not allow a family member to move in.

Menhennick moved Emerson second that the Planning Commission recommend approval of Rezoning #107 to the Township Board for a text amendment to Zoning Ordinance #34 as drafted on the "STAFF RECOMMENDED TEXT AMENDMENTS TO ALLOW ACCESSORY HOUSING" dated August 24, 1999 to create provisions to permit the conversion of a single family dwelling to include an accessory apartment as a means of accommodating an elderly parent(s) or grandparent(s).

Under SECTION 101 - DEFINITIONS **add** the following language:

"ACCESSORY HOUSING UNIT: A complete, self-contained dwelling unit created within or attached to a permitted existing detached single-family dwelling that provides accommodations for the elderly parent(s) or grandparent(s) of the owners-occupiers of the single family dwelling".

Under Subsection C (CONDITIONAL USES) in SECTIONS: 202 (DISTRICT R-1); 203 (DISTRICT R-2); 206 (DISTRICT LS/R); 207 (DISTRICT RR-1); 208 (DISTRICT RR-2); 212 (DISTRICT RP) and 213 (DISTRICT OS) **add** the following language:

"Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)."

Under SECTION 107 - ACCESSORY USES AND STRUCTURES **add** a subsection (C) which reads:

"Accessory Housing Unit: It is the intent of this section to provide standards that will allow extended family living in what have traditionally been detached single-family only zoning districts or neighborhoods. Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment as a means of accommodating an elderly parent(s) or grandparent(s). It is the intent that by providing housing opportunities for the elderly that a vital need can be met without diminishing the quality of the affected neighborhood; this allows independence and yet close contact to younger family members.

- 1) Accessory Housing Units shall meet the following requirements:
 - a) Only owner-occupiers are permitted to install and/or maintain accessory housing units.
 - b) Occupancy of the accessory housing unit is limited to the parent(s) or grandparent(s) of the occupants of the single-family dwelling.
 - c) Accessory housing units are required to be attached to the single-family dwelling and shall not increase the floor area of the single family dwelling by over 30%, and in no case shall any accessory housing unit exceed 1,000 square feet.
 - d) There shall be no visible change in the exterior appearance of the dwelling containing the accessory housing unit that will alter the single-family appearance of the dwelling. Exterior elevation drawings, architectural renderings and floor plans of the existing/proposed structure are required to be submitted for review as part of the Conditional Use application.
 - e) All improvements associated with construction of the accessory housing unit shall meet current applicable codes including approval of the Health Department for any needed improvements

to the on-site septic system if applicable. Utilization of the existing septic system, without creating a new/separate system is encouraged and Health Department permits shall be provided to the Township by the applicant.

- f) Separate sale or ownership of the accessory housing unit from the primary dwelling on a lot or parcel is prohibited. Upon conditional use approval of any accessory housing unit, the owner shall file an affidavit with the Registrar of Deeds for the parcel indicating that said accessory housing unit is for use by only a related parent or grandparent.
- g) Any additional parking as needed or required by this Ordinance shall be provided in off-street space.
- h) Conditional Use approval of accessory housing units are valid for a period of five (5) years subject to Planning Commission review of requested five (5) year extensions.
- i) Upon the cessation of use of the accessory housing unit by the parent(s) or grandparent(s) of the owner-occupiers of the single-family home, said accessory housing unit shall be removed or converted to remove the individual floor plan elements (such as a separate/duplicate kitchen facilities) that functionally create a separate dwelling unit.
- j) The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties, to retain the residential character of the neighborhood and to protect the public health, safety and welfare.

MOTION CARRIED

REZONING #108-Text Amendment-Site Plan Review

Planning Commission believes that if the site plan review process is expedited and nothing is being changed, to them this is a good thing.

Menhennick Moved Kinnunen Second that the Planning Commission recommend approval of Rezoning #108 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 502 (SITE PLAN REVIEW) subsection B.1.a. to add a subsection (4) which would read:

- "4) A change of use to another permitted principal use in the respective zoning district, or an expansion to any one (1) existing permitted building, which, in either case, does not increase the building floor area by over 20%, or increase the parking requirements not already developed on the site by over 20%, and in which there are no changes in access locations or other site improvements (including but not limited to landscaping) being made."

MOTION CARRIED

CONDITIONAL USE REQUEST #56-WENNERBERG-STORAGE BUILDING-Industrial Drive

Comments:

Would the fence placement be on the property?

Does this coincide with other mini-storages?

Are floodlights proposed?

What about a gate mechanism?

Emerson moved Menhennick Second that after review of Conditional Use request #56; the standards of Section 701 and Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #56 with the following conditions:

- 1) That the center aisle lanes, and any lanes providing access to storage doors, be left with a 20' unobstructed area to allow customer access/maneuvering as well as for providing access for emergency vehicles.
- 2) That the applicant provide the Township with authorization and provisions to access the gate for emergency purposes.

- 3) That the applicant provide the Fire Department with a final set of building plans detailing the fire breaks within the buildings.
- 4) That this parcel cannot be further split or subdivided.
- 5) That the applicant obtain a zoning compliance permit and land division approval from the Township Zoning Administrator.

MOTION CARRIED

PRIVATE ROAD REQUEST #14 –Peterson

Commissioner comments on Township concerns:

1. Cul-de-sac
2. Soil testing
3. Maintenance of road.

Is the application for the whole road?

Road should be part of proposed 5 acres parcels.

Might facilitate selling of land if there was a cul-de-sac.

Are there any current private roads without cul-de-sacs?

Felt that a temporary cul-de-sac could be put in and then abandoned when road is extended.

Sanders Moved, DeVooght Second that after review of Private Road request #14; the standards of Section 402,D of Ordinance 34; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and identifying several concerns with the proposal as detailed in the STAFF/FILE REVIEW and the DPW Director and Fire Department's Review, the Planning Commission TABLES this request for one month in order to give the applicant, and the Township, an opportunity to further explore and clarify the identified concerns.

MOTION CARRIED

SITE PLAN REVIEW #99-1-Family Dollar

Commissioner Comments:

- Are the other 2 stores and the number of parking spaces the same?
- Could a 100-year storm system be put in?
- Can the driveway be moved?
- Suggestion to demo house and move building, and rezone.
- Change parking size and add more green area.
- Can you tie into 12-inch storm sewer?
- Is infiltration good for the environment?
- Is it feasible to add a larger sump?
- Concerns about preserving the trees.
- Feels that Family Dollar should come back next month with a revised site plan and reduction in parking and more landscaping.
- Suggested that Family Dollar seek a parking space variance from the Zoning Board of Appeals.

Gary Shane-Family Dollar completes parking studies and the maximum number of cars in the parking lot at one time is 15-20.

Bob Cambensy-Driveway is possible to be moved. 100-year storm is possible also. Not a whole lot can be done with landscaping in the front of the building.

Emerson Moved, Menhennick second that after review of the standards of Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and identifying several concerns with the proposal as detailed in the STAFF/FILE REVIEW and DPW Director and Fire Department's Review, the Planning Commission TABLES this request for one month in order to give the applicant an opportunity to amend their plans to address these concerns and that the applicant pursue a parking space reduction through the Zoning Board of Appeals and add more landscaping along US-41.

MOTION CARRIED

SITE PLAN REVIEW REQUEST #99-2-Bayshore Veterinary Hospital

Tim Hunt-My intent is to change the Bayou House to a veterinary clinic hospital and maintain the home. I don't want to change anything else. Change for parking and to make handicap accessible.

Commissioner Comments:

- Is there a 2nd driveway?

Menhennick moved, Kinnunen second that after review of the standards of Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Site Plan Review Request #99-2 with the following conditions:

- 1) That the handicapped space be signed in accordance with State Barrier free requirements.
- 2) That a One-Way traffic sign be placed near the southeast corner of the facility to channel and train traffic that the secondary driveway is for egress purposes.
- 3) That the applicant obtain a permit from the Michigan Department of Transportation for the driveway improvements to US-41.
- 4) That the applicant obtain a Zoning Compliance permit from the Zoning Administrator.

MOTION CARRIED

TRAIL DEVELOPMENT-EMERSON CORRESPONDENCE

Scott Emerson presented his proposal dated September 8, 1999 regarding a solution to the snowmobile trail routing dilemma that has been confronting the Township. This proposal would include contacting Ameritech to establish a non-motorized trail on the abandoned railroad grade from Chocoy Downs to the State Information Center. In addition, approval would be sought to allow a winter use motorized trail on the abandoned railroad grade from the east edge of the Township to Chocoy Downs, then on the south side of the M-28 right of way to the overpass, then along the north side of M-28 to the US-41/M-28 intersection and the summer bike path. He stated that while this route may not be perfect, it may be the safest and most doable access through the Township, particularly in order to get the snowmobiles through our primary commercial corridor.

Gary Peterson-These trails are nice but when the weather is bad these people use the roads, which is a bad, unsafe situation.

Emerson encouraged the Planning Commission to support a group meeting with the decision-makers at Ameritech, MDOT, DNR, CABA, members of the Planning Commission and the Township Board to move forward on this issue.

It was discussed that any such meeting be scheduled for an Ad Hoc Trails Committee meeting as this group has been working on this issue and would be the best to facilitate such a meeting. Perhaps the October trails meeting could host such a discussion.

Jim Mitchell-stated that he believed the Planning Commission is making the same mistake that has been made in the past by not contacting the affected property owners prior to any such meetings. Part of the problem is that there are too many groups studying this issue and that is part of the problem and opposition to the trail.

Emerson moved, Sanders second that the Planning Commission offer a resolution of support to the Township Board to bring the necessary parties together with the goal of achieving an approved overlay trail route.

Motion Carried

PLANNING DIRECTOR'S REPORT:

1. Township Board-Approved Elder Plats
2. Pocket Park-Letter of funding
3. Rezoning #107 received recommendation of 2-text amendments approval from the County.
4. Recycling- Will be on next agenda and will ask Larry to attend meeting

PUBLIC COMMENT:

Cathy Peterson-Believes Mr. Emerson's study is terrible and the property owners along M-28 did not "buy into" a trail in front of their homes.

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCE

The meeting was adjourned at 10:35 p.m.

- A. Minutes - Chocolay Township Board - August 16, 1999
- B. Minutes - AdHoc Trails Committee - August 3, 1999

Estelle DeVoight, Commission Secretary

Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, OCTOBER 11, 1999**

PRESENT: **Commissioners** Gary Menhennick, Mike LaPointe, Estelle DeVooght, Ken Tabor, Scott Emerson, Bill Sanders, and Steve Kinnunen

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Don Britton, John Smith, Tom Mahaney, Sharon Roshak, Robert Cambensy and Gary Shane

**PUBLIC HEARING - CONDITIONAL USE #57 - CHOCOLAY CHARTER TOWNSHIP
- CROSS COUNTRY SKI TRAIL**

Chairperson Sanders opened the public hearing at 7:30 p.m. Planning Director Riley indicated that, as of today, the Township had not received any calls or correspondences in response to the Public Hearing notice or property owner notifications.

No other public comment. Chairperson Sanders closed the public hearing at 7:31 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:32 p.m.

APPROVAL OF MEETING MINUTES:

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated September 13, 1999 were presented for approval.

Moved by Commissioner LaPointe, supported by Commissioner Menhennick, that the September 13, 1999 meeting minutes be approved as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Menhennick, supported by Commissioner Kinnunen, to adopt the agenda as presented. Motion carried.

PUBLIC COMMENT: None

OLD BUSINESS:

PRIVATE ROAD REQUEST #14 - PETERSON

The Planning Commission received Cathy Peterson's October 6, 1999 letter requesting that the Planning Commission table her private road request until January, 2000 in order to allow her to work on her proposal.

Moved by Commissioner Menhennick, supported by Commissioner Sanders to Table Private Road Request #14 until the January 2000 Meeting. Motion carried.

SITE PLAN REVIEW #99-1-FAMILY DOLLAR

Planning Director Riley indicated that Family Dollar had submitted a revised site plan. The revised site plan addressed the three primary concerns that had been previously identified. The first being that the access drive location had been shifted approximately 60' to the west to create a larger vehicle stacking area from the US-41 and Wright Street intersection which should greatly increase the safety at the intersection. The second is that the applicant received a variance from the Township Zoning Board of Appeals to the required number of parking spaces, being reduced to 33 required, which decreased the amount of impervious surface and subsequently retained additional existing trees on the site and created additional open space for trees to be planted. Third, the stormwater retention system has been re-designed/enlarged to accommodate a 100 year storm event, versus a 10 year storm event.

Staff's memorandum recommending for approval with conditions was reviewed with the Commission. Commissioner Emerson explained an idea to leave the two parking spaces in the southeast corner of the site plan and eliminate the two spaces in the northeast corner and plant large trees in this area, as well as along the east boundary of the site along US-41, in order to "pull" some landscaping toward the road. He also suggested that perhaps the applicant could utilize downward directed or shielded lighting for the parking lot.

Discussion centered on the Board of Appeals approval of the parking space variance and whether this relocation of parking spaces would conflict with their ruling.

Gary Shane, representing the applicant, indicated that they typically like to construct their building and then look at where trees or landscaping should go.

The Planning Commission discussed the landscaping options with the applicant. Planning Director Riley indicated that a condition on the lighting is not inappropriate as a customary condition to protect the neighboring properties from adverse lighting impacts. Discussion also centered on landscaping/buffering for the west property line and underground versus above ground electrical service.

Commissioner Emerson moved, Commissioner Kinnunen second, that after review of the standards of Section 504 and other applicable standards contained in the Township Zoning Ordinance, the Planning Commission approves Site Plan Review request #99-1, incorporating the revised Site Plan dated October 7, 1999, for the construction of a Family Dollar Store, with the following conditions:

- 1) That the two southeast parking spaces be retained on the site plan to create an irregular contour in the existing trees with all the other existing trees being left intact in the "Do Not Disturb Existing Trees" area.
- 2) That one parking space be deleted in the northeast corner of the site plan near the US-41 and Wright Street intersection to create a larger open space area and one parking space be deleted immediately east of the access drive location to enlarge that open space area and that additional large trees such as white spruce, red oak, etc. be planted in these areas.
- 3) That the applicant obtain a permit from the Marquette County Road Commission for the access location to Wright Street.
- 4) That the applicant obtain the appropriate permit for the sewer connection from Chocolay Township and the well permit from the County Health Department.
- 5) That final building plans be submitted to the Fire Department under the Fire Fighter Right to Know program.
- 6) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.
- 7) That commercial non-glare, downward directed lighting be installed to protect adjoining properties.

In addition, it is recommended that the applicant install the stormwater catch basins with a 2' minimum sump depth in order to increase the sediment holding ability of these structures and the applicant make every attempt to construct this facility with underground electrical service.
Motion Carried.

The Planning Commission commended the applicant for working to revise their site plan to address the identified concerns and felt that it was greatly improved over their original proposal.

JAMES CARTER CORRESPONDENCE - COMMUNITY SIGNAGE

Commissioner Kinnunen indicated that he was rather disappointed that the MDOT is implementing such a policy. He believes that these signs are an important part of our history and are utilized to a very significant extent, particularly in the Upper Peninsula. Planning Director Riley gave an update on the Green Garden request for their sign to be replaced. He read a letter from the U.S. Postal Service indicating that Green Garden residents can utilize Green Garden as their mailing address.

The Planning Commission voiced agreement with Mr. Carter's argument that it is important to retain these community place names. The Planning Commission indicated that perhaps we should wait and see what happens on the Green Garden signage request to the MDOT and then determine what appropriate support the Planning Commission can offer in this effort to support the retention of community signs and map listings.

NEW BUSINESS:

CONDITIONAL USE #57 - CHOCOLAY CHARTER TOWNSHIP - CROSS COUNTRY SKI TRAIL - KAWBAGAM ROAD AREA

Planning Director Riley gave a brief overview of the proposed ski trail and staff's recommendation for approval with conditions. Discussion centered on staff's recommended condition #7 in regards to the location for the crossing of the railroad grade/snowmobile trail. It was discussed that some flexibility was needed in regards to the location of this crossing to account for differing snow conditions, trees, etc..

Commissioner Emerson moved, Commissioner Kinnunen second, that after review of Conditional Use request #57; the standards of Section 701 and Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #57 with the following conditions:

- 1) That the easement agreements with Ameritech and John Smith be fully executed.
- 2) That a permit from the Health Department be approved for the restroom.
- 3) That the required insurance coverages/riders be obtained for the project.
- 4) That the MDNR approves the final ski trail plan.
- 5) That the Road Commission issue the final permit for use of the Seasonal Road BAA right-of-way.
- 6) That minor extensions or changes to the ski trail are permitted, however, any extensions or changes are limited to the south half of Sections 8 and 9 and extensions to within 300' of private property shall require an amendment to the Conditional Use Permit.
- 7) That the crossing of the railroad grade/snowmobile trail be engineered safely and be appropriately signed.
- 8) That all funding and costs for this project be provided on a volunteer basis or needed Township expenditures must be authorized by the Township Board.
- 9) That a zoning compliance permit be obtained from the Township Zoning Administrator once conditions 1 through 5 have been met.

Motion Carried.

The Planning Commission commended the Trails Committee for the work they had completed on this project. The Planning Commission also thanked Tom Mahaney for his assistance in working with the Trails Committee on this project. Tom Mahaney indicated that he is very excited for this project, as is the Superiorland Ski Club which he is a member, and commended Chocolay Township for promoting such a project.

SNOWMOBILE TRAIL SURVEY LETTER - BOARD REQUEST FOR PLANNING COMMISSION REVIEW/INPUT

Commissioner Menhennick stated that he believes that the idea of a survey may be premature. Since we do not have a safe bridge crossing over the river, why should we pursue the survey. Perhaps we need to lay the groundwork on getting a safe river crossing before we go any further on the routing. Menhennick stated that, as recently recommended by the Trails Committee, the Township should look at completing a multi-use trail along M-28 first, then pursue the bridge crossing. By having a trail in place up to the river, when the MDOT does replace or improve the bridge, they may make provisions for the trail crossing.

Don Britton, Chairman of the Ad Hoc Trails Committee, indicated that at their October 5, 1999 meeting, they recommended that the Township look at adopting a local ordinance on a snowmobile curfew and speed limit.

Commissioner Emerson indicated that he thought it may be a good idea to get the residents input now and he did not see any major problems with the survey. Discussion centered on the timing of the survey and whether it was the appropriate time to ask the people. Discussion also centered on who should be sent the survey. It was discussed that perhaps anyone within 300' of the proposed route should be notified, as is standard practice in rezonings or conditional uses, as the impacts could affect more than just abutting property owners.

Commissioner Menhennick stated that he believed the best approach for now would be for the Township to look at a local ordinance establishing an 11:00 p.m. snowmobile curfew, which would be consistent with Munising, along with a snowmobile speed limit. This would be a necessary first step in establishing a framework for how snowmobiles can operate in the Township.

Sharon Roshak, 1318 E. M-28, stated that she is not in favor of a motorized trail across her front yard as has been proposed. She stated that it is interesting to note that concern is expressed by the Planning Commission on site plans regarding lighting impacts on nearby residences, (such as Family Dollars), and she believes the same concern should be given for those residences along the trail route. The concern is even larger for these residences because of light and noise impacts.

Commissioner LaPointe indicated that he believed the Township probably should not pursue the survey until after the bridge crossing issue is resolved. If that takes a few years, we would need to re-survey the people anyway to make sure we have valid/timely responses.

Commissioner Kinnunen indicated that he supports a path along M-28 for multi-use. It's an improvement that would be used by a lot of people, regardless of whether snowmobiles ever use it. Commissioner Emerson indicated that he surely supports the Trails Committee working on a multi-use trail along M-28.

Commissioner DeVooght indicated that she believed the Township should send the survey out and find out exactly how the people feel.

Chairman Sanders suggested that the Planning Commission defer to the Trails Committee, and their recommendations on this issue, as they are closer to all of the nuances of the snowmobile trail issue. Commissioner Emerson indicated that he could support this, however, while the timing may be wrong now, he does believe that the survey should be sent out to the residents/property owners before agreeing on proceeding on a route. He would also suggest that the first question in the survey state that "Do you support a motorized trail, limited to snowmobiles only during the winter months, along the above described route"? Further this question, or another portion of the survey, should identify a reasonable estimate of the number of snowmobiles that could be expected daily, (not the 5,000 to 6,000 per day that has been reported in the paper recently).

PLANNING DIRECTOR'S REPORT:

- 1) Rezoning #106 - Approved at 1st reading by Township Board.
- 2) Rezoning #107 & #108 - Reviewed by Township Attorney, waiting for County Planning Commission response.
- 3) FY 2000 Budget has been adopted by the Board.
- 4) GIS Grant - Marquette County has been chosen as grant recipient and we will be participating in the upcoming meetings.
- 5) Marquette Township - Idea for joint Planning Commission Conference/Training.

COMMISSIONER COMMENT:

Commissioner Menhennick stated that, as recommended by the Ad Hoc Trails Committee, he would like the Planning Commission to consider recommending to the Township Board that they look at adopting a snowmobile curfew and speed limit ordinance.

John Smith stated that the Township needs to show the DNR that we are being pro-active on dealing with snowmobiles and he would support the Board adopting an Ordinance establishing a snowmobile curfew and speed limit.

Commissioner Menhennick moved, supported by Commissioner Sanders, that the Planning Commission recommend that the Township Board take a hard look at adopting an Ordinance establishing a snowmobile speed limit and curfew. Motion Carried.

INFORMATIONAL ITEMS AND CORRESPONDENCE

- A) Correspondence from - Larry Gould, DPW Supervisor - Recycling Bins and Curbside Collection of Refuse Cans.
- B) Minutes - Chocolay Township Board - September 20, 1999
- C) Minutes - AdHoc Trails Committee - September 8, and October 5, 1999

The meeting was adjourned at 10:00 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, NOVEMBER 8, 1999**

PRESENT: Commissioners Gary Menhennick, Mike LaPointe, Estelle DeVooght, Ken Tabor, Bill Sanders, and Steve Kinnunen

ABSENT: Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Bob & Sharon Roshak

**PUBLIC HEARING – REZONING #109 - CHOCOLAY CHARTER TOWNSHIP –
KAWBAWGAM ROAD PROPERTY- C-1 & RR-2 TO PUBLIC LANDS**

Chairperson Sanders opened the public hearing at 7:30 p.m. Planning Director Riley indicated that, as of today, the Township had not received any calls or correspondences in response to the Public Hearing notice or property owner notifications.

No other public comment. Chairperson Sanders closed the public hearing at 7:31 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:31 p.m.

APPROVAL OF MEETING MINUTES:

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated October 11, 1999 were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner Menhennick, that the October 11, 1999 meeting minutes be approved as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Sanders, supported by Commissioner Kinnunen, to adopt the agenda as presented. Motion carried.

PUBLIC COMMENT: None

OLD BUSINESS: None

NEW BUSINESS:

REZONING # 109- CHOCOLAY TOWNSHIP- KAWBAWGAM ROAD PROPERTY- C-1 & RR-2 TO PUBLIC LANDS

Staff supports this request as a practical and reasonable zoning for this property. Staffs only concern lies within the actual Ordinance language of the Public Lands District itself. This concern relates to the fact that there are no specific uses listed as permitted or as conditional as in the other zoning districts. This is important as there could be certain Township functions that perhaps should go through the Conditional Use Permit procedure and, most importantly, the public notice and nearby property owner notification it entails. For example, before the Township should place a "waste transfer station" or other "intensive" land use on this property, a public hearing should be held and the adjoining property owners should be notified.

Therefore, perhaps the Public Lands district language needs to be amended to spell out which type of Township uses should be listed as more intensive "Conditional Uses" that warrant that subsequent review process.

Staff advised that they would review this with the Ordinance Amendment Subcommittee.

Menhennick moved LaPointe second that following the review of Rezoning request #109 and the Staff/File Review, the Planning Commission recommends approval of Rezoning #109 to the Township Board to rezone said property from C-1 and RR-2 to PUBLIC LANDS.

Motion Carried.

PLANNING DIRECTOR'S REPORT:

- 1) Minutes-As discussed at the October Meeting, we will continue with the minutes stating motion carried. If the commission desires to have broken out-ask for roll call.

- 2) Green Garden-The request for map identification has been approved by MDOT. The request for signage is still pending.
- 3) Snowmobile trail issue-The Board decided not to send out property owners survey. They decided to review potential ordinance controlling speed limit and establishing a curfew.
- 4) Ordinance Amendment Sub Committee-met and reviewed parking requirements and cell towers.
- 5) Rezoning- The Board approved the first reading on the ordinance text amendments on Accessory housing and site plan review.

COMMISSIONER COMMENT:

Commission discussed recent site plan reviews including Family Dollar.

INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes - Chocolay Township Board - October 4 and October 18, 1999
- B. Correspondence - Township Attorney to Ameritech - Re: Railroad Grade
- C. Correspondence - James Carter - Green Garden Signage and Map Identification

The meeting was adjourned at 7:55 p.m.

Estelle DeVooght, Commission Secretary

Stacy Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JANUARY 10, 2000**

PRESENT: **Commissioners** Gary Menhennick, Bill Sanders, Scott Emerson, Mike LaPointe, Estelle DeVooght, Kendall Tabor arrived at 7:43 p.m.

ABSENT: Steve Kinnunen

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch Recording Secretary, John Smith, Robert & Sharon Roshak

PUBLIC HEARING-REZONING # 110-TEXT AMENDMENT-WIRELESS COMMUNICATION FACILITIES

Chairperson Sanders opened the public hearing at 7:33 p.m. Planning Director Riley indicated that, as of today, the Township had not received any calls or correspondences in response to the Public Hearing notice.

No public comment. Chairperson Sanders closed the public hearing at 7:34 p.m.

PUBLIC HEARING-REZONING # 111-TEXT AMENDMENT-OFF-STREET PARKING REQUIREMENTS

Chairperson Sanders opened the public hearing at 7:34 p.m. Planning Director Riley indicated that, as of today, the Township had not received any calls or correspondences in response to the Public Hearing notice.

No public comment. Chairperson Sanders closed the public hearing at 7:35 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:35 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated December 13, 1999 were presented for approval.

Moved by Commissioner Menhennick, Supported by Commissioner Emerson that the December 13, 1999 minutes be approved as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner Menhennick, to adopt the agenda as presented. Motion carried.

PUBLIC COMMENT:

John Smith-2176 M-28 East- The new ski trail is in place and is groomed. Have seen many skiers using trail. The trash in the woods needs to be cleaned up, there is grant monies available to do this. Requesting someone from the township to apply for these monies.

OLD BUSINESS:

PRIVATE ROAD REQUEST #14-PETERSON

Remained tabled at applicant's request.

NEW BUSINESS:

REZONING # 110-TEXT AMENDMENT-WIRELESS COMMUNICATION FACILITIES (CELL TOWERS)

Planning Director Riley briefly reviewed his memo to the Planning Commission dated January 5, 2000 detailing the changes that were made to the proposed ordinance language based upon the attorney's review and recommendations.

The Planning Commission specifically reviewed and discussed the following points of the proposed regulations: 1) 1 mile spacing requirement. Whether this item should remain in the regulations; 2) Minimum site area. Should we specify a minimum site area? and 3) RP District Regulations. Whether the four (4) proposed special regulations for the RP District are reasonable.

Significant discussion centered on the pros and cons of the 1 mile spacing requirement and whether this would encourage collocation or would simply disperse more towers over a larger area. It was also discussed to amend the Intent and Purpose section to eliminate the section of the first sentence which reads "reducing the obtrusive impact and unnecessary proliferation" and to insert "regulating" in its place. In addition, "and collocation" should be inserted after "cooperative use". It was believed this clarified the intent of the regulations without being overly negative.

Menhennick pointed out that if the smaller towers can be "camouflaged" as a light pole or flag pole, perhaps they should also be allowed in the C-2 District. Discussion centered on the pros and cons of allowing them in even more districts and the need to limit the districts to some degree to encourage collocation and placement in the Township's Public Lands District.

Emerson moved LaPointe second that the Planning Commission recommends the adoption of rezoning #110, to the Township Board of Trustees to read as follows:
MOTION CARRIED.

Amend Section 101 "**DEFINITIONS:**" to add the following definition in the correct alphabetical location:

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings, and private and commercial mobile radio service facilities.

Amend Section 211 "**DISTRICT C-3**" subsection (C) **CONDITIONAL USES** to add "Wireless Communication Facilities subject to the conditions of Section 527".

Amend Section 212 "**DISTRICT RP**" subsection (C) **CONDITIONAL USES** to add "Wireless Communication Facilities subject to the conditions of Section 527".

Amend Section 214 "**PUBLIC LANDS ZONING DISTRICT**" subsection (C) **CONDITIONAL USES** to add "Wireless Communication Facilities subject to the conditions of Section 527".

Amend To Add a Section 527 to read:

WIRELESS COMMUNICATION FACILITIES:

The Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses but also has an interest in regulating highly visible structures such as large, high communication towers. It is the Township's interest, also, to induce, to the extent reasonable, cooperative use and collocation of such towers and their associated facilities and structures.

- A. Wireless Communication Facilities located in the C-3 or Public Lands District are subject to the following qualifying conditions and/or regulations:
1. The height of the wireless communication facility shall not exceed 175' unless a variance has been granted by the Zoning Board of Appeals.
 2. All sites must contain a minimum area sufficient to contain the wireless communication facility and all related accessory uses. The site shall have legal documented access to a public road.
 3. Any wireless communication tower must be set back from all property lines a distance equal to its height, unless engineering plans and

specifications have been certified by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, verifying a safe fall zone. All towers shall be certified by an above licensed engineer verifying that the structural design will withstand wind speeds and icing under the worst conditions experienced in the area.

4. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
5. No wireless communication facility shall be approved unless the applicant is able to establish that any existing tower, structure or facility is not available for co-utilization based upon technical inadequacy or incapacity, unreasonable or prohibitive cost, denial by owner or other practical impediment to use or access.
6. There shall not be displayed on the wireless communication facility advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
7. The wireless communication facility shall be maintained in a predominate color, coating or material which matches the exterior surroundings. The predominant color scheme shall be designed to minimize off-site visibility of the structure.
8. All wireless communication facilities must comply with the standards of the Federal Aviation Administration, the Federal Communications Commission and all applicable State or Local codes.
9. The wireless communication facility shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
10. All wireless communication facilities shall be removed by the property owner or lessee within six (6) months of being abandoned by all users.
11. Minimum spacing between wireless communication facilities shall be one (1) mile in order to prevent a concentration of towers in one area.
12. Wireless communication facilities shall not be artificially lighted unless required by the Federal Aviation Administration.
13. The base of any tower and any cable supports shall be fenced with a minimum six (6) foot high security fence and all fencing shall be screened with landscaping. Accessory structures shall match the construction characteristics of other existing buildings in the surrounding area.
14. All wireless communication facilities shall be inspected after being constructed and then once every three (3) years for compliance with all ordinance, structural and operational requirements and shall be certified as in compliance by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, and said certification shall be submitted to the Township.

B. Wireless Communication Facilities located in the RP District are subject to the above qualifying conditions and/or regulations (1 through 14) with the following exceptions or additional requirements in order to reduce the impact of wireless communication facilities on the low intensity intent of the RP District and the tourism related aesthetic qualities of the Township's outlying areas:

1. The height of the wireless communication facility shall not exceed 75' unless a variance has been granted by the Zoning Board of Appeals.
2. The wireless communication facility and any accessory structures shall be set back a minimum of 150' from all public or approved private road rights-of-way. Said set back shall be left in its natural state in order to provide screening or buffering to the roadway.
3. The wireless communication facility and any accessory structures shall be set back a minimum of 300' from any existing residential dwellings.
4. The applicant shall make every attempt in the design of the wireless communication facility to disguise the structure (e.g. as a light pole, tree, etc.) to reduce/eliminate the aesthetic impact to the surrounding area.

REZONING #111-TEXT AMENDMENT-OFF-STREET PARKING REQUIREMENTS

This amendment establishes parking standards for certain new uses and reduces the parking requirement for others. It also amends or establishes the standards for parking lot lighting, maneuvering lanes, related site plan requirements and commercial vehicle parking in residential districts.

Following the discussions from the last meeting, I have changed the proposed language to clarify the standard for parking lot lighting (Note #6). In addition, there were a couple of typographical errors in the parking lot standards chart that were causing confusion (e.g. aisle width and parking stall length).

Discussion centered on slight changes to the language for the RV parking space requirement and the language for gas stations to better clarify the intent of these regulations. A change was also suggested to provide a note for the parking standards table that a 2 way traffic/parking pattern requires a minimum 24' aisle width.

Emerson moved Sanders second that the Planning Commission recommends the adoption of rezoning #111 to the Township Board of Trustees to read as follows:

MOTION CARRIED.

SECTION 500 OFF-STREET PARKING REQUIREMENTS

Except in Districts RP and OS, there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be as shown in the following list:

USE		SPACES REQUIRED
Single and Two-family dwellings		2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes.		.4 times maximum lawful number of occupants.
Hotels		1.2 per room in addition to spaces required for restaurant facilities & 2 oversized spaces for RV's and trucks.
Apartment and townhouses		2 per dwelling unit or floor area in square feet divided by 440, which ever is greater.
Senior Housing		1 per dwelling Unit
Mobile home subdivisions and parks		2 per mobile home & 1 per 300 sq. ft. for offices.
Churches, theaters, facilities for spectators sports, auditoriums, concert halls		.35 times the seating capacity.
Community Center		.35 times the seating capacity.
Golf courses		7 per hole
Barber shops and beauty parlors		2 plus 1.5 per chair
Bowling alleys		5 per lane in addition to spaces required for restaurant facilities
Fast food take-out establishments and drive-in restaurants		1.5 per 100 sq. ft. of floor area (amended 2-22-93) & 2 oversized spaces for RV's and trucks.
Restaurants (except drive-ins)		1.2 per 100 sq. ft. of floor space & 2 oversized spaces for RV's and trucks.
Hardware stores, household equipment, repair shops including shoe repair, contractor's showroom and others.		1.2 per 100 sq. ft. of floor space 1 per 200 sq. ft. of floor space
Museums and galleries		1 per 100 sq. ft. of floor space
Furniture, appliance, carpet		1 per 200 250 sq. ft of floor space (amend. 8-15-78)
Funeral parlors		1 per 50 sq. ft of floor space

Gas stations		1 per fueling location plus 2 per lift
Auto Body Repair Shops		1 Space per bay and 1 per employee
Motor Vehicle Sales		1 space per each 1000 sq. ft. of display area
Laundromats		.50 per machine .33 per machine
Doctor's and dentist's offices		1 per 100 sq. feet of waiting room area and 1 per doctor or dentist
Day Care Center		1 space per 5 children
Banks		1 per 150 sq. ft. of floor space
Warehouses		1 per 500 1500 sq. ft. of floor area
For uses not specifically listed above, the requirements listed below are applicable:		
Retail stores and service establishments		1 per 150 200 sq. ft. of floor space and outdoor sales space
Offices		1 per 300 sq. ft of floor space
Bed & Breakfast		One space per room for transient guests in addition to spaces required for single family dwellings.
Other commercial and industrial uses		.75 times maximum number of employees on premises at any one time

1. Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one half or more shall require one space.
2. Required off-street parking shall be provided on the lot to which it pertains. **All spaces shall be provided by adequate access by means of a maneuvering lane. Backing directly onto a street is prohibited.**
3. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.
4. **All required parking spaces shall be clearly defined by use of a car wheel or bumper stops, and or painted lanes.**
5. **No off street parking shall be constructed or altered until approval has been issued by the Chocolay Township Planning Commission under site plan review.**
6. **Lighting fixtures used to illuminate off-street parking areas shall be designed to reflect light downward and away from adjoining residential properties, institutional premises, or streets and highways. Lighting shall not emanate from fixtures above a point 15 degrees below horizontal as measured at the light fixture.**
7. **Handicap parking spaces shall be provided in accordance with the applicable building code and shall be provided in sufficient number.**
8. **Parking lot layout should include consideration for snow removal and on-site drainage and plans shall be provided for on the site plan.**
9. **Parking of non-residential vehicles is prohibited in all residential zones including semi-trailers and tractors, and other commercial equipment and vehicles that are not also utilized as a customary personal family vehicle unless specific approval has been obtained by a home occupation permit.**

For a use not specifically identified the off street parking facilities shall be in accordance with a use, which the Zoning Administrator considers as similar in type.

The following minimum design standards shall be observed in laying out off-street parking facilities.

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Parking Stall Length</u>	<u>Curb to Curb</u>
0 to 15	9 ft.	12 ft.	23 ft.	30 ft.
16 to 37	10 ft.	12 ft.	19 ft.	47 ft.
38 to 57	10 ft.	13 ft.	19 ft.	54 ft.

58 to 74	10 ft.	18 ft.	19 ft.	61 ft.
75 to 90	10 ft.	24 ft.	19 ft.	63 ft.

NOTE: Minimum aisle width is 24' for 2-way traffic.

CONSIDER MSPO COMMUNITY PLANNING PRINCIPALS

LaPointe moved, Sanders second that

Whereas the Michigan Society of Planning Officials (MSPO) exists to promote quality community planning through education, information and advocacy, statewide; and

Whereas the Michigan Society of Planning Officials Board of Directors has endorsed the attached Community Planning Principles; and

Whereas the Community Planning Principles are intended to be used as a guide to define what constitutes "Quality Community Planning"; and

Whereas the Planning Commission of the Charter Township of Chocolay strives to promote quality community planning.

Now Therefore Be It Resolved that the Planning Commission of the Charter Township of Chocolay hereby adopts the attached Michigan Society of Planning Officials Community Planning Principles.

MOTION CARRIED.

PLANNING DIRECTOR'S REPORT

1. Kawbawgan Area Ski Trail
2. Ordinance Sub Committee discussed-building heights, Public Lands and Campgrounds.
3. KBIC park funds received.
4. Browers Property.
5. MTA Convention is next week in Lansing.

PUBLIC COMMENT-None

COMMISSION COMMENT

Mike LaPointe asked how the County GIS system is coming along.

INFORMATION ITEMS AND CORRESPONDENCES

- A. Minutes-Chocolay Township Board-December 20, 1999
- B. Minutes-AdHoc Trails Committee-December 7, 1999
- C. Correspondence-Road Commission-Cherry Creek Road Reconstruction
- D. Correspondence-Donald Browers-Property Donation
- E. Information-MTA E-News
- F. Information-MTA-SB 205 Analysis

The meeting was adjourned at 9:10 p.m.

Estelle DeVooght, Commission Secretary

Stacy Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, FEBRUARY 14, 2000**

PRESENT: Commissioners Gary Menhennick, Bill Sanders, Mike LaPointe, Estelle DeVooght, Kendall Tabor
ABSENT: Steve Kinnunen, Scott Emerson
OTHERS: Doug Riley, Director of Planning & Research, John Smith, Four NMU Students

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:30 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated January 10, 2000 were presented for approval.

Moved by Commissioner Tabor, Supported by Commissioner LaPointe that the January 10, 2000 minutes be approved as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Planning Director Riley indicated that it would be preferable if New Business Item A - Countywide Community Information System (incl. GIS) be moved to the end of the Agenda in order that the Commissioners and Public can move to his office to review a CIS system that has recently come on-line.

Moved by Commissioner Menhennick, supported by Commissioner Tabor, to adopt the agenda with the change of moving New Business Item A. to the end of the agenda. Motion carried.

PUBLIC COMMENT: None

OLD BUSINESS: None

NEW BUSINESS:

CLEAN MICHIGAN INITIATIVE GRANT APPLICATION - BEAVER GROVE RECREATION AREA - RESUBMIT FOR SPRING 2000 CYCLE

The Planning Commission reviewed Larry Gould's, (DPW Supervisor), February 9, 2000 memorandum and a copy of the grant application and took public comment. There were no public comments. The Planning Commission made the following motion:

Motion by Menhennick, supported by LaPointe, that the Planning Commission reviewed and took public comment on the draft 2000 Clean Michigan Initiative Recreation Bond grant application to the DNR for the final phase of development at the Beaver Grove Recreation Area and the Planning Commission supports the application.

MOTION CARRIED

LAND DIVISION ORDINANCE - UPDATE

Planning Director Riley gave an update on the recent proposed/considered changes to the Township's Land Division Ordinance regarding enforcement issues. The reason for the considered changes was due to the State Tax Commission ruling that parcels created in violation of the Land Division Act, and/or any local Land Division Ordinance, must still be recognized on the tax roll. This ruling conflicted with our Land Division Ordinance enforcement language. In addition, our Ordinance requires that we take court action against any person who makes any illegal division. The problem is this places an unreasonable burden on the Township, especially since the Land Division Act is a State Law and the State and County will not prosecute violations.

While the Board initially looked at rescinding the entire Ordinance, it has now been proposed that we keep the Ordinance, as there are good qualities in it such as spelling out the process for approval, lot width/depth regs, etc.. The only portion that would be amended would be the enforcement provisions section to delete the respective portions that are not applicable. In addition, we would add a requirement that an affidavit shall be

filed with the Register of Deeds with a parcel indicating that the parcel is in violation of the Ordinance/Act. This way future purchasers are alerted as to a potential problem with obtaining permits, etc..

BY-LAWS AND POLICIES - RECOMMENDATION FROM ZONING ADMINISTRATOR

The Planning Commission received Mark Maki's memorandum and materials dated 2-7-2000 addressed to the Planning Commission, Zoning Board of Appeals and Township Board regarding a policy being established for conflicts of interest.

Commissioner Menhennick indicated that previously when this issue has been addressed at the Board level it would be openly discussed and a unanimous decision is required to abstain the person from discussions and voting. Commissioner DeVooght indicated that often a person who has been excused would actually leave the room during the deliberations and vote. Chairperson Sanders stated that he did not believe the Planning Commission has had a problem in these regards. The financial question is obvious, however, it is often difficult, especially in smaller communities such as ours, to not have some type of other connections. In addition, any policy should not preclude anyone from raising a conflict of interest issue at any time.

The Planning Commission discussed perhaps researching this issue, and other potential policy language, further beyond what is currently in the Planning Commission By-Laws. The Commission asked Planning Director Riley to do this for the Annual Meeting in June when the Commission normally reviews the By-Laws.

PLANNING DIRECTOR'S REPORT

1. Rezoning - Text Amendments - #110 & #111 (Cell Towers and Parking).
2. Text Amendments for March Meeting - Public Lands Zoning District and Campgrounds in RP District
3. U.P. 200 - Snowmobile Grade
4. Recycling Notice - Mixed Paper

PUBLIC COMMENT-None

COMMISSIONER COMMENT

Commissioner Menhennick indicated that he is having second thoughts regarding the Planning Commission's Ordinance Amendment Sub-Committee. It seems that their review and recommendation streamlines the process too much. He would like the benefit of the full Planning Commission discussion regarding these issues - the old way. He has received a number of calls regarding the changes to the parking standards, particularly the regulation regarding commercial vehicle parking in residential areas.

Commissioners LaPointe, Sanders and DeVooght spoke in support of the Sub-Committee approach as the Township is finally making progress on some of these outstanding issues.

Planning Director Riley indicated that he believed that the process is working the way it should and is essentially designed to by statute. In regards to the recent parking standards amendment, it is unfortunate that we did not get feedback sooner from the public, especially at the Planning Commission public hearing. However, the amendment has not even went to the Board, therefore, the opportunity for review and revisions are clearly still available and the opportunity for public and private review are still there.

Sanders asked about the Cherry Creek Road reconstruction and wondered if we had received plans. We should check the school approval as specific intersection improvements were to be made.

COUNTYWIDE COMMUNITY INFORMATION SYSTEM (INCL. GIS)

The Commission and those in attendance moved to relocate to Planning Director Riley's office for a review of a CIS system downstate that has recently gone on-line. Planning Director Riley and the Commission discussed the County's efforts and the intent and capabilities of the program. Unfortunately, the on-line CIS system was not accessible for demonstration.

The Commission then returned to the meeting room.

INFORMATION ITEMS AND CORRESPONDENCES

- A. Minutes-Chocolay Township Board-January 24, 2000
- B. Minutes-AdHoc Trails Committee- January 4, 2000
- C. Correspondence-UP 200 - Re: Railroad Grade
- D. Correspondence from - County of Marquette - Re: Rezoning #110 & #111
- E. Information-Maki - Re: Marquette Township Newsletter
- F. Information-MTA E-News - February

Menhennick Moved, LaPointe second, to adjourn the meeting at 9:05 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, March 13, 2000

PRESENT: **Commissioners** Gary Menhennick, Bill Sanders, Scott Emerson, Mike LaPointe, Estelle DeVooght, Steve Kinnunen

ABSENT: Kendall Tabor

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, John Smith, Carl Besola, Dave Zorza, Don Britton, Eddie LaMere, Bob LaJuenesse Jr., James Shockey, James Erickson, William Kimmes, Lee Blondeau

PUBLIC HEARING-REZONING #112-TEXT AMENDMENT-PUBLIC LANDS ZONING DISTRICT-PERMITTED AND CONDITIONAL USES

Chairperson Sanders opened the public hearing at 7:35 p.m. Planning Director Riley indicated that, as of today, the Township had not received any calls or correspondences in response to the Public Hearing notice.

No public comment. Chairperson Sanders closed the public hearing at 7:39 p.m.

PUBLIC HEARING-REZONING #113-TEXT AMENDMENT-CAMPGROUNDS/DAY CAMPS-DEFINITION AND RP DISTRICT CLASSIFICATION

Chairperson Sanders opened the public hearing at 7:39 p.m. Planning Director Riley indicated that, as of today, the Township had not received any calls or correspondences in response to the Public Hearing notice.

No public comment. Chairperson Sanders closed the public hearing at 7:40 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocoday Township Planning Commission to order at 7:40 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocoday Township Planning Commission, dated February 14, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner DeVooght, that the February 14, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Kinnunen, supported by Commissioner Emerson, to move Old Business B. Rezoning #111-Text Amendment-Off Street Parking Requirements before Old Business A. Rezoning #110-Text Amendment-Wireless Communication Facilities to accommodate the audience. **Motion carried.**

PUBLIC COMMENT:

- Doesn't like to see all the changes in language happening to the ordinance.
- There is no real problem with parking of commercial vehicles on private property now, shouldn't be addressed if this hasn't been a problem.
- #9 should be removed from the parking regulations.
- The Nuisance Ordinance should take care of this problem.
- You are telling us what we can and can't do in our own driveways.
- We don't need to have all these restrictions like other places do. The free market should dictate.
- There seems to be a lack of communication between businesses and the commission.

OLD BUSINESS:

REZONING #111-TEXT AMENDMENT-OFF-STREET PARKING REQUIREMENTS-BOARD REQUEST FOR REVIEW OF ITEM

Doug Riley, Director of Planning and Research explained that at the March 6, 2000 meeting, the Township Board sent Rezoning request #111 (text amendment to the Off-Street Parking Requirements - Sec. 500) back to the Planning Commission for their review/comment on Note #9 which states:

"Parking of non-residential vehicles is prohibited in all residential zones including semi-trailers and tractors, and other commercial equipment and vehicles that are not also utilized as a customary personal family vehicle unless specific approval has been obtained by a home occupation permit."

Essentially, following the Planning Commission meetings, where the Sec. 500 amendments were reviewed, we received several inquires and concerns from the public regarding Note/Requirement #9. As is obvious from the Board minutes, there was significant public opposition to this section of the proposed amendment at the Board meeting. In addition, the County Planning Commission also commented on this section

Striking a balance in the proposed amendment was attempted by still allowing commercial vehicle parking in the residential districts via two (2) mechanisms:

- 1) If the commercial vehicle is still utilized as a customary personal family vehicle (e.g. ordinary cars, trucks, vans).
- 2) If approval has been obtained by a home occupation permit. This option provides for Township Board of Appeals review/approval and adjoining property owner notification. (This option, therefore, would allow for review/approval of more "intense" commercial vehicle parking/storage such as large trucks, cargo vans, etc.)

Clearly there is a problem with the proposed language for the first exception in regards to the fact that many commercial vehicles, (even regular size cars, trucks and vans), are not allowed to be utilized as a personal family vehicle. This is due to the fact that many employees are only allowed to drive them to and from work or the vehicle is for "on-call" purposes only.

The general consensus from the Board meeting seemed to be that there may not be a need for specific language such as this at this time as we only receive one or two complaints a year regarding this issue. In addition, we should not pass a regulation that we do not intend to enforce or get into an issue of selective enforcement.

Discussion centered on the need for this regulation since there have been relatively few complaints over the years. The Planning Commission discussed deleting Note #9 in the suggested off-street parking requirement language and to also delete the over-sized RV parking space requirement for hotels, fast-food, & restaurants.

Menhennick moved Sanders second that after re-reviewing Rezoning #111 and specifically Note #9 as requested by the Township Board, the Planning Commission recommends the adoption of rezoning #111 with Note #9 being deleted and also to delete the oversized RV parking space requirement for Hotels, Fast-food, & Restaurants.

Motion Carried

REZONING #110-TEXT AMENDMENT-WIRELESS COMMUNICATION FACILITIES (CELL TOWERS) BOARD REQUEST FOR REVIEW

Doug Riley, Director of Planning & Research, explained that at the March 6, 2000 meeting, the Township Board sent Rezoning #110 (text amendment for wireless communication facilities - cell towers) back to the Planning Commission for your review/comment on the following two items:

- 1) The County Planning Commission has recommended the insertion of additional language into the text to reference the "Airport Zoning Ordinance for Marquette County" in Section 527.A.8. and to insert "public" in the definition in addition to "private and commercial mobile radio service facilities"

- 2) In addition, as you were being requested to review the recommendation by the County, the Board also requested the Planning Commission to revisit the lower height limit for towers in the RP District (75' versus 175' for the C-3 and Public Lands Districts). There was some thought that the height limit should be increased for the outlying RP District as these areas would not be as visually impacted by the higher towers due to a more "remote" setting.

Most ordinances take the approach we proposed with the rationale that higher or "more intense" towers should be placed in "more intense" development districts, (such as the C-3), and lower "less intense" towers be placed in the "less intense" districts (such as the RP). In addition, and very importantly, the lower height limit should encourage the towers to locate in either the Public Lands or C-3 Districts where they can automatically obtain an additional 100' of height without going to the ZBA. Lastly, the courts have upheld a more stringent siting requirement in scenic/tourism based communities that are trying to protect their scenic vistas which could be argued as being tied to the more rural areas of the Township.

The Planning Commission discussed both of these issues (the County's recommendation and the issue of the tower height in the RP District). Significant discussion centered on the pros and cons of the reduced height for the RP District and the fact that applicants could still apply for a variance to the ZBA for individual height variances if conditions warrant.

Kinnunen moved DeVooght second that after re-reviewing Rezoning #110 as requested by the Township Board, the Planning Commission recommends the adoption of rezoning #110 with the insertion of the language as recommended by the County Planning Commission and to leave the height limitation for the RP District as previously recommended.

Motion Carried.

NEW BUSINESS:

REZONING #112-TEXT AMENDMENT-PUBLIC LANDS ZONING DISTRICT-PERMITTED AND CONDITIONAL USES

Planning Director Riley explained that Rezoning request #112 is a text amendment that was necessitated by the rezoning of the Township's Kawbawgam Road property to "Public Lands". During that process, analysis of the Public Lands Zoning District language revealed that it clearly needed to be amended to spell out which Township uses should be listed "Permitted Principal Uses" versus more intensive "Conditional Uses" that would warrant that more intensive review process and a public hearing. In addition, this amendment would make this district consistent with our other zoning districts in that actual permitted and conditional uses are spelled out. (The listing of permitted uses for any district assists both the Township and citizens better evaluate the rezonings of property). The County has also commented on the need for this change during their review of both the Kawbawgam property rezoning and our "Cell Tower" regulations where that use would be placed as a conditional use in the Public Lands District.

Staff has prepared, and the Ordinance Amendment Subcommittee has reviewed and forwarded, the attached amendment for consideration by the Planning Commission. We attempted to address the potential uses that could be placed in this district in the operation of Township business.

Planning Commission discussion centered on whether campgrounds should be included as a conditional use. Would the Township ever have a campground on Township property?

LaPointe moved Emerson second that the Planning Commission recommend approval of Rezoning #112 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 214 (PUBLIC LANDS ZONING DISTRICT) to amend to establish permitted and conditional uses to read as follows:

SECTION 214 PUBLIC LANDS ZONING DISTRICT

- A) **INTENT.** To establish and preserve areas for certain public purposes and functions conducted by Chocolay Township.
- B) **PERMITTED PRINCIPAL USES.** Offices and related buildings, Police and Fire Stations, Community Centers, Indoor Sports Facilities, Libraries, Parks, Township controlled utility infrastructure, Recycling Drop-Off Site, Maintenance and Storage Facilities.
- C) **CONDITIONAL USES.** Wireless Communication Facilities, Solid Waste Transfer Stations, Cemeteries, Campgrounds.

Motion Carried.

REZONING #113-TEXT AMENDMENT-CAMPGROUNDS/DAY CAMPS-DEFINITION AND RP DISTRICT CLASSIFICATION

Planning Director Riley explained that Rezoning request #113 is a proposed text amendment that was discussed by the Ordinance Amendment Sub-Committee and has been forwarded to the Planning Commission for formal consideration.

Problem:

The Ordinance currently allows campgrounds and day camps in the RP District but as "Permitted Principal Uses". This could be problematic as it allows for no public review/hearing and requires no minimum site area.

Campgrounds can be a rather intensive land use and a formal review, and adjoining property owner notification, seem logical prior to the establishment of this use.

Recommended Option:

Make it the same as the RR-2 where they are allowed as a "Conditional Use on 20 acres or more". (This would be consistent with Jeff Glass's campground on M-28). This would create a public hearing/review and formal Planning Commission review to address potential nuisance issues.

In addition, the definition of campground in Section 101 should be amended to address that it includes more than just "recreational vehicles", (e.g. could also be tent sites), hence the recommended language to clarify.

Planning Commission discussion centered on the lack of a definition of a "Day Camp". Riley indicated that upon reviewing the dictionary and other zoning ordinances he could not find a definition for day camps. The Commission discussed that without a definition for day camps, the regulation of this use, whatever it is, would be problematic.

Menhennick moved Sanders second that the Planning Commission recommend approval of Rezoning #113 to the Township Board for a text amendment to Zoning Ordinance #34 as follows:

Section 101 - Definitions - To amend the definition of campground to read as follows:

CAMPGROUND, a parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.

And Section 212 - RP District - To change campgrounds from being a Permitted Principal Use to a Conditional Use on 20 acres or more.

With the deletion of "day camps" from the text.

Motion Carried.

PLANNING DIRECTOR'S REPORT

1. Jennifer Wiles - New Township Secretary/Records Clerk
2. Recreation Grant Update - Beaver Grover Recreation Area
3. Update on Bike Path Grants
4. Peterson Private Road - New information has been submitted for review at April Meeting
5. Police Department - Snowmobile
6. Drainage Issues

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Minutes-Chocolay Township Board-March 6, 2000
- B. Minutes-AdHoc Trails Committee-February 1, 2000
- C. Minutes-Recreation Committee-February 24, 2000
- D. Information-MCCD & CLSWP-Buffer Strip Workshop
- E. Information-Recreation Committee-1st Annual Report (1999)
- F. Information-MJ Article-Brower Property
- G. Information-MTA E-News-March

The meeting was adjourned at 9:05 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, April 10, 2000

PRESENT: **Commissioners** Gary Menhennick, Bill Sanders, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Kendall Tabor

ABSENT: Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, John Smith, Don Britton, Don Dupra, James Shockey

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:33 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated March 13, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner LaPointe, that the March 13, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Menhennick, supported by Commissioner Kinnunen, to approve agenda as presented. **Motion carried.**

PUBLIC COMMENT:

Don Dupra- 1832 Fitch Avenue raised a question concerning black topping of Old Little Lake Road.

Planning Director Riley informed him that his request would be brought up to the Planning Commission when the road ranking is done this spring.

OLD BUSINESS: None

NEW BUSINESS:

CONSIDER/REVIEW-KAWBAWGAM ROAD "POCKET PARK"- SITE PLAN (BASKETBALL COURT)

The Township, through the efforts of the AdHoc Trails Committee, received \$7,029 from the Keewenaw Bay Indian Community Housing Authority late last year for the development of a basketball court and parking lot on the Township's Kawbawgam Road property. (The same site as the Cross Country Ski Trailhead). This project has been touted as providing a recreational facility for the youth of the Kawbawgam Road area. The AdHoc Trails Committee is coordinating the volunteer construction of the project.

The proposed location for the basketball court places it in an existing cleared area of the property that is also in close proximity to the existing light fixture. Unfortunately, there is an existing seasonal road right-of-way located along the southern boundary of the property (even though the road does not physically exist). Therefore, an application has been submitted to the Zoning Board of Appeals for their April 13 meeting for a setback variance to the road right-of-way (i.e. to have a 14' setback where 40' is the Ordinance requirement).

Menhennick moved Sanders support that the Planning Commission has reviewed the Kawbawgam Road property plan for the construction of a basketball court and recommends the construction of the project with the following conditions:

- 1) That a variance is approved by the Zoning Board of Appeals for the setback to the seasonal road right-of-way. If the variance is not obtained, the court must be relocated to meet the required setbacks and any disturbed areas shall be re-vegetated to prevent erosion.
- 2) That the project is completed entirely with volunteer efforts and the KBIC funds that have been earmarked for the project.
- 3) That the project be coordinated with the Supervisor of Public Works and the Director of Planning and Research.

Motion Carried

DISCUSS- AIRPORT ZONING ORDINANCE FOR MARQUETTE COUNTY

Planning Director Riley’s review reveals that the Ordinance will function as a County administered overlay district to (primarily) regulate the height of structures within a 10 mile radius of the Airport. It appears that a significant portion of Chocolay Township would fall under these regulations.

The Planning Commission suggested that Doug forward comments on for the Commission to the County.

DISCUSS-INFORMATION FROM MICHIGAN MUNICIPAL LEAGUE-RE: ZONING DECISIONS

The Planning Commission discussed the recommended items to be followed or completed in zoning decisions and discussed the need to update the Comprehensive Plan once the new census numbers are available.

PLANNING DIRECTOR’S REPORT

1. Peterson Private Road to be on May Agenda
2. Burger King
3. MCTA Banquet
4. Non-Motorized Trail Summit
5. Stu Bradley Regional Planning Conference
6. MQT Township Cell Tower Moratorium
7. Rezoning 110 & 111
8. Ivan Fende-Appointed to EPA

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memo- Larry Gould- RE: Central Lake Superior Watershed Partnership
- B. Memo- Mark Maki- RE: Non-Motorized Trail Issues
- C. Memo- Arlene Hill- RE: Annual MCTA Banquet
- D. Recreation Committee-1999 Annual Report
- E. Minutes-Chocolay Township Board-April 3, 2000
- F. Minutes-Recreation Committee-February 24, 2000
- G. Information-MTA –Legislative Updates

The meeting was adjourned at 8:25 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
TUESDAY, June 13, 2000

PRESENT: **Commissioners** Gary Menhennick, Bill Sanders, Scott Emerson, Mike LaPointe, Estelle DeVooght, Steve Kinnunen

ABSENT: Kendall Tabor

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Bob Cambensy, Don Britton, Frank Stabile, Robert Ranta, James Carter, Bernard & Dianne Huetter, M. Hillier, Richard Reader, Mark Maki

PUBLIC HEARING-PRIVATE ROAD #15 – Frank Stabile

Chairman Sanders called the public hearing to order at 7:30 p.m. Planning Director Riley gave an overview of Mr. Stabile's request for approval of a private road under Section 402 of Zoning Ordinance 34. This proposed private road is located east off from US-41, north of St. Paul's Cemetery, in Section 26.

Bernie Huetter, 300 Green Garden Road, addressed the Planning Commission regarding his concern for the soils in the area of the private road. His concern relates to not only the soils for under the road bed but also for well and septic approvals for the future lots. Mr. Huetter was concerned of the potential for groundwater contamination as there are perched water tables in the area of the road.

Frank Stabile, applicant, addressed the Planning Commission and explained his rationale for choosing this property for his new home and for constructing the private road. He has completed preliminary investigations with the Health Department, well drillers and several road contractors and no major concerns were identified. Mr. Stabile also introduced his engineer for the road, Mr. Bob Cambensy, to address any technical questions the Commission may have.

Public Hearing closed at 7:45 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:45 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated April 10, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Kinnunen, that the April 10, 2000 minutes be approved as corrected. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner Menhennick, to move New Business A. Private Road Request #15- Frank Stabile before Old Business A.

Motion carried.

PUBLIC COMMENT: None

NEW BUSINESS: PRIVATE ROAD #15-Stabile

Discussion by the Planning Commission centered on the soils in the vicinity of the project. The Planning Commission noted that while they were only reviewing the proposed private road, they would also make a recommendation that the applicant complete his well and septic tests with the Health Department prior to road construction. He would have to obtain these approvals prior to receiving land division approval for the parcels anyway. The applicant has met all of the requirements of the private road standards in the Zoning Ordinance.

Bob Cambensy, engineer, stated that he was aware of the sometimes intricate soils in this area and those will be addressed as part of the road construction and his certification of the construction.

Richard Reader, Green Garden Road, asked if the applicant had been in contact with the DEQ regarding any wetlands on the property.
Board Memo. Stabile Private Road

Mr. Stabile indicated that he had not but that he could not envision there being anything considered wetlands on the property. Commissioner DeVooght indicated that there is a lower area on the property that does get wet.

Mr. Stabile indicated that he had already obtained his soil erosion and sedimentation control permit.

Planning Director Riley indicated that suggested condition #4 was included to clarify that the applicant would have to comply with all other agency requirements/approvals, such as the DEQ, as part of the project.

Commissioner Emerson inquired as to whether the applicant would install underground utilities. Ms. Stabile indicated that he was in discussion with the service providers now and would install them underground if it fell within his budget.

The Planning Commission discussed that they believed the suggested conditions, especially to address the soils, were appropriate and would address this concern.

Menhennick moved, Kinnunen second, that after review of Private Road request #15; the standards of Section 402,D of Ordinance 34; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Easement which must be fully executed.
- 2) The applicant is required to provide certification from a surveyor/engineer that the private road standards of the Ordinance have been achieved at the conclusion of construction and that soil/roadbed conditions have been addressed.
- 3) The applicant pay for and install a road name and stop sign at the intersection of the road and US-41.
- 4) The applicant comply with the conditions and requirements of all other agency regulations including the Michigan Department of Transportation for the road connection to US-41 and a soil erosion and sedimentation control permit.
- 5) The road shall be called Vista Hills Trail.
- 6) The "Possible Future Road" along the south boundary of the parcel is not part of this application or approval.
- 7) The Declaration of Easement include wording to address needed culvert sizing for individual driveways to the private road and that no access be provided for lots directly to US-41.
- 8) A zoning compliance permit shall be issued after all of the above conditions are met.
- 9) The applicant is strongly encouraged to obtain Health Department review of well and septic considerations for the proposed lots prior to road construction.

MOTION CARRIED

OLD BUSINESS: Rezoning # 113- Text Amendment- Campgrounds/Day Camps- Definition and RP District Classification

The Planning Commission discussed suggested definitions of a Day Camp and thought that Rezoning #113 should be brought back to the Commission for formal consideration with the first suggested definition of the three presented being included in the proposed amendment.

NEW BUSINESS: Update- Kawbawgam Road "Pocket Park"/Trails Committee

Don Britton gave an update to the Planning Commission on the completion of the basketball court, fencing and parking lot. He requested that the Planning Commission support writing a thank you letter from the Township Board and Trails Committee

recognizing all the volunteers and their work that has been done on this community project.

Discussion also centered on whether some type of plaque/monument should be erected at the park to recognize the volunteer effort.

Don Britton, as Trails Committee Chairman, requested that the Planning Commission include a section in the Comprehensive Plan pertaining to a multi-use trail along M-28 from US 41 to Superior St. with consideration for a bridge at the Chocolay River.

Discussion centered on whether this item should be included in the Recreation Plan or Comprehensive Plan or both. This item would be discussed by the Recreation Committee for inclusion in the Recreation Plan. The Planning Commission would also consider this in the next update to the Comprehensive Plan.

Commissioner Emerson had to leave at 9:05 pm

UPDATE/REVIEW-Cherry Creek Road Project

Planning Director Riley reviewed the Cherry Creek Road plans with the Planning Commission and gave an update on the project.

The Commission discussed the need to address the pedestrian/bicycle link to Cherry Creek School; relocation of the power poles at the Ortman Road Intersection and the need to improve the clear vision situation at the Cherry Creek/Carmen Drive Intersection.

These items would be discussed by the Township Board at their next meeting for forwarding to the Road Commission.

ANNUAL ELECTION OF OFFICERS

DeVooght moved, Kinnunen second that current Planning Commission officers serve for the term June 2000 to June 2001.

MOTION CARRIED.

REVIEW OF BY-LAWS-CONFLICT OF INTEREST PROVISIONS

It was suggested that the Planning Commission table this item until their next meeting.

ANNUAL REPORT

Menhennick moved, Sanders second that the Annual Report be forwarded to the Board as drafted.

MOTION CARRIED

PLANNING DIRECTOR'S REPORT

1. Rezoning's have been approved: Cell Tower Regulations, Parking Standards, Kawbawgam Property Rezoning.
2. Bennett Road Trial
3. Corridor Planning
4. Burger King
5. Grant Updates
6. Peterson Private Road
7. Bill, Steve, Gary Reappointment
8. Candidates for Township Office
9. Arc view/GIS Data

PUBLIC COMMENT:

Mark Maki, Zoning Administrator, gave the Planning Commission an update on current zoning issues within the Township.

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memo-Fende-Re: William Bennett Private Road Meeting
- B. Correspondence-MDOT-Re: Traffic Signal at US 41/M-28

- C. Minutes-Chocolay Township Board-April 17, May 1, and May 15, 2000
- D. Minutes-Zoning Board of Appeals-May 25, 2000
- E. Minutes-AdHoc Trails Committee-May 2, 2000

The meeting was adjourned at 10:05 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

July 10, 2000

PRESENT: Commissioners Gary Menhennick, Bill Sanders, Scott Emerson, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Kendall Tabor

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, John & Linda Carlson, Suzanne Harding, Sigfried, John Hongisto, Gene Elzinga, Burt Sparhawk, Denise Herron, P. Rasmussen-Donnelly, Sharon & Boyd Nutting, Steve & Claryce Herner, Kim Erickson, Pam Erickson, Shirley LaBonte, Bernadette Wallace, Janice Lindstrom Wester, Van Beyman, Virginia & Daryl Davis, Wayne Varvil, Ronald Ziebell, Donna Barto, Rene McEachern, Mary Kaye Schaefer, Martha Leppanen, Ronald Gingrass, Sue Schenk Drobny, Mike Barbieri, Vincent Sinervo, Bob & Sharon Roshak, Bill & Beth Menhennick, Bob Dewey, Ginger Winn, Cathy Peterson, John Smith, Scott Hubbard, Andy Smith, John Hubbard, Russell & Catherine LeBlanc, Ted & Joyce Smith, Robert & Chris Yuill, Sandra & Don Balmer, Barbara Grove, Al Conrad, Pat Girard, Barb Murringer, Cynthia Ojaniemi, John VanBeyoran, Mariau & Roland Schultz Goebel, Jude Catallo, William Kessel, Judy Samonte, Darlene Pierce, Q. Samonte, Marie Dahl, Mark Maki, Daniel Rydholm, Jim DeMarinis, Joyce Barbieri, Mike Barbieri, Louise Bourzault, Niel Cumberlidge, Don Britton, Ralph Bennett, Connie & Glenn Barto

PUBLIC HEARING-CONDITIONAL USE REQUEST #59-NORTH COUNTRY TRAILS C/O GENE ELZINGA-NON MOTORIZED HIKING/BIKING TRAIL FROM WELCOME CENTER ON US-41 TO SAND RIVER

Chairman Sanders called the public hearing to order at 7:34 p.m. Planning Director Riley gave an overview of the proposed trail and the route it would take.

Letters received were read by the Commissioners and placed on record.

Al Conrad, -He has been given a permit to groom a portion of the trail and have an easement to it and he has not authorized this use.

Ginger Winn-The trail is already a road, I will use it as motorized trail.

Boyd Nutting-County Road BAA is already a county road and is being plowed and maintained. If it is made non-motorized I will be walking to my house.

John Hongisto-Supports multi-use trails, not just non-motorized, people need to share, conflict of uses already.

Don Britton-Would like to see trail from Casino to M-28 left as is with the ability for snowmobiles to also utilize this portion.

Jude Catallo-Trail is a good idea, support non-motorized trail, residents want this, motorized trail should go by businesses.

Vincent Sinervo-Opposed to multi-use trail, sanitation problems will develop, signs won't keep people on trails, privacy-people could be watching you.

Cathy Peterson- This trail is not a good thing, people will trespass on other's property.

Mike Barbieri-People trespass all the time, people don't care, they litter, people are wrecking newly paved private road. Who is going to patrol this trail?

Sigfried-Can't hear noise, but neighbors dog barks whenever something goes by.

Darlene Herkins-Opposed to any trail, trespass across property now and they don't care that they are doing it.

Steve Hurner-Moved back to the UP because of what it has to offer. Opposed to trail, needs to have restrictions.

Mark Maki-North of 28 has never been a motorized use. The Township Recreation Plan refers to non-motorized trails, but local trails only. Non-motorized would be available to the locals.

Bill Kessel-Everyone has already guaranteed that they cannot control the trail.

Ron Gingrass-Qwns ¼ mile of the grade and no one has talked to us about this.

Dan Rydholm-Opposed to non-motorized use, can't enforce, lose respect for these areas.

Bob Dewey-Seen a lot of changes while living here, put restrictions on these trails.

Brenda Howell-People are walking all over the place now, opposed to trail.

BernadetteWallace-Supports non-motorized trail.

Daryl Davis-Supports non-motorized trail.

Cynthia Ojaniemi- Is there going to be a cost for these trails, we pay to use our motorized vehicles? Also concerns for privacy, and litter.

June Rydholm-Supports non-motorized trail.

Susan Harding-Supports non-motorized trail.

Darlene Pierce-Sees 2 portions of trail in question. Supports non-motorized use on what is proposed.

Lousie Bourgault-High tech always wins over low tech-motorized will win over non-motorized.

Gary Nadeau - Against using trail at all, running through yard already.

James & Susan Drobney -Supports non-motorized trail.

Van Beyman-Support non-motorized, does not believe you will see that much traffic, locals will mostly use it.

Virginia Davis-Why on the railroad right of way all the way to Munising?

Pam Erickson-Will this trail be surfaced?

Donna Barto-Why through backyards? Not the woods, concerns for garbage, policing, and privacy.

Public Hearing closed at 8:33pm.

PUBLIC HEARING-PRIVATE ROAD REQUEST#14-CATHY & GARY PETERSON-US-41-SOUTH

Chariman Sanders called the public hearing to order at 8:33pm. Planning Director Riley explained that the Peterson's have amended their request for private road approval that the Planning Commission original reviewed, and tabled last September. Because the plan was amended, and because of the time that has elapsed from the original public hearing, a new public hearing was scheduled and the required property owner notifications were mailed. The amended application includes: 1) an amended road layout plan which extends the road further onto the property; 2) amended deed restrictions.

No letters or comments were received objecting to the proposed road.

Public hearing closed at 8:35pm.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 8:35 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated June 13, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Emerson, that the June 13, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner Menhennick, to move New Business before Old Business. **Motion carried.**

PUBLIC COMMENT:

Jude Catallo-Directly opposes a motorized trail.

Bill Kessel-There can't be a settlement here tonight.

NEW BUSINESS:

CONDITIONAL USE #59-North Country Trails c/o Gene Elzinga-Non-Motorized Hiking/Biking Trail from Welcome Center on US-41 to Sand River

North Country Trails, c/o Gene Elzinga, has applied for conditional use approval for a non-motorized hiking/biking trail from the Welcome Center on US-41 to Sand River. The primary route will follow the abandoned rail-road grade from the Welcome Center east to Kawbawgam Road. East of Kawbawgam Road the route will primarily follow seasonal road BAA and existing trails on State Land to Sand River.

Planning Director Riley reviewed for the audience the approval process for trails in the Township and answered the questions of the audience regarding the status of seasonal County Road BAA and the location of the approved snowmobile trail east of the Casino.

Gene Elzinga, North Country Trails, answered the following questions/concerns from the public in attendance:

The trail will be used as a connecting trail.

BAA will stay motorized.

Railroad grade is the best place for a trail due to safety issues.

Houghton Lake Trail is used as a snow trail except through residential areas.

Barriers will be put up along trail at railroad trestles and bridges.

Signage will be placed along trail.

Trail info signs at Welcome Center and will give history of area.

Blue blazes on trail marking it, as well as trail crossing signs on orange posts.

The trail will be maintained by local trail members.

Commissioner Comments:

Will there be portable facilities?

What about liability insurance? Any protection to landowners?

How is camping and tenting stopped? What about people carrying weapons on the trail?

Is there a cost to the trail?

The Planning Commission read and discussed the Conditional Use Permit standards for the public and their rationale for the support of the proposed trail.

Menhennick moved Emerson second that after review of Conditional Use request #59; the standards of Section 701 contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #59 with the following conditions:

1. That the applicant obtain a Zoning Compliance Permit from the Zoning Administrator upon compliance with item #2 and #3.
2. That North Country Trails install and maintain barriers at the rail-road trestles at the Chocoday River, the Bayou and at the M-28 overpass that allow permitted non-motorized uses to pass yet will prohibit motorized uses from utilizing these trestles. In addition, North Country Trails shall take every precaution to make said trestle crossings safe for users.
3. That North Country Trails provide signage on the trail that is appropriate to inform users of trail requirements and to identify potential conflict areas.
4. Any future change in the location of the trail route, or organizational control of the trail, must be reviewed by the Township Planning Commission and may require a new/amended conditional use approval.
5. That North Country Trails shall supply the Planning Commission with a written update on the status of the trail in two years (July Meeting, 2002) and the Planning shall review the conditional use approval to determine that no changes are needed to correct problems or that the approval should be revoked which, in either case, may require that a new public hearing be held.

MOTION CARRIED

PRIVATE ROAD REQUEST #14-Cathy and Gary Peterson

Planning Director Riley indicated that Staff and the Planning Commission identified three primary concerns with the applicant's original proposal last September. These were: 1) no cul-de-sac was proposed to be provided at the end of the road; 2) the soils near the connection to US-41 appeared to be questionable and may need to be tested; and 3) the proposed maintenance and access provisions proposed were a little different than standard and needed to be explored further.

In regards to these concerns, the applicant has done the following:

- 1) While no cul-de-sac is yet proposed, they have included language in the deed restrictions requiring individual property owners to install circular driveways on their lots in order to accommodate large or emergency vehicle turnarounds. As such, they are requesting the Planning Commission to grant the road without the cul-de-sac under the terms of the Ordinance which state: *"If a cul-de-sac is not required to be constructed due to site conditions, then the easement to meet County Road Commission standards must be provided."*
- 2) Regarding the soils near the connection to US-41, the applicant has applied for the necessary wetland permit through the DEQ for the filling of this area. In addition, our standard condition of requiring engineer certification of the road and road bed construction would address this concern.
- 3) The applicant has substantially revised their deed restrictions and maintenance language. These have been reviewed by the Township Attorney who has advised that they are now acceptable and achieve the goals of requiring such language.

Sanders moved DeVooght second that after review of Private Road request #14; the standards of Section 402,D of Ordinance 34; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) A cul-de-sac **IS NOT** required to be physically constructed at the end of the private road.
- 2) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Easement which must be fully executed.
- 3) The applicant is required to provide certification from a surveyor/engineer that the private road standards of the Ordinance have been achieved at the conclusion of construction and that soil/roadbed conditions have been addressed and an as built survey plan shall be provided to the Township.

- 4) The applicant pay for and install a road name and stop sign at the intersection of the road and US-41.
- 5) The applicant comply with the conditions and requirements of all other agency regulations including the Michigan Department of Transportation and the Michigan Department of Environmental Quality.
- 6) The road shall be called Morning Meadow Trail.
- 7) The Declaration of Easement include wording to address needed culvert sizing for individual driveways to the private road and that no access be provided for lots directly to US-41.
- 8) A zoning compliance permit shall be issued after all of the above conditions are met.
- 9) The applicant is strongly encouraged to obtain Health Department review of well and septic considerations for the proposed lots prior to road construction.

MOTION CARRIED

OLD BUSINESS:

REVIEW OF BY-LAWS-CONFLICT OF INTEREST PROVISIONS

Tabled

PLANNING DIRECTOR'S REPORT

1. DPW Supervisor
2. Stabile approved by Township Board
3. Bennett Road Trial-cancelled
4. 1st day of Chocalay Township Summer Recreation Program 27 kids attended
5. Central Lake Superior Partnership Watershed

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence-MDOT-Re: US 41 Bike Path Relocation
- B. Correspondence-Road Commission-Re: Cherry Creek Road Project
- C. Correspondence-Re: Harvey Motors v. Maki
- D. Minutes-Township Board-June 19, 2000
- E. Minutes-Zoning Board of Appeals-April 13 & June 22, 2000
- F. Minutes0recreation Committee-June 21, 2000
- G. Minutes-Us-41 Corridor Management Team-June 21, 2000
- H. Information-Central Lake Superior Watershed Partnership-Informational Meeting
- I. Information-MTA-Capitol Currents
- J. Information-MTA-Legislative Updates

The meeting was adjourned at 10:16 p.m.

Estelle DeVoght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

August 14, 2000

PRESENT: **Commissioners** Gary Menhennick, Bill Sanders, Scott Emerson, Mike LaPointe, Estelle DeVooght, Steve Kinnunen,

ABSENT: Kendall Tabor

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, John Smith, Jim Edwards, Sharon Petrella, Christal Silta, Denise Dawydko, JM. Dawydko, Joseph Chranko, Ken & Gloria Hoog, Mike Farrell

PUBLIC HEARING-CONDITIONAL USE REQUEST #60-CHRISTAL SILTA-PROPOSED MINI-WAREHOUSES ON THE NORTHWEST CORNER OF US-41 AND BIG CREEK ROAD

Chairman Sanders called the public hearing to order at 7:33 p.m. Planning Director Riley gave an overview of the proposed Conditional Use permit for two mini-storage buildings. Public Hearing closed at 7:43pm.

PUBLIC HEARING-REZONING #113-TEXT AMENDMENT-CAMPGROUNDS/DAY CAMPS-DEFINITION AND RP DISTRICT CLASSIFICATION

Chairman Sanders called the public hearing to order at 7:43pm. Planning Director Riley explained that at the June 13, 2000 meeting, a suitable definition of a "day camp" had been found for inclusion in the Zoning Ordinance (since it is already a listed use within two zoning districts). This change is in addition to the previously recommended amendment to the definition of a "campground" and with moving both "day camps" and campgrounds" in the RP District from permitted principal uses to be allowed as Conditional Uses on 20 acres or more" (same as the RR-2 district).

Public hearing closed at 7:44pm.

PUBLIC HEARING-REZONING #114-TEXT AMENDMENT-SECTION 402 FRONTAGE REQUIREMENTS-TO ESTABLISH A REQUIREMENT FOR PROPERTY OWNER NOTIFICATION/ACKNOWLEDGEMENT PRIOR TO A RESIDENCE BEING CONSTRUCTED ON A SEASONAL COUNTY ROAD.

Chairman Sanders called the public hearing to order at 7:44pm. Planning Director Riley explained that the Township has received a letter from the Marquette County Township's Association regarding their work with the Marquette County Road Commission. One of their areas of focus has been the policies regarding seasonal roads. As identified in that letter, one of the key issues all Township's are facing are increasing pressures for the development of residences on seasonal roads; (and then the resulting pressures that are sometimes placed on the Road Commission or local Township for the road's upgrading).

It has been recommended that each Township have prospective homeowners on these roads sign an acknowledgment that they are building on a seasonal road and that they are aware of its limitations. Therefore, while the Township Board has already discussed this issue, it has been recommended by the Zoning Administrator, and I definitely agree, that perhaps we place this requirement right in the Zoning Ordinance so that it withstands the test of time.

Public hearing closed at 7:47 pm.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:47 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated July 10, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Emerson, that the July 10, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner Kinnunen, to Table Old Business item 1 because of the public hearing agenda. **Motion carried.**

PUBLIC COMMENT:

Jim Edwards-549 Cherry Creek Road-Is happy that Cherry Creek Road is getting fixed, however, concerned about speed limits and safety for children.

NEW BUSINESS:

CONDITIONAL USE #60-Christal Silta- Proposed Mini-Warehouses on the corner of US-41 and Big Creek Road

Commissioner Comments:

- Is there proposed fencing?
- How long has property been owned?
- Do you live in the area?
- How will the storage areas be secured?
- Concrete flooring? Drains?
- Will the buffer be preserved? How many trees in buffer?

The Commissioners reviewed the standards of Section 701 and 504 of the Ordinance with the applicant and the audience.

Moved by Commissioner LaPointe, supported by Commissioner Menhennick, that after review of Conditional Use request #60; the standards of Section 701 and Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #60 with the following conditions:

- 1) That any lanes providing access to storage doors be left with a 20' unobstructed area to allow customer access/maneuvering as well as for providing access for emergency vehicles.
- 2) That the applicant provide the Fire Department with a final set of building plans detailing the fire breaks within the buildings.
- 3) That all of the existing trees in the 30' buffer on the west side of the site abutting the residential area be retained and that upon the completion of the buildings the Zoning Administrator and Planning Director shall review this buffer to determine that the buffering standards of Section 511 of the Zoning Ordinance have been achieved.
- 4) That the proposed security lighting shall be designed to reflect light downward and away from adjoining residential properties in accordance with the requirements of Section 500 of the Zoning Ordinance.
- 5) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.
- 6) Comply with all governing agencies.

MOTION CARRIED

PRELIMINARY SITE PLAN REVIEW-AMERIKING (Restaurant/Gas Station-C-Store/Car Wash)-Northwest corner of US-41 and Cherry Creek

A representative from Ameriking and the members of the Planning Commission discussed the preliminary site plan of Ameriking and some of the concerns the Planning Commission has regarding traffic, access points, landscaping and the aesthetics of the building. The Planning Commission also suggested that a bike path/safety lane be placed to run along the back of the property.

DRAINAGE REQUIREMENTS FOR SITE PLANS (DISCUSSION WITH THE DRAIN COMMISSIONER)

Planning Director Riley explained that the Planning Commission and Ordinance Amendment Sub-Committee have previously discussed the need for drainage reviews as part of the site plan review process. While we have a requirement in the site plan review section of the Zoning Ordinance pertaining to drainage, the fundamental problem is

having the technical expertise for reviewing this as a requirement as well as being able to see the big picture in terms of the area's overall drainage capacity and patterns.

The most common approach for the municipal review of projects with drainage considerations is to have the County Drain Commissioner complete these reviews. They are the agency that typically has the ability to review the "big picture" in order to evaluate overall drainage patterns and system capacities.

Mike Farrell, Marquette County Drain Commissioner, spoke with the Commission on the need for such reviews and how this review process could work.

The Planning Commission agreed that we need to look at drainage for site plans more critically and working with the Drain Commissioner seemed to be logical approach. Planning Director Riley indicated that he would work with the Drain Commissioner and Zoning Administrator on proposed language and the review procedure that could be implemented.

REZONING #113-TEXT AMENDMENT-CAMPGROUNDS/DAY CAMPS-DEFINITION AND RP DISTRICT CLASSIFICATION

Commissioner Menhennick moved supported by Commissioner Sanders that the Planning Commission recommend approval of Rezoning #113 to the Township Board for a text amendment to Zoning Ordinance #34 as follows:

Section 101 - Definitions - To amend the definition of campground to read as follows:

CAMPGROUND, a parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.

Section 101 - Definitions - To create a definition of a day camp to read as follows:

DAY CAMP, A camp providing facilities for groups of young people such as YMCA camps, Boy Scout camps, and Girl Scout camps.

And Section 212 - RP District - To change campgrounds and day camps from being a Permitted Principal Use to a Conditional Use on 20 acres or more.

MOTION CARRIED

REZONING #114-TEXT AMENDMENT-SECTION 402 FRONTAGE REQUIREMENTS- To establish a requirement for property owner notification/acknowledgement prior to a residence being constructed on a seasonal County road.

Commissioner Menhennick moved Sanders second that the Planning Commission recommend approval of Rezoning #114 to the Township Board for a text amendment to Zoning Ordinance #34 as follows:

Section 402 - FRONTAGE REQUIREMENTS - To add a subsection E. to read as follows:

E. CONSTRUCTION OF DWELLING ON SEASONAL COUNTY ROAD

Any person constructing a dwelling on a seasonal County Road is required to sign a "Construction of Dwelling on Seasonal County Road - Property Owner Notification" form prior to the issuance of a zoning compliance permit. (Said notifications to be kept with the Zoning Compliance permits).

MOTION CARRIED

LAND DIVISION ORDINANCE-Discuss possible amendment for procedure/standards for variances.

The Planning Commission reviewed the Zoning Administrator's memorandum regarding the need for a variance procedure for lot depth to widths in the land division ordinance. It was recommended that the Board look at making this amendment.

PEDESTRIAN/BIKE PATH ALONG SILVER CREEK ROAD FROM OVERPASS TO SCHOOL-Discuss/Recommendation to Board

It was suggested by the Planning Commission that a letter be submitted to the Township Board recommending the construction of the bike path along Silver Creek Road.

PLANNING DIRECTOR'S REPORT

1. DPW Supervisor-Dennis Magadanz
2. Beaver Grove Recreation Grant
3. Cherry Creek Road speed limit and signs.

PUBLIC COMMENT:

Jim Edwards-549 Cherry Creek Road-informed the Planning Commission as to what is happening with the property owners on Cherry Creek Road and the Road Commission. He also made mention of a meeting with the residents at Walhstroms concerning their property.

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence-MDEQ-Re: Beaver Grove Rec. Area Grant
- B. Correspondence-Central Lake Superior Watershed Partnership-Re: Thank you
- C. Minutes-Township Board-July 17,2000
- D. Information-MTA-Legislative Updates

The meeting was adjourned at 10:45 p.m.

Estelle DeVoght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
September 11, 2000

PRESENT: Commissioners Gary Menhennick, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen,

ABSENT: Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Mark Maki, Andrea Beckman, Joe Fountain, Joseph Chranko, Julie Frazier, Tom Fountain, Dennis Magadanz

**PUBLIC HEARING-CONDITIONAL USE REQUEST #61-AMERIKING
(RESTAURANT/GAS STATION C-STORE/CAR WASH)- Northwest Corner of
US-41 and Cherry Creek Road**

Chairman Sanders called the public hearing to order at 7:33 p.m. Planning Director Riley gave an overview of the proposed Conditional Use permit for Restaurant/Gas Station/C-Store and Car Wash

Public Comments:

- We would welcome any new businesses in the Township.
- Concerns about traffic problem off of US-41 at the proposed driveway.

Public Hearing closed at 7:40pm.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:40 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated August 14, 2000 were presented for approval.

Moved by Commissioner Kinnunen, supported by Commissioner Menhennick, that the August 14, 2000 minutes be approved as presented.

MOTION CARRIED

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Kinnunen, supported by Commissioner Sanders, to move New Business before Old Business.

MOTION CARRIED

PUBLIC COMMENT: None

NEW BUSINESS:

CONDITIONAL USE #61-(incl. Site Plan Review)-Ameriking (Restaurant/Gas Station-C-Store/Car Wash)- Northwest Corner of US-41 and Cherry Creek Road

The Planning Commission reviewed the project with the applicant. There were several areas of concern that were discussed including: access, on-site traffic circulation, landscaping proposed in the right-of-way or off-site, lack of lighting details, and building aesthetics.

Ameriking representative, Joseph Chranko, agreed that perhaps the best approach at this time was for the Planning Commission to table the request in order for his company to clean up the identified problems and work with the Road Commission regarding the concerns on access. In addition, Mr. Chranko indicated that they have discovered that they own the property to the west, (shown as a triangular piece on the site plan), and they will be able to use this property in their redesign and this should address many of the concerns that have been identified.

Moved by Commissioner Kinnunen, supported by Commissioner Tabor that the Planning Commission TABLE Conditional Use Request #61 (including Site Plan Review) in order to allow the applicant time to more fully address the concerns expressed by the Road Commission and Township Staff and to explore the redesign utilizing the additional property on the west side of the site.

MOTION CARRIED

DISCUSS/REVIEW-2001 PLANNING COMMISSION BUDGET REQUEST

The Planning discussed the 2001 Budget request and agreed with the recommended budget.

OLD BUSINESS:

REVIEW OF BY-LAWS- CONFLICT OF INTEREST PROVISIONS

Moved by Commissioner Menhennick, supported by Commissioner Kinnunen to leave the by-laws as currently written.

MOTION CARRIED.

PLANNING DIRECTOR'S REPORT

1. Introduction of Dennis Magadanz - New DPW Supervisor
2. Silver Creek Road Bike Path
3. Dry Hydrant-Mangum Road
4. Cherry Creek Road Meeting
5. Post Office Correspondence

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memorandum/Correspondence-Marquette County-Re: Marquette County Recreational Trails Master Plan
- B. Minutes-Township Board-August 21, 2000
- C. Information-MTA-Legislative Updates

The meeting was adjourned at 8:25 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
October 9, 2000

PRESENT: **Commissioners:** Gary Menhennick, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen

ABSENT: Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, William Savola, Tom Davis

PUBLIC HEARING- Private Road Request #14 - Amendment - Cathy & Gary Peterson - US-41 South

Chairperson Sanders opened the public hearing at 7:30 p.m.

- Public Comments: None

Public Hearing closed at 7:31pm.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:31 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission dated September 11, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Tabor, that the September 11, 2000 minutes be approved as presented.

MOTION CARRIED

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Menhennick, supported by Commissioner LaPointe to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT:

William Savola presented the Planning Commission with a sketch and explanation of the tree clearing that he was completing on his property on US-41 near the rock cut. He explained that he was only trying to remove enough trees to open up the property a little bit for marketing purposes and did not have any specific development plans at this time. He would like to remove the trees that have been cut to date and the remaining trees that are dead on the site. He asked if the Planning Commission wanted a more formal plan at this stage.

The Planning Commission did not believe a more detailed plan was needed until an actual development was proposed. The Planning Commission thanked Mr. Savola for informing the Planning Commission of his intentions.

OLD BUSINESS:

CONDITIONAL USE #61-(incl. Site Plan Review)-Ameriking (Restaurant/Gas Station-C-Store/Car Wash)- Northwest Corner of US-41 and Cherry Creek Road (TABLED)

Planning Director Riley advised the Planning Commission that Joseph Chranko from Ameriking had requested the Planning Commission to leave their application tabled as they were working on several different issues. The issues indicated were that they have been approached regarding selling the site and they were also talking with a different potential gasoline distributor which may change their plans. In addition, they now realize that they do not own the additional property to the west of the site.

Item remained Tabled.

NEW BUSINESS:

Private Road Request #14 - Amendment - Cathy & Gary Peterson - US-41 South

The Planning Commission reviewed staff's memorandum explaining the rationale for the amendment to Condition #7 of the Peterson's Private Road approval regarding no lot access to US-41. The Planning Commission agreed that it was best not to require the further filling of the wetland area in order for a drive to be constructed to access the one small upland piece of property north of the private road.

Menhennick moved, Sanders second that the Planning Commission recommend to the Township Board that Condition #7 for Private Road Request #14 be amended to read as follows:

"The Declaration of Easement include wording to address needed culvert sizing for individual driveways to the private road and that no access be provided for lots directly to US-41 except for the parcel abutting US-41 on the north side of the private road with approval from the Michigan Department of Transportation."

MOTION CARRIED

US-41/M-28 Corridor Management Team - Resolution and Memorandum of Understanding - Support and Recommendation to Township Board

The Planning Commission discussed the Corridor Planning effort that was underway and the forwarded resolution and memorandum of understanding. The Planning Commission was supportive of the effort and the Township's involvement. The Planning Commission would like the Corridor Management Team to address a maximum time limit for reviews in their by-laws so that they do not hold up projects. Planning Director Riley indicated that he would address this at the group's next meeting.

LaPointe moved, Sanders second, that the Planning Commission recommend to the Township Board to pass the attached Resolution and Memorandum of Understanding in order to establish a cooperative and coordinated planning effort for the US-41/M-28 Corridor.

MOTION CARRIED

Discussion - Shoreline/Dune Protection

Planning Director Riley explained that shoreline and dune protection along Lake Superior is a topic that seems to be surfacing more frequently. The Township often receives calls regarding whether we have any regulations regarding grading or removal of the dunes near homes (primarily for view considerations). The Township does not have regulations pertaining to such work and even our Waterfront Setback requirements and related vegetative buffer requirements do not apply as the affected area is largely existing non-conforming lots and platted parcels which are exempt from these regulations. When we do receive calls these people are forwarded to the Soil Erosion people for an applicable Soil Erosion Permit or the State if they fall within the Critical Dunes area, (area east of the Turnouts). The concern that has been expressed, however, is whether the Township needs to get more involved as there is significant grading and erosion issues occurring and vegetation being removed. The Township Comprehensive Plan makes numerous mentions of the need to look at protecting this area.

The Planning Commission had significant discussion regarding the problems that are occurring and reviewed pictures showing the type of grading and erosion that can occur. Discussion centered on whether education may be all that is needed instead of more regulations. LaPointe explained the soil erosion requirements that must be complied with. Discussion also centered on enforcement of additional regulations and potential property value issues.

The Commission asked Planning Director Riley to research this issue further and put together some information for their review such as regulations from other locations that are dealing with this issue. It was also discussed to see if we could get some professional people knowledgeable with this issue to address this Planning Commission at a future meeting.

PLANNING DIRECTOR'S REPORT

1. Commercial Real Estate Signs - Needed text amendment
2. Adult Entertainment Regulations

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Information - MSPO - Community Planning Principles
- B. Minutes - Township Board - September 18 & October 2, 2000
- C. Minutes - Recreation Committee - July 26, 2000
- D. Minutes - AdHoc Trails Committee - August 1, 2000
- E. Information - MTA - Legislative Updates

The meeting was adjourned at 8:55 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

November 13, 2000

PRESENT: Commissioners Gary Menhennick, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Scott Emerson arrived at 7:40pm

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Patricia Leist, Steve Adamini, Glen VanNeste, Dorothy & Hugh Kahler, Mark Muscoe, Carol Margrif, Travis VanNeste

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocoday Township Planning Commission to order at 7:33 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocoday Township Planning Commission, dated October 9, 2000 were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner Sanders, that the October 9, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Kinnunen, supported by Commissioner Tabor, to move New Business A before Old Business B. **Motion carried.**

PUBLIC COMMENT:

- There has been development and expansion of mobile home park on Silver Creek Road. Is this a violation? (Planning Director Riley will follow-up).

OLD BUSINESS:

CONDITIONAL USE REQUEST #61 (Incl. Site Plan Review) Ameriking (Restaurant/Gas Station-C-Store/Car Wash)

Request Withdrawn by applicant.

NEW BUSINESS:

DISCUSS-ADAMINI CORRESPONDENCE REGARDING PROPOSED ZONING ORDINANCE TEXT AMENDMENT REGARDING SECTION 402-FRONTAGE REQUIREMENTS

Planning Director Riley explained to the Commission that the Township Board is requesting the Planning Commission's review of the correspondence received from Stephen Adamini regarding a proposed Zoning Ordinance Text Amendment.

Because of the significant neighborhood interest in this issue, the property owners within 300' of the parcel referenced in the Adamini correspondence were notified.

The Planning Commission reviewed the correspondence from Mr. Adamini and read the letters from property owners that were recently received that urged the Planning Commission not to change the Ordinance.

Mr. Adamini and Travis VanNeste urged the Planning Commission to look at reviewing the Zoning Ordinance as it relates to the difference between a "driveway" and a "private road" and to review the term "abut" as it is used in Section 402.

Moved by Commissioner Kinnunen, supported by Commissioner Emerson to send this item to the Ordinance Amendment Sub-Committee for review of the definition of a driveway versus a private road.

MOTION CARRIED

OLD BUSINESS:

DISCUSS-SHORELINE/DUNE PROTECTION

Planning Director Riley explained that as was discussed at last month's meeting, one of the fundamental elements in reviewing this matter is actually establishing the problem that is occurring to the shoreline/dunes along Lake Superior. This will be essential in establishing the need and argument for any new protection measures.

Mr. Riley indicated that he has been discussing this matter with Carl Lindquist of the Central Lake Superior Watershed Partnership who agrees that this is definitely an issue that needs to be explored. Mr. Lindquist was able to have a consultant review this area from several properties and his report has been completed for the Planning Commission to review. (Copies distributed and reviewed).

Planning Commission discussion centered on the best approach to take to address this issue. One option is to attempt to have the area looked at for inclusion on the State's Critical Dune Area where those regulations would be implemented. The other approach was for the Township to simply look at an overlay zoning district with some relatively straight forward regulations to address the key problems. The Planning Commission favored this approach and thought that if combined with educational efforts this may prove effective. There was consensus that before proceeding with a specific approach one of the key elements is to get plenty of public involvement and to establish consensus from the public and landowners regarding the problem and the need for protection.

The Planning Commission requested that Mr. Riley put together an initial draft of the needed elements (what may be the key regulations and/or educational aspects) to protect the dunes/shoreline for the next meeting for their review.

PLANNING DIRECTOR'S REPORT

1. Rezoning #113 has been approved by the Board, #114 has been tabled to await the County's comments.
2. Bike path along Silver Creek Road will be re-bid this spring.
3. Ordinance Sub Committee. Need for December meeting.

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

The Planning Commission thanked Gary Menhennick for his time and efforts on the Planning Commission.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence - Maki - Re: Railroad Grade
- B. Correspondence - Marquette County - Re: Hearing Date Change on County Trails Master Plan
- C. Minutes - Township Board - October 16, 2000
- D. Minutes - Zoning Board of Appeals - September 28, 2000
- E. Minutes - Recreation Committee - September 27, 2000
- F. Minutes - AdHoc Trails Committee - October 3, 2000
- G. Information - MTA - Legislative Updates

The meeting was adjourned at 10:15 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

December 11, 2000

PRESENT: Commissioners Thomas Shaw, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Scott Emerson

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Travis VanNeste, Carol Sheeky, Dennis Magadan

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:34 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated November 13, 2000 were presented for approval.

Moved by Commissioner Kinnunen, supported by Commissioner Emerson, that the November 13, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Sanders, supported by Commissioner Tabor, to approve the agenda as presented. **Motion carried.**

PUBLIC COMMENT: None

OLD BUSINESS:

DISCUSS-ADAMINI CORRESPONDENCE REGARDING PROPOSED ZONING ORDINANCE TEXT AMENDMENT REGARDING SECTION 402-FRONTAGE REQUIREMENTS

The Ordinance Amendment Sub-Committee met on December 5th and reviewed the Adamini request and the related aspects of the Zoning Ordinance, (definitions, etc.), as was discussed at the last Planning Commission Meeting.

The basic decision was made by the Sub-Committee to recommend that no change be made to the language of the Zoning Ordinance. The Sub-Committee believed that the appropriate avenue was for the VanNestes to review re-applying for a variance to the Zoning Board of Appeals. This is the appropriate review body to review their individual unique property situation; (versus amending the Ordinance which would have Township wide implications on development patterns). The VanNestes have agreed to pursue this avenue versus the Ordinance Amendment. Travis VanNeste presented the Planning Commission with a site plan detailing the property and the setbacks that would be imposed that they would subsequently file as part of their application to the Zoning Board of Appeals.

Commissioner Emerson moved, Commissioner Sanders second to authorize the Planning Director to write a letter to Mr. VanNeste recommending that they reapply to the Zoning Board of Appeals concerning access and development to the property due to the unique nature of their situation.

MOTION CARRIED

DISCUSS-SHORELINE/DUNE PROTECTION

At the last meeting, the Planning Commission requested that Planning Director Riley put together an initial draft of the needed elements, (what may be the key regulations and/or educational aspects), of Lake Superior shoreline/dune protection for their review. This draft was presented in the Planning Commission packets.

Also, Mr. Riley recently spoke with Mike LaPointe as he had spoken with the staff of the Soil Conservation District regarding this issue. They would be willing to consider assisting the Township with administering the regulations that we may develop.

Mr. Maki and Mr. Riley discussed this internally and we believe that the Township must be fundamentally responsible for administering any regulations that we develop. This alleviates questions of legality and enforcement overlap since the Township is responsible for enforcing its own ordinances. We also do not want to create situations where property owners are frustrated by potentially having to work through 2 different agencies regarding the same set of regulations.

What may be beneficial, however, is if we can include the Soil Conservation District in the review/approval procedure for major earth changes along the shoreline that perhaps we would review as a conditional use permit. In conjunction with any educational assistance they can provide, it would certainly be beneficial to be able to utilize their expertise.

The Planning Commission discussed this issue and liked the draft of the elements/approach that could be taken. The Commission agreed that the key element is to correctly identify the area of protection as the 1st barrier dune. The Planning Commission asked Planning Director Riley to draft what may be the specific language for their review and discussed having affected property owner meetings to discuss this idea.

Commissioner LaPointe inquired as to whether the Township Board had made any comments regarding this issue?

NEW BUSINESS:

CONSIDER-ANNUAL ROAD RANKING

The Planning Commission reviewed the submitted road rankings to determine their recommendation to the Board.

1. Silver Creek Road
2. West Wright Place
3. Green Garden Road
4. Greenfield Road
5. Ford/Townline Road
6. VanEpps/Fairbanks
7. Country Lane Road
8. Shot Point Road
9. Old Little Lake Road (Citizen request for paving of gravel portion)
10. N Big Creek Road (Citizen request for paving of gravel portion)

CONSIDER-2001 MEETING DATES AND TIME

The Planning Commission has decided to leave their meetings dates and time as scheduled for 2001.

PLANNING DIRECTOR'S REPORT

1. TEA21 Grant
2. Planners Luncheon
3. Mobile Home Park Violation update
4. City/Township joint meeting

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

Chairman Sanders welcomed Thomas Shaw to the Planning Commission.

Chairman Sanders requested that Planning Director Riley review Family Dollar's lighting in regards to compliance with their approval. The Commission discussed the potential need for more extensive lighting controls in the Township.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence - Riley - Re: New Planning Commission Representative
- B. Correspondence - Maki - 2000 Zoning Report
- C. Correspondence - Maki - Re: Blondeau & Sons

- D. Correspondence - Magadanz - TEA 21 Grant Application
- E. Minutes - Township Board - November 6, 2000
- F. Minutes - AdHoc Trails Committee - November 8, 2000
- G. Information - MTA - Legislative Updates

The meeting was adjourned at 9:10 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

January 8, 2001

PRESENT: Commissioners Thomas Shaw, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Scott Emerson

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Don Britton, Dennis Magadanz

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocoday Township Planning Commission to order at 7:32 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocoday Township Planning Commission, dated December 11, 2000 were presented for approval.

Moved by Commissioner Kinnunen, supported by Commissioner Tabor, that the December 11, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Sanders, supported by Commissioner DeVooght, to approve the agenda as presented. **Motion carried.**

PUBLIC COMMENT:

Don Britton gave the Planning Commission an update from the AdHoc Trails Committee regarding the availability of a removable bridge from the National Guard for the Chocoday River located by the DNR fishing site off of M-28.

The Planning Commission discussed the required background research (permit, site preparation costs, etc.) that would need to be completed.

Kinnunen moved, Sanders second, that the Planning Commission write a letter to the Township Board recommending them to evaluate the bridge acquisition from the Army Reserve for use at the Chocoday River on M-28 due to winter safety concerns.

OLD BUSINESS:

DISCUSS SHORELINE-DUNE PROTECTION

Planning Director Riley explained that at the last meeting the Planning Commission requested that he expand on the approach that we could take with a Lake Superior Shoreline/Dune Protection Overlay District and develop draft Ordinance language for review.

The suggested draft language was reviewed for the Planning Commission's comments. One of the key components was not to be overly restrictive with the extent of the district but to simply make sure that the key first barrier dune area along the shoreline is encompassed.

Planning Commission discussion centered on the vision strip, getting rid of any of the references to "clearing", and not utilizing a specified width for the vision/access strip but simply referencing that trimming or pruning is allowed but not the wholesale removal of vegetation.

Discussion also centered on establishing what may constitute "major" versus "minor" earth changes; (such as utilizing a percentage of the lot width). A key element that was identified was the need to further review the process of plan development and the permit process in order to keep it as user friendly and efficient as possible for property owners. Perhaps Township staff would complete the whole permit/plan process. Planning Director Riley indicated that he would review the language further based upon the comments of the Planning Commission and research the issue of the actual implementation process (e.g. plan development/permits/enforcement).

NEW BUSINESS:

DISCUSS-PROPOSED ZONING ORDINANCE TEXT AMANEDMENT-COMMERCIAL REAL ESTATE SIGNS AND POLITICAL SIGNS

The Planning Commission reviewed and discussed the problem as referenced in staff's memorandum .

SIGNS (Commercial Real Estate and Subdivision/Development Signs)

Problem: Currently the Zoning Ordinance does not permit commercial real estate or subdivision/development signs any larger than 6 square feet (see Ordinance language).

This size limitation works well for residential "for sale" signs but is problematic for commercial properties as the industry standard for these type of signs are 4' x 8' or 32 square feet. (For example, see current for sale sign on LaRue's building).

Proposed

Solution: Amend Sec. 805 of the Ordinance to exempt/allow commercial real estate and subdivision/development signs at 32 square feet but that they must be set back outside of the road right-of-way.

POLITICAL SIGNS

Problem: Each election there are numerous violations with political/election signs (primarily size and setback requirements) based upon our current Ordinance language. In addition, we also have questionable legal authority to regulate and enforcement is almost impossible.

Proposed

Solution: Amend Sec. 805 of the Ordinance to exempt all political signs under 32 square feet and that their placement does not constitute a hazard to motorists as determined by the Traffic Engineer (Police Department).

The Planning Commission discussed the need to keep the language regarding how early someone could place their sign prior to an election as well as how long it could remain after an election.

The Planning Commission gave the go ahead to Planning Director Riley to prepare a text amendment and schedule the public hearing for next month.

DISCUSS-LIGHTING CONTROLS

The Planning Commission had previously discussed strengthening our lighting controls and the potential need for a dark sky ordinance. Planning Director Riley requested the Planning Commission's general consensus on what is envisioned in order to proceed with a course of action/research.

The Planning Commission discussed this issue and indicated that they believed a comprehensive program of looking at all lighting elements (e.g. public and private) is how we should proceed. The actual evaluation may determine how comprehensive we can be.

DISCUSS-PLANNING COMMISSION PORTION OF TOWNSHIP WEBSITE

Planning Commission suggestions for updating the information for the township website:

- Agendas
- Monthly Minutes
- Township should do their own updating to keep the information current

The new County Community Information System (CIS) was also discussed and the information that this system will provide for each local unit of government such as agendas, minutes, etc..

DISCUSS-PLANNING COMMISSION PACKET/MATERIALS

The Planning Commission is pleased with the thorough amount of information being passed on to them.

PLANNING DIRECTOR'S REPORT

1. Joint meeting-City/Township
2. Northern Michigan Public Service Academy - Township Membership
3. Updated Zoning Map - GIS Generated

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence - Peterson - Re: Notification
- B. Correspondence - Riley - Re: VanNeste
- C. Correspondence - Fende - Re: Disbanding of Water Committee
- D. Correspondence - Carter - Re: Koivisto Correspondence
- E. Minutes - Township Board - December 18, 2000
- F. Minutes - AdHoc Trails Committee - December 5, 2000
- G. Information - MTA - Capitol Currents

The meeting was adjourned at 9:35 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

February 12, 2001

PRESENT: Commissioners Thomas Shaw, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Scott Emerson

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Dennis Magadanz, DPW Supervisor, Don Britton and Brad Neumann

PUBLIC HEARING - REZONING #115 - TEXT AMENDMENT - COMMERCIAL REAL ESTATE SIGNS AND POLITICAL SIGNS

Chairperson Sanders opened the public hearing at 7:30 p.m. Planning Director Riley indicated that as of today, only one person had contacted the office regarding this text amendment. Ms. Elizabeth Blichfelbt of 2851 M-28 East indicated that she was concerned with increasing sign sizes for signs along M-28 and that this is a step in the wrong direction. She stated that if this amendment only pertains to temporary signs such as real estate or political signs she is not as concerned, but it does seem that these signs are up forever.

No additional public comment. Chairperson Sanders closed the public hearing at 7:32 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:33 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated January 8, 2001 were presented for approval.

Moved by Commissioner Sanders, supported by Commissioner LaPointe, that the January 8, 2001 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Shaw, supported by Commissioner Tabor, to approve the agenda as presented. **Motion carried.**

PUBLIC COMMENT: None

OLD BUSINESS:

LAKE SUPERIOR SHORELINE-DUNE PROTECTION

Planning Director Riley briefly reviewed the changes that were made to the draft Overlay District following the last Planning Commission meeting.

The Planning Commission thought perhaps we should delete the "significant" vegetation reference in the Intent section. Otherwise the Planning Commission believed the language was acceptable for proceeding. Planning Director Riley indicated that he would like to review the approach we are taking with the DEQ and the Conservation District and report back to the Planning Commission in March. Following that report, a property owner meeting can be scheduled.

LIGHTING CONTROLS

The Planning Commission reviewed staff's memorandum and attached information regarding the different areas of lighting controls that we can address. The majority of the conversation centered on beginning with reviewing our street lights and recommending changing our street lighting policy to use more efficient cobra head style lights such as what Marquette Township was now doing.

Discussion also centered on replacing the existing street lights with the new cobra head style. Following discussion regarding BLP prices for replacements, the Planning Commission favored recommending a phased approach where perhaps the Township would replace 20 street lights per year. Denny Magadan, DPW Supervisor, advised the Commission regarding the number of existing street lights and the current policies on replacement of lights by the Board of Light and Power.

Kinnunen moved, LaPointe second to have the Chairman of the Planning Commission draft a letter to the Board for their February 19, 2001 meeting asking for their consideration of a phased street light replacement program over a period of five years.
Motion Carried

NEW BUSINESS:

PROPOSED ZONING ORDINANCE TEXT AMANEDMENT-COMMERCIAL REAL ESTATE SIGNS AND POLITICAL SIGNS

At the last meeting the Planning Commission reviewed two problems within the sign section of the Zoning Ordinance. These were: 1) We do not permit commercial real estate or subdivision/development signs any larger than 6 square feet, and 2) Each election there are numerous violations with political/election signs (primarily size and setback requirements).

Following last month's meeting, a public hearing was scheduled for this meeting for the Planning Commission to consider proposed text amendments to address these problems.

However, following the January Planning Commission meeting, at both of the joint meetings with the City of Marquette and the Township Board, (including the meeting in which Marquette Township was involved), the issue of consistency, (and the strengthening of), political sign regulations between the units of government was discussed. Therefore, Planning Director Riley suggested that we delay any action on this issue until staff can discuss this issue with these other entities.

The Planning Commission agreed to moved forward with just the text amendment regarding real estate/development signs.

Kinnunen moved, Emerson second that the Planning Commission recommend approval of Rezoning #115 to the Township Board for a text amendment to Zoning Ordinance #34 as follows:

Section 805 - EXEMPTIONS FROM SIGN REGULATIONS - To amend the second section by adding the language in bold print:

- signs having an area of not more than six square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of the property, or traffic or parking thereon, or advertising the premises for sale or rent.
Signs advertising commercial real estate and subdivision/development signs of 32 square feet or less provided they are located outside of the right-of-way.

Motion Carried

PLANNING COMMISSION SUB-COMMITTEES - TRAILS COMMITTEE AND RECREATION COMMITTEE

The Township Board, at their meeting of January 19, 2001, requested that the Planning Commission "*evaluate making the Ad Hoc Trails Committee and Recreation Committee formal subcommittees of the Planning Commission*".

Planning Director Riley indicated that he envisioned that the membership on these committees could essentially remain the same, but importantly that one or two Planning Commission members also serve on the committees. In addition, perhaps the Planning Commission should discuss combining the two committees, (i.e. just have a Recreation

Committee). This makes sense since there is so much overlap anyway regarding "trails". Then, perhaps future Planning Commission agendas can have a segment for "Sub-Committee" reports/recommendations, (e.g. Ordinance Amendment Sub-Committee and Recreation Sub-Committee).

The Planning Commission discussed merging these two committees with Don Britton, Board Member and Chairman of the Trails Committee.

LaPointe moved, Tabor second, to merge the Recreation Committee and Trails Committee to form a Recreation Sub-Committee of the Planning Commission.

Motion Carried

Commissioner's LaPointe and Tabor agreed to be the two Planning Commission representatives to the Sub-Committee. Tom Shaw agreed to be the alternate.

PLANNING DIRECTOR'S REPORT

1. Mangum Road Contracts
2. Kawbawgam Ski Trail
3. Joint Meetings
4. State Police Tower
5. Army Reserve Bridge
6. Coordinated Planning Act
7. Family Dollar Lighting

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

Commissioner Kinnunen advised the Commission that he is concerned with the Township getting involved with the City of Marquette's problems through these "joint meetings". He was troubled by the recent news coverage regarding the deer problem on Presque Isle where it showed our Board Members. He thought that the Board needed to be careful not to have this involvement affect our Township negatively.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memorandum - Riley - Re: New Director of Recreation and Grants Administration
- B. Correspondence - Planning Commission Chairman/Board - Re: Army Reserve Bridge
- C. Minutes - Township Board - January 22, 2001
- D. Minutes - Township Board/City of Marquette - Joint Meeting - January 10, 2001
- E. Minutes - Township Board/City of Marquette/Mqt.Twp/Mqt. Public Schools - Joint Meeting - January 30, 2001
- F. Information - Planning Commission Membership
- G. Information - Coordinated Planning Act
- H. Information - MTA - Legislative Updates

The meeting was adjourned at 9:07 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

April 9, 2001

PRESENT: **Commissioners** Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Scott Emerson arrived 7:42

ABSENT: Steve Kinnunen, Thomas Shaw

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Dennis Magadanz, Lee Snooks, Jon & Nancy Wennerberg, Dan Reed, Brad Neumann, Gene Elzinga

**PUBLIC HEARING-CONDITIONAL USE # 62-STAR INDUSTRIES-
INSTALLATION AND OPERATION OF A STEAM POWERED AUTOCLAVE
TO TREAT MEDICAL WASTE**

Chairperson Sanders opened the public hearing at 7:32 p.m. Planning Director Riley indicated that as of today there has been no correspondence or telephone calls received regarding this conditional use. No public comment. Chairperson Sanders closed the public hearing at 7:34 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocoday Township Planning Commission to order at 7:34 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocoday Township Planning Commission, dated February 12, 2001 were presented for approval.

Moved by Commissioner LaPointe, supported by Commissioner Tabor, that the February 12, 2001 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner DeVooght, to adopt the agenda with the change of moving New Business Item A. before Old Business. **Motion carried.**

PUBLIC COMMENT: None

**PRESENTATION-COORDINATED PLANNING ACT-DAN REED OF U.P.
ENGINEERS AND ARCHITECTS AND BOARD MEMBER WITH THE
MICHIGAN SOCIETY OF PLANNING**

Dan Reed presented information on the proposed Coordinated Planning Act and answered questions.

NEW BUSINESS:

**CONSIDER-CONDITIONAL USE # 62-STAR INDUSTRIES-INSTALLATION
AND OPERATION OF STEAM POWERED AUTOCLAVE TO TREAT
MEDICAL WASTE**

Planning Director Riley indicated to the Planning Commission that Star Industries has requested Conditional Use Approval for the installation and operation of a steam powered autoclave to treat medical waste at their facility located at 115 Industrial Drive, (in the Varvil Center Industrial development behind Marquette Meats south of M-28). The key portion of the C-3 Conditional Use section that applies for this use is that industrial uses are permitted that "*do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything...are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot and trails.*"

Applicant Wennerberg indicated that the Planning Commission granted Star Industries a conditional use permit to operate their current facility in 1986. That approval included the collection and storage of medical waste before it was shipped to Hamtramck, Michigan to

be incinerated. He would now like to install an autoclave to steam sterilize medical waste in order that it can be disposed of in the County landfill.

In researching this issue, this sort of treatment of medical waste is not uncommon and is regarded as a better alternative to incineration. Essentially, the waste is loaded into the autoclave and is steamed to approximately 300 degrees in order to sterilize the material.

The Planning Commission asked several questions of Mr. Wennerberg regarding the operation of the autoclave and the nature and handling of the medical waste. The Planning Commission also reviewed the comments of the Marquette County Health Department.

LaPointe moved Sanders second that after review of Conditional Use request #62; the standards of Section 701, and other applicable standards contained in the Township Zoning Ordinance; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #62 with the following conditions:

- 1) That the applicant provide the Fire Department with their requested MSDS documents, a floor plan/lay out of the area and provide a site visit for the Fire Department prior to operation.
- 2) That the applicant take all measures necessary to eliminate any excessive odor from escaping from the property due to this treatment operation.
- 3) That the applicant collect and dispose of any and all liquid leachate produced from the operation of the autoclave and the treatment of the medical waste in accordance with the requirements and recommendations of the Marquette County Health Department.
- 4) That the applicant comply with all applicable local, state and federal regulations for this use.
- 5) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

Motion Carried

OLD BUSINESS:

DISCUSS- LAKE SUPERIOR SHORELINE/DUNE PROTECTION – OVERLAY DISTRICT

Planning Director Riley explained that in reviewing the draft "Lake Superior Shoreline/Dune Protection Overlay District" with officials of the Marquette County Conservation District and the Michigan Department of Environmental Quality both agencies had very positive comments regarding the overlay district approach and the draft language. Both agencies also indicated their willingness to assist us with permit coordination/notification. In addition, both agencies indicated that they would be happy to attend our future property owner meeting in order to assist in any manner that may be appropriate.

The Planning Commission indicated that May 23rd would work for the special meeting for the property owners.

NORTH COUNTRY TRAILS

Gene Elzinga presented to the Planning Commission different types of barriers proposed for the overpasses for the North Country Trail and the estimated costs of the different types. The Planning Commission discussed modifications to these barriers to cut costs. The Planning Commission also discussed Township participation in these costs.

DISCUSS- CHOCOLAY RIVER WATERSHED PLAN

Planning Director Riley explained that the information contained within the plan shall prove useful as the Planning Commission reviews specific development projects that could impact the watershed or when opportunities are presented for corrective action for a particular problem area. In addition, there may be areas where our zoning ordinance can be strengthened in the future in furtherance of the plan's goals.

DISCUSS- 2000 CENSUS

The Planning Commission discussed the Census 2000 Information for Chocolay Township.

SUB-COMMITTEE REPORTS/ITEMS

- A. Recreation Sub-Committee-Lee Snooks gave update to the Planning Commission on the Committees
 - 1. Combine Trails and Recreation Committee
 - 2. Beaver Grove Grant
 - 3. 5 year Recreation Plan needs to be updated-on hold due to census numbers that need to be amended.

PLANNING DIRECTOR’S REPORT

- 1. Street lighting update
- 2. Beaver Grove Rezoning-Public Lands
- 3. June Planning Commission meeting date change-6/12/01

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

Commissioner Emerson suggested that the Planning Commission review designating truck routes in the Township.

There was Commissioner concern about the mud on the Savola property along the rock cut.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence – Planning Commission Chairman to Township Board- Re: Street Lighting
- B. Correspondence – Sawyer International Airport- Re: Planning Coordination
- C. Minutes - Township Board – February 19 & March 19,2001
- D. Minutes – Township Board/City of Marquette/Mqt. Twp./Mqt. Public Schools- Joint Meeting- March 21, 2001
- E. Minutes- US-41 Corridor Management Team- February 20, 2001 & Mission Statement and Action Plan
- F. Information – MTA- Legislative Updates

The meeting was adjourned at 10:08 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
May 14, 2001

PRESENT: Commissioners Bill Sanders, Mike LaPointe, Thomas Shaw, Steve Kinnunen, Kendall Tabor arrived at 7:42, Scott Emerson arrived 7:43

ABSENT: Estelle DeVooght

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Dick Arnold, Cathy Peterson, Michael Pelkola, Ray & Cheryl Hosking

PUBLIC HEARING-SPECIAL USE PERMIT #2-MARQUETTE COUNTY ROAD COMMISSION-MINING PERMIT (SAND) FOR WITTLER PROPERTY ON US-41

Chairperson Sanders opened the public hearing at 7:32 p.m.. Planning Director Riley provided an overview of the requested permit. Planning Director Riley indicated that as of today there has been no correspondence or telephone calls received in response to the public hearing notice or adjoining property owner letters.

Dick Arnold, 312 West Branch Road, stated that he had no problem with the requested permit as this is a logical location for extraction of the needed sand. However, did the Road Commission haul sand out of that location today? If that is the case, he thinks the Road Commission should have to wait for approval just like everyone else.

Michael Pelkola, Marquette County Road Commission, indicated that yes the Road Commission did haul some sand from the site today.

Chairperson Sanders closed the public hearing at 7:45 p.m.

PUBLIC HEARING-REZONING #116- BEAVER GROVE RECREATION AREA PROPERTY-R-1 TO PUBLIC LANDS

Chairperson Sanders opened the public hearing at 7:46pm. One letter of correspondence from Cathy Peterson was read and placed into the record opposing the rezoning. Planning Director Riley explained that Rezoning #116 is a request from the Township for the rezoning of the Township's Beaver Grove Recreation Area property (29 acres +/-) from R-1 to PUBLIC LANDS. This rezoning continues the process of the rezoning of Township owned properties to Public Lands. As you probably remember, the Township amended the Public Lands zoning district last year to spell out actual permitted uses.

Other Township properties currently zoned Public Lands include the Township Hall site and the Kawbawgam Road property (rezoned last year). The Township has received a CMI Grant in the amount of \$85,000 for the continued improvement of the Beaver Grove Recreation Area. The total \$135,000 grant project includes: expanded parking near the soccer field, soccer field seating, a pavilion, a half court basketball court, covered dugouts, ballfield irrigation, fencing and signage. The Recreation Sub-Committee is currently reviewing these items and the Planning Commission will be reviewing the site plan for these improvements at an upcoming meeting.

Cathy Peterson-I am opposed to this rezoning because there is no need for it as public parks are already allowed in the R-1 District. John and I were promised that this would always be kept as a public park. We took less money for the property because it was going to be a park. These parks should be identified on the map and that if they were intended to be utilized as a park or a gift (e.g. Brower property), to the township it should be so noted.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocoy Township Planning Commission to order at 7:50 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocoy Township Planning Commission, dated April 9, 2001 were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner Sanders, that the April 9, 2001 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Sanders, supported by Commissioner LaPointe, to adopt the agenda with the change of moving New Business Items A & B. before Old Business, and also adding New Business E. Private Road Review-Ray Hosking. **Motion carried.**

PUBLIC COMMENT: None

NEW BUSINESS:

CONSIDER-SPECIAL USE PERMIT #2-MARQUETTE COUNTY ROAD COMMISSION MINING PERMIT (SAND) FOR WITTLER PROPERTY ON US-41

The Planning Commission asked if the Road Commission had received any authority to haul sand from the site prior to formal approval? Planning Director Riley indicated the he had advised them that the earliest they would be able to haul would be following the Board meeting on May 21st when the application would be formally reviewed and acted upon by the Board.

The Planning Commission reviewed the particulars of the request pertaining to hours of operation, dust control on the access road, reclamation and permit duration.

The Planning Commission requested that Planning Director Riley and the Chairman draft a letter to the Road Commission advising them of the need to obtain necessary approvals prior to beginning work no different than any other applicant.

LaPointe Moved, Emerson Second, that after consideration of Special Use Permit #2 for a Mining and Mineral Extraction Permit for sand as provided in the standards of Section 407 of the Chocoy Township Zoning Ordinance, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) That a zoning compliance/mining and mineral extraction permit be obtained from the Zoning Administrator prior to use.

- 2) That the access road be adequately treated to prevent dust from impacting US-41.
- 3) That the permit is only valid for the 2001 road construction season and the site shall be restored to MDOT borrow site requirements.

MOTION CARRIED

**CONSIDER-REZONING #116-BEAVER GROVE RECREATION AREA
PROPERTY-R-1 TO PUBLIC LANDS**

Planning Commission discussion centered on the Public Lands zoning district and permitted uses versus the existing R-1 zoning district. Sanders indicated that he believed the Public Lands District better denoted the actual use of the property and this rezoning would streamline the process for making continued recreational improvements to the property. The commissioner's also discussed the merits of creating a map where public parks and properties are denoted.

Commissioner Sanders moved, supported by Commissioner Tabor that following the review of Rezoning request #116 and the Staff/File Review, the Planning Commission recommends approval of Rezoning #116 to the Township Board to rezone said property from R-1 to PUBLIC LANDS.

Motion Carried

OLD BUSINESS:

**DISCUSS- LAKE SUPERIOR SHORELINE/DUNE PROTECTION –
UPCOMING PROPERTY OWNER MEETING**

Planning Director Riley presented some slides that could be utilized for the property owner meeting. The Planning Commission gave him the go ahead to send out the property notices and the meeting outline was fine. It was suggested to change the Dune text under Permitted Principle Uses B: to add after pruned “at the property owners discretion”, also after the word removed in the second paragraph to underline the word removed.

**NEW BUSINESS- DISCUSS-US-41 CORRIDOR PLANNING-
ACCESS/ACCIDENT MAPS-PRIORITY AREAS/ISSUES**

Planning Director Riley explained that as part of the US-41 Corridor planning effort, each jurisdiction has been requested to review their respective segment of the US-41 Corridor to identify critical areas or issues that they would like to see addressed in the actual Corridor Management Plan that CUPPAD is drafting.

Within the Corridor Management Plan there will be specific sections pertaining to each jurisdiction as well as common issues relating to all jurisdictions. CUPPAD has provided the "strip maps" for Chocolay's section from M-28 to the Rock Cut which detail access locations as well as accident incident data.

Planning Director Riley indicated that the US-41/M-28/Cherry Creek Road Intersection and the Rock Cut area have been included within the "critical areas" list. The "critical areas" list is a special area of focus for the Corridor Management Team. These areas have been deemed to have critical safety issues and these areas are being immediately evaluated for corrective action or immediate planning efforts.

Commissioner suggestions for areas of focus:

- Boulevard parts of US-41 in the township for curb control, buffers, speed, curb cuts.
- Safety Issues-speed enforcement.
- Aesthetics - Landscaping, lighting, visual speed reducer.
- Drainage-problem area by Wahlstrom's and Silver Creek Road.
- Rock cut-coordinated access road from Van Epps to Boy Scouts.
- Create a park overlook on top of rock cut.
- Warning lights for signals.

DISCUSS MARQUETTE COUNTY CONSERVATION DISTRICT AND CENTRAL LAKE SUPERIOR WATERSHED PARTNETSHIP-REQUEST FOR INPUT

Planning Director Riley explained that the Marquette County Conservation District and the Central Lake Superior Watershed Partnership requested the Township's input regarding their efforts/areas of focus. The Planning Commission is the logical body to provide the requested input. The Planning Commission determined to review these requests individually and forward their comments to Planning Director Riley who can then consolidate them to forward to these agencies.

PRIVATE ROAD REVIEW-RAY HOSKING-NORWAY TRAIL

Planning Director Riley indicated that Ray Hosking would like the Planning Commission to review his private road construction that had been originally reviewed and approved in 1993. Mr. Hosking constructed the road differently than what was on the approved plan, primarily by extending the road further onto the property. The question now is whether a new public hearing and property owner notification should be made?

Planning Director Riley noted that he has visited the site and the road meets the private road standards.

The Planning Commission reviewed the amended plan against the original plan and the conditions from the previous approval in 1993.

Commissioner Sanders moved, Commissioner Emerson supported that the Planning Commission reviewed the private road construction by Ray Hosking and determined that it was consistent with the private road approval. **Motion Carried**

SUB-COMMITTEE REPORTS/ITEMS

Recreation Sub-Committee-Next meeting is June 5, 2001.

Ordinance Amendment Sub-Committee-

The Ordinance Amendment Sub-Committee of the Planning Commission met on April 17, 2001 and discussed the following:

- 1) Intensive Agriculture
- 2) Electronic Message Boards
- 3) Golf Courses - Monitoring Wells/Testing
- 4) Height Regulations

Recommendations were as follows:

- 1) Intensive Agriculture - No need to address at this time.
- 2) Electronic Message Boards - Do not liberalize our Ordinance to allow this type of sign. Add language to clarify that a "time and temperature" sign, (such as what is typically allowed for banks), is not considered an electronic message board.
- 3) Golf Courses - Monitoring Wells/Testing - Doug will discuss this matter with the two golf courses.
- 4) Height Regulations - As was discussed/recommended last year, agreed to move forward with an amendment to make our height language consistent with other municipalities in the area. Add language, to address Fire Department concern, for structure to provide two access points less than 25' in height.

PLANNING DIRECTOR'S REPORT

1. Silver Creek School-Township purchasing
2. Census
3. Silver Creek School Student Council
4. Recreation Sub-Committee-June 5, 2001

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence – Marquette County Road Commission-RE: Street Sweeping
- B. Minutes - Township Board – April 16, 2001
- C. Information – MTA- Legislative Updates

The meeting was adjourned at 10:30 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
LAKE SUPERIOR SHORELINE PROPERTY OWNERS MEETING
MAY 23, 2001**

Present: Commissioners: William Sanders, Thomas Shaw, Kendal Tabor, Michael LaPointe, Estelle DeVooght, Scott Emerson

Absent: Steve Kinnunen

Others: Doug Riley, Director of Planning & Research, Dennis Magadanz, Department of Public Works Supervisor, Cathy Phelps, Recording Secretary

SPECIAL MEETING CALLED TO ORDER:

Chairman, Sanders, called the special meeting of the Chocolay Township Planning Commission to order at 7:05 P.M.

A welcome to Lake Superior shoreline landowners and everyone interested was made by Sanders. He explained the potential erosion problem and potential solutions.

Doug Riley explained the problems encountered along the shore with a slide show. He showed examples of dunes with good and poor vegetation, along with problems dune changes have caused. Riley discussed that the only thing in place at this time was regulation on building construction setbacks, and that there are no regulations on vegetation or dune changes other than a soil erosion permit, which does not really address the issue.

Doug Riley displayed Section 218 – Overlay District. Riley explained that the reason for this discussion was that the Township receives a number of complaints every year.

Eero Wiitala wanted a clarification on overlay zoning and barrier dune. He stated that the dunes change constantly. He has lived along Lake Superior for 39 years and has tried everything. The dunes can vary 20 to 30 feet in one storm.

Sanders opened the meeting to public questions and concerns.

Bruce Heikkila, 700 Hampton Street, wanted to know how many problems per year have been documented. Emerson replied that they have not been documented because there are no Township rules or laws set. Tabor stated that the ordinance purpose was to set up a review process. If someone decides to bulldoze a dune they can at this time. This could cause a major sand problem. There are no laws or ordinances now against bulldozing or running four-wheelers on the beach. Emerson said we learned from the storm of '85 that we need to protect the shoreline. The Planning Commission needs to define an overlay zone, and they do not want to restrict pruning or minor changes only significant earth moving.

Riley read correspondence and phone conversations where property owners requested their comments to be presented to the Planning Commission:

- 1) Letter from Jim and Sue Drobny, 833 Lakewood Lane
- 2) Letter from Regis Walling, 545 Lakewood Lane
- 3) Letter from John Wilson, 793 Lakewood Lane
- 4) Letter from Mr. and Mrs. George Miller
- 5) Letter from Mr. and Mrs. Carl Lindquist, 193 Lakewood Lane
- 6) Phone comments from Marla Buckmaster, Lakewood Lane
- 7) Phone comments from Margo Mathews, 851 Lakewood Lane
- 8) Phone comments from Mike Nelson, property owner on Lakewood Lane
- 9) Letter from Mary Asente, 1893 M-28 East

(Also attached –received after the meeting – a letter from Glen and Ev-Ann Johnson and a letter from Dan Wiitala, 645 Lakewood Lane)

Public Comment Continued:

Bruce Heikkila, has owned land on Shot Point for 40 years, erosion is not applicable to Shot Point because it is rock. It is not a high erosion area. Will this ordinance change affect Shot Point?

Sanders responded that it is included at this time.

Emerson said maybe we should have this area exempt.

Shaw responded by saying that rock, like sand, can still be removed. Bruce Heikkila asked, "why should this area be included when there is no dune problem."

Mona Scriba, 2461 M-28 East, gave her observations. They winter in Indiana and they hike the dunes. They see erosion problems. Along Lakeshore Drive north of Fair Avenue the dunes were cleared out and the sand covered the road. They had bayou in their yard before the storm of '86. The wind broke through a low dune and filled in the pond with sand. Small changes made to a dune can have a great impact. She is supportive of having regulations. Asked if the state has any regulations?

Joan Duncan, DEQ, stated they receive 20 calls per year from people with problems regarding the dunes. There is nothing she can do, there are no state regulations other than for the high risk erosion areas, which only regulates structure setbacks. She suggested the Township not use the water's edge as a reference point or "significant vegetation". Instead she suggests using the high water mark or erosion hazard line. She stated that the Army Corps of Engineers have no rules or laws applicable to the dunes either. There is a severe problem in Chocoday Township.

Whitney Johnson, 313 Lakewood Lane, there should be preventative measures to prevent bulldozing through dunes. There may be some exceptions. Sand paths are inevitable, but there should be control over bulldozing.

Eero Wiitala, 801 Lakewood Lane, he has lived along Lake Superior for 60 years and knows you cannot plant beach grass. It is a futile effort to try.

Marv DeMilio, 443 Lakewood Lane, agrees with Joan Duncan regarding a reference point. During high water, you are lucky to find 400' of your property. This year the grass is as far to the lake as it has ever been. One storm and the grass edge could move considerably. He is for building decks on the dune, or plant trees. He would be very upset if his neighbors bulldozed the dune. He is in favor of no bulldozing or four-wheelers on the beach.

Carolyn Jean, 373 Lakewood Lane, says her dunes are changing constantly. No one can fight mother nature. We need to do what we can to protect the dunes. She is in support.

Marci Thieme, 1895 M-28 East, states we should listen to Joan Duncan. The ordinance being worked on by the Planning Commission should be clear. She thinks the issues are stairs and dune grass plugs.

Jude Catallo applauded the Board. She told residents never to be surprised at what people would do. The ordinance needs to have precise language.

Connie Barto, 951 M-28 East, states her dunes are lower now. She does not want this to apply to steps. She does not want to have to get a permit to put in steps, and have to pay for it. She is in favor of less intrusive rules and regulations. She is in support of rules for major dune changes.

Susan Burney, M-28, just purchased land last summer. She thinks if anyone wants to alter a dune, they should have to go through channels.

William Sanders does not want to have lots of rules either. He believes notification of neighbors and anyone affected by a change should be able to be involved with decision making. There should be a process everyone needs to go through for major dune changes.

Jennifer Bruggnik, 673 Lakewood Lane, stated that late one evening a bulldozer was pulled up to her neighbors. They had no chance to object. She would like to be informed and have a chance to voice her opinion before action is taken. Now the wind blows sand into her yard. She is very concerned about erosion. The neighbors have put no beach grass plugs in, as far as she knows. She wants to have notice. People need to get a soil erosion permit, but many people do not know about it. How are people informed? Some people are just ignorant of the rules. She is in support.

Maci Scriba, M-28 East, regarding Barto comment; for staircase on dune, you must have building permit, but the DEQ involvement isn't required. There are some ordinances in the Township that people don't know about. This meeting brings these to light.

Sue Britton, 733 Lakewood Lane, not in support. Public hearing is excessive. Most people are aware. Permits now are adequate.

Sally Mellon, 481 Lakewood Lane, we have rules for dunes already. No one can bulldoze.

Joan Duncan, DEQ, 1972 was when the high risk erosion areas were established, all land owners were notified. In 1989 the Sand Dune Act was passed regarding critical barrier dunes in other areas. There are no state designated critical dunes in Marquette County.

Sally Mellon, 481 Lakewood Lane, wanted to know how can people bulldoze large construction areas without a permit. She moved here 12 years ago, her grass area is growing and getting better. She supports no bulldozing without a permit. She thought we had rules.

Virginia Long, 729 Lakewood Lane, new people in area need guidance. When she moved here she had no dune. She heard there was a bayou at one time in front of her home. Chocolay River at one time ran all the way to Sand River along the shore. She loses about one foot of beach a year. She believes the lake is moving south.

Eero Wiitala, 801 Lakewood Lane, wanted to know if we have more regulations, will our taxes go up. William Sanders said no. Wiitala wanted to know where the manpower would come from. Shaw said you see it.

Ann Johnson, 571 Lakewood Lane, stated if people want to move sand, they should use professionals and through the state, they have a couple different departments. They should go through the proper channels. Not in favor of more permits, just enforce the laws we have now.

Eero Wiitala, 801 Lakewood Lane, wanted to know what the Planning Commission is going to recommend.

William Sanders thanked everyone for expressing their thoughts.

Doug Riley explained the procedure the Planning Commission would go through to make any changes, and that it would take quite some time to make any ordinance changes.

Marv DeMilio, 443 Lakewood Lane, supported amending local zoning ordinance. Asked if the Township can stop the bulldozing now. Riley responded by saying there is no quick fix, it would take at least 3 to 6 months for changes to be made. There is no ordinance now.

Joan Duncan, DEQ, stated if there is no wetland, she has no authority.

William Sanders stated that it is time for government to make changes.

At this time the Planning Commissioners gave their comments.

Tabor: Good idea. Likes the idea of at least having a review process.

DeVooght: It was a very educational meeting. People are now aware. She does not want bulldozers destroying dunes when neighbors are affected. She is not a permit person. The public needs to be educated.

LaPointe: Appreciates everyone's comments. The language does need refining. There are no regulations on bulldozing the first dune. We need to have a permit and a review process. To build a walkway or similar structures, he doesn't believe getting a permit is the intention of this meeting.

Emerson: Thanked everyone for coming. People generally care about their lakeshore in this Township. We need to define “significant earth change” and have to have a defined line. All zoning ordinances need to be followed. We cannot regulate nature. We need to have permits and guidelines in the ordinance. Perhaps we could also have an educational pamphlet.

Shaw: His biggest concern is that Lake Superior is a big force. We need education and guidelines.

Sanders: We need to further define the vegetation and dune area. Rock areas are not subject to this change as sand areas are. He believes this should involve major changes of dunes not walkways, steps, etc. We need to have a review process for neighbors to be involved. We should look at the erosion hazard line as a boundary definition. He asked Riley the cost of a Conditional Use Permit. Riley said the current fee is \$75.00.

William Sanders closed the special meeting by thanking everyone for the good turnout. He stated that most residents are good stewards of the land. He thanked everyone for their opinions and the opportunity to discuss this issue.

Whitney Johnson thanked the Planning Commission for holding the meeting and asking for their input. He hoped that future meetings could also be held.

The meeting was adjourned at 8:45 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
June 12, 2001

PRESENT: Commissioners Bill Sanders, Mike LaPointe, Thomas Shaw, Kendall Tabor, Scott Emerson.

ABSENT: Estelle DeVooght and Steve Kinnunen.

OTHERS: Doug Riley, Director of Planning & Research, Cathy Phelps, Recording Secretary, Lee Snooks, Director of Recreation and Grants, Eero Wiitala, Sally May, Phil May and Dan Trotochaud.

PUBLIC HEARINGS None.

MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:37 p.m.

APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated May 14, 2001 were presented for approval.

Moved by Commissioner LaPointe, supported by Commissioner Tabor, that the May 14, 2001 minutes be approved as presented. **Motion carried.**

The minutes of the special meeting of the Chocolay Township Planning Commission, dated May 23, 2001 were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner Sanders, that the May 23, 2001 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA

Moved by Commissioner Sanders, supported by Commissioner Tabor, to approve the agenda as presented. **Motion carried.**

PUBLIC COMMENT

Eero Wiitala, 801 Lakewood Lane, stated that the residents were already over-regulated. Phil May, 425 Lakewood Lane, said they were out of town during the shoreline meeting, but they have written a letter which was given to the Planning Commission.

OLD BUSINESS

A) Discussion on Lake Superior Shoreline/Dune Protection – Follow up from the Property Owners' Meeting.

Doug Riley discussed that he had written up a revised draft. The next step would be to schedule a public hearing. He explained the steps that need to be taken to adopt a zoning ordinance amendment.

Bill Sanders asked if Chocolay has any survey data on elevations along the shoreline pertaining to the high water mark that could be used in the field. Riley stated he didn't believe the Township had any field information on this elevation.

There was a discussion on the "high water mark" and "erosion hazard line". The high water mark elevations are set by the State. Tom Shaw asked, if a home owner wanted to make a change, would he have to pay for someone to come and survey the land to establish where the "high water mark" was located? Discussion was made regarding who could make that determination without calling in a surveyor with high cost to the homeowner. Emerson stated he would like to have a physical feature to show the erosion hazard line, so the Planning Commission could make a determination by looking at the area. Riley mentioned that Mark Maki, the Zoning Administrator, would be making the initial determination. Riley showed a map showing the high risk erosion areas. Phil May said they moved here in 1968, and the dunes are way up now, that is the reason he bulldozed their dune. They could no longer see the lake. Sally May mentioned that they have lived there from the lowest to the highest levels. She said there are erosion problems in some areas, in their area the dunes just grow.

Riley said the State only regulates structural setbacks, they have no rules on dune alterations. He would like to have Joan Duncan come to the next meeting to educate the

Planning Commission on “high water mark” and “erosion hazard line” and to find out if there is an easy way to determine the elevation in the field.

Shaw explained to the public that without an ordinance your neighbor could do anything he wanted to his dune. Phil May said a property owner should be able to take a risk and do anything he wants on his property. Sally May said other neighbors had bulldozed and there were no problems. They have a constant accumulation of dunes. LaPointe stated that the Township has Objective Conditional Use standards already set. Eero Wiitala mentioned we cannot do anything about the nature of the dunes and we should not have any local regulations since we already have State regulations. Riley stated there are no State regulations, only setbacks. Eero Wiitala asked if there were any dune studies that the Township could use. Riley said there are some from Lake Michigan and CUPPAD has done some in Alger County where it is State regulated. Here we have no State regulations. Scott Emerson said the Planning Commission needs more education on the high water mark and erosion hazard line, the Planning Commission has decided to exempt Shot Point from the shoreline ordinance, and that bulldozing needs more objective criteria. Phil May questioned the meaning of “run off”. Phil May said that run off doesn’t happen on the beach the water soaks straight down. Mike LaPointe stated that the Planning Commission needs to change the wording of run off to wind erosion in the draft for clarification.

Riley said he would talk to Mark Maki and Joan Duncan if they could come to the next meeting. He will have something for the Planning Commission to review prior to the next meeting. LaPointe mentioned we should have examples of minor and major earth moving to clarify it to the homeowners.

Sanders said the Planning Commission would try to keep the residents informed by direct mailings or public service announcements in the newspaper. Right now the Planning Commission is working on the draft of the ordinance, and when it is complete, they will mail the draft to the homeowners. A direct mailing is not required by law, but we will do that stated Riley. A public hearing will be held when formally considering the ordinance.

NEW BUSINESS

A) Annual Election of Officers

Discussion by Planning Commission regarding Chairperson.

Commissioner Emerson motioned to keep current slate of officers, Commissioner Tabor second to approve annual election of officers as presented. **Motion carried.**

B) 2000 Annual Report

Commissioner Emerson moved, LaPointe second that the 2000 Annual Report be approved as presented. **Motion carried.**

SUB-COMMITTEE REPORTS/ITEMS

A) Recreation Sub-Committee

Commissioner LaPointe reported that Beaver Grove Grant work will be underway this fall. Engineering plans will be approved by July 19th. Once they are approved, work can begin on the basketball courts. The pavilion work will begin next spring. There will be an announcement in the CABA Quarterly regarding needing volunteers.

B) Ordinance Amendment Sub-Committee

Riley discussed issues. He said next month the Planning Commission will review the height amendment. The Planning Commission discussed dark sky regulations, and the lighting for the Township.

PLANNING DIRECTOR’S REPORT

1. Introduction of Cathy Phelps replacing Stacy Busch as recording secretary.
2. Card for Estelle DeVooght to be signed by the Planning Commission.
3. Thank you letter to Stacy Busch for two years of recording services.
4. TEA 21 Grant for Bike Path between Silver Creek to Cherry Creek Schools.
5. Golf Course well monitoring in Township.
6. Grant report given by Lee Snooks. He informed the Planning Commission about grant possibilities from Coastal Management Programs for Grants. There is grant money available. The Planning Commission discussed possible ideas for grant money. There may be money for an education booklet

regarding living on Lake Superior and refurbishing and/or building new steps along the lookout areas of M-28. The State looks for innovative programs.

PUBLIC COMMENT

The Planning Commission discussed that the overall public comments have been supportive of the shoreline/dune protection. Comments have come through meetings, correspondence and telephone communication.

COMMISSIONER COMMENT

Commissioner Shaw asked about Township website. Discussion was over the County Information System (CIS) and when it would be available to the public and the Townships own website. Shaw commented about having information on the website regarding the shoreline/dune protection.

The meeting was adjourned at 9:20 p.m.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

July 9, 2001

PRESENT: **Commissioners:** Bill Sanders, Tom Shaw, Scott Emerson, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, and Ken Tabor

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Director of Grants and Recreation, Mark Maki, Zoning Administrator/Assessor, Denny Magadanz, DPW Supervisor, Scott Hubbard and Cathy Phelps, Recording Secretary

I. PUBLIC HEARINGS

Chairman, Bill Sanders called the Public Hearing to order at 7:32 PM.

Private Road Request #16 – Scott Hubbard – Extension of Wintergreen Trail

Doug Riley showed overheads regarding the proposed extension to Wintergreen Trail. The new extension goes along a two-track road, so there will be no need to remove many trees. This project will be the last extension of Wintergreen Trail. Mark Muscoe, 160 Timberlane, sent a correspondence stating that he is not opposed, as long as it complies with the Ordinance regulations and floodplain regulations.

Public Hearing closed at 7:36 PM

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:36 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated **June 12, 2001** were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner LaPointe, that the June 12, 2001 minutes be approved as presented. **Motion carried.**

IV APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Shaw seconded, moving A. of New Business before Old Business. Approved.

V. PUBLIC COMMENT:

Mark Maki, 370 Karen Road, has two suggestions:

- 1) That the Planning Commission write a letter to Ameritech, the owners of the overpass on M-28, regarding it being painted as it is an eyesore to Chocolay Township.
- 2) Planning Commission Budget – Suggests adding \$10.00 per meeting per diems.

VI. NEW BUSINESS:

A. Private Road Request #16- Scott Hubbard –Extension of Wintergreen Trail

Discussion:

Maki stated that lots A, B, C, and D were previously approved. Sanders questioned when the first section was approved. Maki answered 5 or 6 years ago. DeVooght asked how many total acres were involved. Hubbard stated 120 acres and that some people already live there.

Sanders moved, Tabor second that after review of Private Road request #16; the standards of Section 402,D of Ordinance 34; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) The applicant provide verification of current ownership prior to beginning construction.
- 2) The applicant install 2' gravel shoulders to comply with Ordinance requirements.
- 3) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Easement which must be fully executed.
- 4) The applicant pay for and install a stop sign at the intersection of Wintergreen Trail and M-28.
- 5) The applicant comply with the conditions and requirements of all other agency regulations.
- 6) A zoning compliance permit shall be issued after all of the above conditions are met.
- 7) The applicant is required to provide certification from a surveyor/engineer that the private road standards of the Ordinance have been achieved at the conclusion of construction.
- 8) The applicant is strongly encouraged to obtain Health Department review of well and septic considerations for the proposed lots prior to road construction.
- 9) Land Division Approval is required from the Zoning Administrator for the creation of individual parcels off from the road and may require the modification of the lots as shown.

Motion Carried

VII. OLD BUSINESS

A) Discuss – Lake Superior Shoreline/Dune Protection –Review of Draft Overlay District Language

Emerson read the minutes from the Lakewood Cottagers Association II meeting of June 14, 2001 supporting the Dune Ordinance. (Placed on file.) LaPointe asked how many people were members of this association? Emerson stated that 10 families or about 30 people were involved. Riley asked how large an area it encompassed and what the rules were? Emerson said about 1,000 feet of lake front, and that this association was created about 30 years ago, before he had moved to the area. Basic trimming and removing of vegetation (trees) have been handled by the association. DeVooght asked what house numbers along Lakewood this included. Emerson informed the Planning Commission that it included 101 to 175 Lakewood. He said that about 75% of the members have lived there 10 years or so, and that it is a mixed age group.

Sanders stated that the changes made to the draft ordinance were straight forward. Maki said he and Doug Riley met with Joan Duncan and the “erosion hazard line” will be fairly easy to find in the field. Riley made comment regarding the dune court case which Tom Frazier, from Michigan Townships Association, faxed to Riley. Riley has discussed this with Mike Summers, the Township’s attorney. Attorney Sommers will look over the case and give his analysis next week. Personally, Riley thought it did not parallel Chocolay’s issue. Kinnunen stated that the “high water mark” will not stay the same. Riley said that is why terminology needs to be clear. Kinnunen stated it should be kept simple. There was discussion about the terminology of foredune, erosion hazard line, high water

mark, and first barrier dune. Riley stated that dunes will vary tremendously. Emerson said the Planning Commission isn't out to take residents' property, but to educate them to help correct problems.

Marci Thieme, 1895 M-28 East, invited Sanders and Riley to see her yard and her neighbors and to show them how different the dunes were there. She asked, if someone comes in with a request, will the neighbors be contacted and able to voice their opinion? Sanders answered, yes. Kinnunen stated that there are building setbacks that residents have to abide by. Shaw said all lots will be unique, and the Planning Commission should not have a certain distance set. Emerson said he thought there should be a distance set and suggested a maximum of 100 feet so residents would know exactly what they are working with. Sanders stated the landform is there, some lots will have wider dunes than others. Emerson stated it had to be clear to be able to enforce the dune amendment. Sanders asked Riley and Maki what Joan Duncan suggested, and how to administer it in the best way. Maki said 100 feet should be good. Kinnunen thought we should implement the 100 feet to get things started. Riley closed the discussion by saying he would set the public hearing for August at the Silver Creek School gym. He will first send a letter and the draft ordinance to all property owners along Lake Superior.

VIII. NEW BUSINESS:

B. Discuss Height Amendment

For quite some time, staff has been discussing the need for an amendment to our current height definition. Essentially, the problem with the existing definition is the last sentence which does not permit any structure to exceed 30 feet at any point of the structure. This conflicts with the majority of most other area Ordinances which allow an "average" 30 foot height.

This issue has become increasingly important over the last several years as home heights are being increased and a home that could typically be built elsewhere is not permitted in Chocolay Township without a variance. It also creates the scenario where homeowners make radical changes to the slope or grade around their homes in an attempt to bring them into compliance with our regulations.

Riley said he met with Gary Johnson, Fire Chief, and Mark Maki, Zoning Administrator, and that two points of access were needed. Maki said residents have been granted variances. The "in thing" now is big roofs even on single level homes. Sanders stated that average height on gable is measured from the ground 10 feet away from the building. Riley said it would only be a discussion tonight and then he would publish for a public hearing. Sanders suggested waiting until the September meeting, since the dune issue was being discussed in August. Shaw felt it would be too messy being mixed in with the dune meeting.

C. Discuss 2002 Planning Commission Budget

Sanders discussed the possibility of an increase for meeting per diems. Riley said since at least 1987 it has been \$30.00 per meeting. DeVooght said she has been on the Commission since 1986 and has always received \$30.00 per meeting. Riley said the Township Board would make the decision. LaPointe questioned if the recreation committee questionnaire cost came out of this budget. Riley stated that Lee Snooks would have that in his budget for Grants and Recreation. LaPointe suggested that they add a new slide projector into the budget. Riley said it could go under computer costs. Tabor suggested getting power point instead of a slide projector. Emerson questioned if the Township had a digital camera. Riley stated that Mark Maki had recently purchased a digital camera. Riley also questioned if we should spend money on old technology, but that cost has to be considered. \$200 versus \$2,000. He wondered how easy the power point was to use. Tabor suggested taking a class through the medical center this month. LaPointe said there is some complexity in using one. You have to have a

compatible laptop computer. Emerson said the prices are coming down. LaPointe said he has done lots of research on a power point and will help evaluate whether to purchase one. Sanders said it was just a discussion tonight and suggested we recommend to Ivan Fende, the Supervisor, that we purchase one.

Emerson stated that the extra \$10 per meeting could be used in many other ways. Magadanz stated that if the Commission doesn't ask for the increase, the other committees may have trouble getting one. Riley said asking for an increase only every 15 years was very reasonable. Riley said he would put the budget request together and review with chairperson Sanders.

IX SUB COMMITTEE REPORTS/ITEMS

A. Recreation Sub Committee

LaPointe asked for a grant update. Lee Snooks, Director of Grants and Recreation, said he had heard from U.P. Engineers, they had a new timeline. Some construction may be possible by September. The DNR will have their bids and specs by August. The Beaver Grove pavilion could be started this fall. We do not qualify for an USDA equipment grant for the community center since the average household income must be below \$32,000. In Chocolay Township, the average income is \$33,000.00. He will look at other options. The Recreation Sub Committee did not meet in July, because of the holiday.

B. Ordinance Amendment Sub Committee The next meeting will be July 16, 2001 at noon.

X. PLANNING DIRECTOR'S REPORT

Riley reported that the Silver Creek School purchase has been completed. The first payment was made on June 28th, 2001. Chocolay Township will take possession in June of 2002. The Summer Youth Program will be using the school gym in inclement weather this summer. Last year the program had to be cancelled for bad weather days and it was a problem for some parents to pick up their children.

XI. PUBLIC COMMENT – None

XII. COMMISSIONER COMMENT

DeVooght questioned what has happened with the issue of feeding wild animals in Chocolay Township. Riley said the Board discussed it and we do not have a problem here in Chocolay warranting an ordinance. Marquette Township brought the issue to their Board, and it did not pass there. Marquette City is still discussing the issue.

Emerson suggested that we pursue discussions with a nature conservancy regarding and developing the rock cut with a park and possibly a scenic overlook from the top. The area consists of 7 acres. He thought we could do some fundraisers for the project. LaPointe stated that Marquette City may be interested also in working with us. Snooks thought the DNR may have some grant money for that type of project. Sanders noted that we may have a good chance in getting a grant since it is a unique landform, and that many schools from the area come to study the rock, so they may be interested in getting involved also. This could be a very exciting project.

XIII. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

August 13, 2001

PRESENT: **Commissioners:** Bill Sanders, Tom Shaw, Scott Emerson, Mike LaPointe, Estelle DeVooght, Steve Kinnunen.

ABSENT: Ken Tabor

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Director of Grants and Recreation, Denny Magadanz, DPW Supervisor and members of the audience.

I. PUBLIC HEARINGS

Rezoning #117 - Text Amendment - Lake Superior Shoreline/Dune Protection Overlay District

Chairman, Bill Sanders called the Public Hearing to order at 7:32 PM.

Doug Riley, Director of Planning and Research, gave a slide presentation detailing the dune issue in Chocolay Township and explained the proposed Overlay District the Planning Commission has been working on. He also detailed the changes to the draft language that were made following the shoreline property owner meeting in May.

Mark Berney, 1875 M-28 E, When they purchased their property they had obtained a permit from the Conservation District to remove sand from the dune. They would like to be able to proceed with that permit approval.

Jim Fisher, 277 Lakewood, There are enough regulations now. He does not want the Township telling him what he can do. How does this proposed regulation get interpreted in the future when you have different people involved? The pruning language is really problematic. Who is doing the interpretation?

Mike Nelson, 1849 M-28 E, Questioned the width of the overlay district. Concerned with increased government regulation. Complemented staff with their current administration of Township Ordinances, however, is concerned with future administrators or Planning Commissioners that would be reviewing conditional use applications. He has had a problem dealing with the DEQ in the past and their slow timetables. He sees the benefit of the proposed Ordinance, however, is concerned about the future administration of the regulations.

Jan Amundsen, 2029 M-28 E, Concerned that the width of their property does not allow them to do anything once you figure in right-of-ways, setbacks, and now this dune overlay district.

Whitney Johnson, 313 Lakewood, How is the width of the dune recognized? In his example it may lead all the way to the bayou. Where is the breakoff? The dune shifts. Also questions distinction between pruning and cutting or removal of trees?

Phil May, 425 Lakewood Lane, They recently lowered their dunes by 2-3 feet because their view was blocked due to the dune height increasing over time. Their view is part of

their property rights. Concerned that someone down the road would block him from fixing a problem thus diminishing their property value. Also, concerned with the tree cutting language since he planted trees years ago and he should be able to remove them at his own discretion now that they have grown and are blocking their view.

Marilyn Howard, 409 Lakewood, Perhaps this is too much government involvement that we do not need. The build up of the dune is diminishing the value of their property.

Sherry Nelson, 1849 M-28 E, What precipitated this discussion? Are their specific problems? Why don't the problem property owners plant dune grass?

Glen Barto, 1951 M-28 E, How will this relate to building permits if the proposed building is located within the overlay district?

John Driver, 721 Lakewood, Supports the proposed overlay district to some extent. He has seen the problem where erosion has occurred where areas were disturbed and did not revegetate. He continues to plant trees and beach grass to stabilize the dune area.

Joan Duncan, Michigan Department of Environmental Quality, stated to again clarify that there are no State or Federal regulations prohibiting the complete removal of dunes or dune vegetation in Chocolay Township.

Ev-Ann Johnson, 571 Lakewood, She has been there since 1976 and the dunes have increased by 3"+. There are sources of professional people available such as the DEQ that are available to help property owners. Everyone on the Lake loves their property. We are the best tenders of the shoreline.

Bruce Nelson, 447 Lakewood, He helped his Farther build their cabin 70 years ago. There was no dune originally. Now it is 20' high. Not concerned about view. Is there a science of dune life? Dunes have a history. Nature will take over regardless.

Lois Waara, 1687 M-28 E, They took their home down and rebuilt 150' farther away from the lake because of erosion. There is a book on the science of dunes. The sand will move.

Walter Nummela, 2995 M-28 E, Does not think the erosion hazard line has changed but the dune is shifting since the water is lower. Has no concern regarding a view of the lake.

Phil May, 425 Lakewood, A lot of people have expressed the same thing. Even where you bulldoze, the shoreline builds back up.

Joan Duncan, Michigan Department of Environmental Quality, Is there a provision to deny a permit?

Bill Sanders, Planning Commission Chairman, explained the Conditional Use approval process and that denial is one option the Planning Commission has.

Phil May, 425 Lakewood, Read the Conditional Use standards. Feels they are so broad that they make him nervous.

Connie Barto, 1951 M-28 E, The less government the better. Why do we need restrictions for everyone when we are good stewards?

Mark Berney, 1875 M-28 E, Why are the existing regulations of the Conservation District not being enforced? Need for more education.

John Lavalley, 2845 M-28 E, With the exception of the M-28 turnouts, is there any other public lands that would be subject to these regulations? Would the State have to comply? Also questions conditional use approval being needed to put protective measures in place such as rip-rap.

Doug Riley, Planning Director, indicated that there were no other public lands other than the turnouts. Whether the State is subject to local zoning is still being debated in the Courts.

Sally May, 425 Lakewood, Neighboring properties can vary tremendously. An example is their property versus Kinnunen's to the west. Kinnunen's have trees, we have dune grass. Therefore she is concerned with the "harmonious" language in the Ordinance. Also concerned with the Planning Commission's ability to deny a request. When they lowered their dune the last time, a Planning Commission member, who is a neighbor, advised them that they wouldn't be allowed to do it again. Wouldn't they have to excuse themselves from voting?

Mike Nelson, 1849 M-28 E, Confused. The Conservation District is suppose to address some of these issues. How do you address the laws that are not currently enforced? Thinks that the proposed overlay district is only going to help those that abide by the law.

Steve Bicigo, 995 Old Little Lake Road, Is this all of the property owners? If you are all such good stewards of the land, you shouldn't have a problem with this. Regarding mother nature, it may just be returning the dunes to where their suppose to be.

Public Hearing closed at 9:12 PM

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 9:12 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated **July 9, 2001** were presented for approval.

Commissioner Emerson stated that under Old Business A), first paragraph, third sentence should read "10 families" instead of "16 families" being involved in the Lakewood Cottagers Association.

Moved by Commissioner DeVoogt, supported by Commissioner Kinnunen, that the July 9, 2001 minutes be approved with the correction presented. **Motion carried.**

IV APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Kinnunen seconded, to approve the agenda as presented. **Motion carried.**

V. PUBLIC COMMENT:

None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. Rezoning #117 - Text Amendment - Lake Superior Shoreline/Dune Protection Overlay District

Chairperson Sanders stated that tonight's public hearing comments are very interesting since the shoreline property owner meeting in May was a lot different. In May, the majority of the property owners attending were in favor. Those in favor are obviously not here tonight.

The Planning Commission addressed many of the questions that were raised during the public hearing.

Commissioner Emerson suggested that one idea worth considering was for the property owners to form associations, like the Lakewood Cottagers, to address these issues instead of the local government having to address them. The essence of the problem is that man makes changes that cause problems and most often accelerates problems. What the Planning Commission is trying to do is not to prohibit, but to advise in an attempt to avoid man made acceleration of problems that affect neighbors. The problem is that when man intervenes in nature, it accelerates the rate of change.

Commissioner DeVooght stated that when we started reviewing this matter we started out talking about education on this issue. But as we proceeded more and more people told us about the problems they have experienced. The Planning Commission really did not want to do this, but now the people seem to want it put in place.

Commissioner Emerson stated that all of the Lakewood Cottagers Association members were in favor of it.

Paul Kinville, 577 Lakewood, Asked how many complaints have been received? Only one example shown in the slide presentation, is that the only one?

Commissioner Emerson stated that without regulations we don't address the complaints and people don't come forward.

Mrs. Bruggink, 673 Lakewood, The Ordinance aspect that he likes is the notification of adjoining property owners. Some oversight may be beneficial. How would property owners be informed of this law in the future? What about enforcement of violations?

Doug Riley, Planning Director, indicated that certainly property owner awareness of the regulation is paramount to its success. The Planning Commission and staff have been discussing the need for some type of guide that is mailed to all shoreline property owners and new owners when they purchase property. Regarding enforcement, the Ordinance would be enforced by the Zoning Administrator with violations potentially processed through the Township Attorney and Circuit Court.

Richard Anderson, 407 E. Michigan, If a functional association is in place, perhaps the association enforcing dune provisions can take the place of a zoning ordinance. Perhaps the Township can provide incentives for such associations to be established.

Glenn Barto, 1951 M-28 E, How quick would a conditional use application be processed?

Doug Riley, Planning Director, indicated that a minimum of 8 days due to public hearing and adjacent property owner notification requirements.

Commissioner LaPointe, who is also the District Conservationist, stated that a Soil Erosion Permit does not prohibit the removal of the dune or vegetation. Yes there are provisions that apply to the erosion aspects, however, the possibility of its provisions being enforced by the County Prosecutor is minimal.

Chairperson Sanders stated that what the Soil Erosion Act does not do is put a mechanism in place where adjoining property owners are notified of the proposed activity. Currently there are absolutely no notice provisions.

Commissioner LaPointe stated that one neighbor objecting to a conditional use application only carries weight with the Planning Commission if they have sound reasoning. The Planning Commission has reviewed many conditional use applications over the years, and it is only the factual well reasoned public comments that play a factor. He believes the Planning Commission is very reasonable in the handling of applications.

Joan Duncan, Department of Environmental Quality, She receives 15-20 calls/complaints per year regarding dune changes in the Township. She has to tell them that there are no State or Federal regulations. She will often make suggestions but has no regulatory authority. There are problems out there. There is one property owner who bulldozes every year faithfully.

Chairperson Sanders, In general terms what we are proposing is a good idea. At least it creates a review process. Perhaps the Planning Commission should strike the language pertaining to rip rap, and other erosion control measures from requiring Conditional Use approval. Suggests this as you may not have time to wait for approval if you have immediate or emergency reasons for erosion control. Perhaps the language pertaining to removal of vegetation may be a little too broad but he does not necessarily see this as a negative.

Whitney Johnson, 313 Lakewood, Thanked the Planning Commission for giving the property owners the opportunity to discuss this and being provided a chance to comment versus just shoving this down our throats.

Commissioner Emerson stated that he liked what Mr. Anderson stated regarding the property owners establishing associations. If this was possible it would improve neighbor relations and the protection of the dune.

Connie Barto, 1951 M-28 E, Seasonal residents for a lot of the shoreline create a problem for forming or operating associations.

Commissioner Kinnunen stated that this issue is not new. These concepts have been in the Chocolay Township Comprehensive Plan for many years. The key thing that people need to remember is that the dunes serve a protection function for a great many homeowners. What the Planning Commission is proposing is not a prohibitive mechanism, it is to provide all property owners with appropriate safeguards so that problems are not encountered.

Wayne Amundsen, 2029 M-28 E, Just bought their house. One of the realtors told him he could get a soil erosion permit and bulldoze the dune. This attitude is a good reason for the proposed Ordinance.

Mike Nelson, 1849 M-28 E, It took him a year to get an answer once from the DEQ. Hopes this process would not take that long.

Marlene Fisher, 277 Lakewood, Over the years she has seen the dune change. Had to wait 108 days to get setback approval from the DEQ when they relocated the house. Not interested in any more bureaucracy.

Chairperson Sanders, suggested that the Planning Commission strike "are minor in nature" in the second paragraph of B) and in Item C - Conditional Uses - strike "or removes vegetation" and strike the "rip rap" language.

Phil May, 425 Lakewood, Some kind of comprehensive education material supplied to new property owners with the overlay district would be advisable. Give to existing property owners and new property owners as properties are sold.

Planning Director Riley indicated that this education aspect is certainly important. The Planning Commission has discussed the need for an guide for homeowners on applicable shoreline regulations. Perhaps we may be able to get a grant for some education efforts and a guide.

Ev-Ann Johnson, 571 Lakewood, Stated that there was no misunderstanding in our minds when we worked with the DEQ.

Charles Booth, 281 Lakewood, If the Planning Commission is open to additional suggestions to the text language, he would suggest that "whichever is less" should be included in the 2nd paragraph.

Sanders moved, DeVooght Second, that the Planning Commission recommend approval of Rezoning #117 to the Township Board for a text amendment to Zoning Ordinance #34 to establish Section 218 - LAKE SUPERIOR SHORELINE/DUNE PROTECTION OVERLAY DISTRICT and to amend Section 101 - Definitions, to establish a definition of foredune for the purpose of the Overlay District with the following changes:

- 1) Under SECTION 218 subsection A), second paragraph, insert "whichever is less" after the term landward.
- 2) Under SECTION 218 subsection B), second paragraph, delete "are minor in nature and" in the first sentence.
- 3) Under SECTION 218 subsection C), first paragraph, delete "or removes vegetation" from the first sentence and delete the entire last sentence of the first paragraph.
- 4) Under the FOREDUNE definition, insert "whichever is less" after the term landward.

(The language as proposed amended was read for the public).

Commissioner LaPointe stated that there have been some very good points made tonight from property owners who certainly care about their dunes and neighbors. However, there are a lot of bad actors out there, he gets to see them all the time in his line of work, and he can see someone coming in and destroying the dunes and really causing problems.

Motion carried unanimously.

B. Beaver Grove Recreation Area Site Plan - Grant Improvements

The Planning Commission reviewed the site plan detailing the CMI grant improvements to the Beaver Grove Recreation Area.

The Planning Commission discussed the need to incorporate shade trees into the site.

LaPointe moved, DeVooght second, to approve the site plan for the Clean Michigan Initiative grant improvements to the Beaver Grove Recreation Area per the U.P. Engineers and Architects plan dated 8/10/01.

Motion carried unanimously.

VIII. PLANNING DIRECTOR'S REPORT

Riley reported that Family Dollar had been working on completing their site improvement to gain compliance with their site plan approval.

IX. PUBLIC COMMENT – None

X. COMMISSIONER COMMENT

XII. ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Estelle DeVooght, Commission Secretary

Doug Riley, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
September 10, 2001

PRESENT: **Commissioners:** Bill Sanders, Tom Shaw, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Ken Tabor, and Scott Emerson (arrived at 7:34).

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Cathy Phelps, Recording Secretary, and Lee Blondeau, member of the audience.

I. PUBLIC HEARING

Rezoning #118 – Text Amendment – Height Definition and Height Limits for Accessory Buildings

Chairman Bill Sanders called the Public Hearing to order at 7:30 PM.
No public present. Public Hearing closed at 7:30 PM.

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:31 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated August 13, 2001 were presented for approval.

Bill Sanders questioned Estelle DeVooght on Page 4, Paragraph 3 with no changes being made, and then questioned Doug Riley on Page 3, Paragraph 2 regarding changing Mr. Bruggink to Mrs. Bruggink.

Moved by Commissioner Emerson, supported by Commissioner Sanders, that the **August 13, 2001** minutes be approved with the correction of Mr. Bruggink to Mrs. Bruggink. **Motion carried unanimously.**

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Kinnunen moved, Emerson seconded, to approve the agenda as presented.

Motion carried unanimously.

V. PUBLIC COMMENT: None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. Rezoning #118 – Text Amendment – Height Definition and Height Limits for Accessory Buildings

Bill Sanders stated that the Fire Department has reviewed all information and explained that in fighting fires, being able to get on and off roofs quickly is very important.

Doug Riley stated that a fifteen (15) foot height limit for accessory structures is more of the norm for other surrounding municipalities.

Emerson Moved, Kinnunen Second, that the Planning Commission recommend approval of Rezoning #118 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 101 DEFINITIONS and Section 300 (F) to amend the definition of HEIGHT and the allowable height of accessory buildings to read as follows:

Section 101 – Definitions

HEIGHT, means the vertical distance between the average ground level of the grade within 10 feet of where the structure elements intersect the ground and the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; the average height between the eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof, excepting any chimney or antenna on a building, unless specifically provided elsewhere in this ordinance, and provided that two access points to the roofline less than 25 feet in height are shown.

Section 300 (F)

F. No detached accessory building shall exceed fifteen (15) feet in height nor exceed the exterior perimeter dimensions of the principal structure on the lot.

Motion carried unanimously.

B. Brower Property Parking Lot Site Plan

Doug Riley gave a brief history of the property and the discussions the Recreation Subcommittee has had regarding the property. Lee Snooks has been in contact with a teacher who is very desirous of utilizing the property for an environmental/forestry class. They would be involved in actively managing the property. The first step is to develop a parking lot to get cars off the road. The recreation sub-committee recommended the parking lot. This area planned for the parking lot was an existing log landing, and should not need a culvert.

Estelle DeVooght was concerned this will turn into a kids' hangout and she asked if the area will be used by high school or college students?

Scott Emerson suggested we put signs up stating when the property is open for use, post certain hours maybe dawn to dusk. That way if the police go by other than these hours and there are cars parked there, they will know to check closer. But, no matter how close they monitor the area, the police cannot stop all parties.

Scott Emerson questioned the lighting. But if the park is open during daylight hours only there would not be a need for lighting.

Mike LaPointe stated that signing of the area would be a good area.

Scott Emerson suggested that we recognize Mr. Browers. Possibly we could name the site after him.

Doug Riley said that is something that needs to be addressed in the near future.

Scott Emerson suggested that we let Mr. Browers name it.

Bill Sanders said we need to at least have a plaque stating that it was donated by him.

Tom Shaw said that knowing Mr. Browers, he would not name it after himself.

Bill Sanders suggested that the Planning Commission ask Mr. Browers what he would like.

Estelle DeVooght said he may want to add his wife's name to it.

Scott Emerson suggested the signs give the hours, who donated it, the purpose of the park, and also have a trail map.

Doug Riley stated it already has some existing trails, one begins at the log landing. Some trails need to be re-routed. The trail map needs to be reviewed in the future by the Planning Commission as it requires conditional use approval.

Scott Emerson said we should consult an expert for planning the trails. This possibly could be someone from North Country Trails, and they may want to make it part of their trail system.

Steve Kinnunen said some trails he has seen in Minnesota and Wisconsin have benches for people to rest and plaques nearby with information about the area.

Bill Sanders stated that the first step would be the parking lot, and then go on from that point.

Doug Riley said that students would be involved and maybe they could do some brainstorming.

Scott Emerson said they could work on improving the ecological features of the property.

Lee Blondeau asked if the property had been surveyed?

Doug Riley answered no, but the boundaries had been relatively well marked.

Scott Emerson stated that the property had many different forest types included, which makes it great for educating students.

LaPointe Moved, Tabor Second, to approve the site plan for the construction of a parking lot on the Brower property and recommend that the Township Board authorize the necessary expenditure of funds to construct this parking lot.

Motion carried unanimously.

C. Street Light Replacements – Phasing Plan

Doug Riley indicated that \$5,000 had been included in the 2002 proposed budget for the first phase of the street light replacements. Doug Riley stated that about 23/24 lights could be replaced in the first phase.

Bill Sanders questioned where the Alger/Delta line was?

Doug Riley stated it really didn't matter because both have indicated their willingness to work with us. He showed everyone a map showing the existing streetlights and the Board of Light and Power versus the Alger/Delta lights.

Scott Emerson asked the price of the new lights. He paid \$125.00 per light for his.

Doug Riley stated it was \$205.00, that maybe the difference was because it was a street light.

Ken Tabor stated that he had been through Munising recently and noticed the lights there like the ones we are planning. He said they did not glare and made driving easier and safer.

Scott Emerson agreed that they do not put off a glare even to a person who wears glasses. It made a big difference star gazing. He had made a color-coded map showing the phases of replacement that could be used. He suggests that the village of Harvey, including the commercial section along US 41, be completed first.

Bill Sanders thought it would be cost effective if we kept the areas of light replacement in each phase as close together as possible.

Scott Emerson stated that some are far apart, but we should try to keep them as close together in each phase as possible.

Tom Shaw thought they may be cheaper as we go along.

Scott Emerson stated the first phase should be in the business district where it is most densely populated. There could be four phases in all.

The group discussed the phase areas and reviewed the two maps.

Ken Tabor agreed that the most concentrated population areas should be done first.

VIII. Sub-Committee Reports

A. Recreation Sub-Committee

Ken Tabor reported that they discussed prioritizing properties and plans.

Doug Riley stated that the Beaver Grove Grant plan was approved by the DNR.

B. Ordinance Amendment Sub-Committee

Doug Riley said they should set a date for the meeting.

After discussion they planned to meet at noon on Thursday, September 20, 2001 at the Township Hall.

IX. PLANNING DIRECTOR'S REPORT

Doug Riley reported on the Dune Protection Overlay District. He showed pictures of a home along M-28 that had totally removed the dune since there were no regulations in place yet, and how this may affect the neighbors.

Mike LaPointe said it is already affecting the neighbors. They may be violation with soil erosion.

Estelle DeVooght asked if any other authority could do anything?

Doug Riley stated that it is not a wetland issue so it is unregulated.

Ken Tabor said it goes to show that not all residents are good stewards of the dunes.

Scott Emerson agreed and said that is why we need regulations. He hoped they had plans to re-vegetate the dune quickly.

Doug Riley then reported about the rock cut and potential public acquisition. He stated that Ivan Fende asked Lee Snooks to work with the Land Conservancy on this project.

US 41 corridor aerial pictures have been taken and the pictures really look good. The quality is great. The meeting with Dave Gillis regarding the corridor plan was productive, but it will be a slow process since there are so many municipalities involved.

Doug Riley reported that the local golf courses have not complied with well monitoring. He suggests writing a letter to golf course owners asking them to comply with water testing otherwise their options would be to go to court or request amending their Conditional Use Permits. Doug Riley requested the letter be authorized. This testing of water samples is not uncommon.

The Commissioners discussed the issue and requested that a letter be sent from the Planning Commission.

Doug stated that he would write a letter for Bill Sanders to review.

X. Public Comment:

None.

XI. Commissioner Comments:

Tom Shaw questioned the state of the County and Township website.

Doug Riley reported that the County CIS was still not completely operational. He would like to refocus on our Township website again. It needs to be updated.

Tom Shaw said the Community Center Committee would like to see a useable website to be able to disseminate information.

Tom Shaw stated that his daughter is very interested in working with websites and would like to work with the Township.

Doug Riley mentioned the Public Forum scheduled at the Lakeview Arena on Tuesday, September 18, 2001 at 7:00 PM. They will discuss land use and what people want for the Marquette area community.

XII. ADJOURNMENT

The meeting was adjourned at 8:35 PM

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
October 8, 2001

PRESENT: **Commissioners:** Bill Sanders, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, and Ken Tabor.

ABSENT: Tom Shaw and Scott Emerson.

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Director of Recreation and Grants, Cathy Phelps, Recording Secretary, Mary Lou Shimon, Fred Warren, Frank and Madeleine Zimmerman, Sally and Phil May, and Kathy LaJeunesse.

I. PUBLIC HEARING

Rezoning #119 – Mary Lou Shimon – RP (Resource Production) to RR-2 (Rural Residential)

Chairman Bill Sanders called the Public Hearing to order at 7:35 PM.

Frank Zimmerman spoke in support of request.

Doug Riley read correspondence from Rosten's, 460 S. Big Creek Road, having no objection.

Fred Warren, 140 Shimon Court, also speaking for Audrey, his wife, they have no objection.

Public Hearing closed at 7:40 PM.

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:40 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated September 10, 2001 were presented for approval.

Moved by DeVooght, supported by Sanders, that the September 10, 2001 minutes be approved. **Motion carried unanimously.**

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Kinnunen made a motion to move VIII. New Business - A. Rezoning #119 before VII. Old Business.

Kinnunen moved, Sanders seconded, to approve the changes on the agenda. **Motion carried unanimously.**

V. PUBLIC COMMENT: None

VI. NEW BUSINESS:

A. Consider - Rezoning #119 – Mary Lou Shimon – RP (Resource Production) to RR-2 (Rural Residential)

Riley explained Rezoning #119 and displayed a zoning map.

Sanders explained that Mrs. Shimon has a 40-acre parcel and would like it rezoned which would allow eight-five acre parcels and have the road extended across to access all parcels.

Shimon questioned the front area being rezoned RR-2, and the amount needed to create a road between the two garages located at the end of Shimon Court.

Riley explained the size of the right of way needed for a public road or a private road under our zoning ordinance standards.

Sanders said there was a similar rezoning request in 1993 in this same general area, and it was denied.

LaPointe stated it would create a landlocked block of RP zoned property, and asked if she would consider rezoning only the western half? The eastern area is swamp and poor soils.

Shimon said the road would still have to go between the garages to even serve that portion.

Sanders noted that if it was rezoned, the road is still coming back as a problem and would require variances from the Zoning Board of Appeals.

Riley stated that 66' is needed between the two garages for a public road. Then both garages would be nonconforming, and variances for the setback would be needed. Mrs. Shimon could go to the Zoning Board of Appeals to ask for a variance for a narrower road. Mrs. Shimon could possibly eliminate her garage.

Shimon said her garage has been there since 1940, and both garages have been recently remodeled.

Sanders asked if any private roads were approved with less than 66'?

Riley answered no, they cannot be less than 66' if they are ever to be turned over to the County.

Shimon noted that there is no decent turn-around for the snowplows at this time.

Riley stated that they do turn around in the Shimon driveway.

Riley explained that the parcels would have to be 300' in width for RR-2 Zoning.

Sanders said presently there could only be 2 – 20 acre parcels and Mrs. Shimon only needs to put in a private driveway to serve the parcels as the RP district does not have a minimum frontage requirement.

Shimon explained that she wants to build a new home on 5 acres, and sell her house she lives in currently.

Shimon said she has measured the distance between the two garages and it is 76'.

Riley explained that from the right of way you need a 30' setback or 63' back from the center of the road for structures to be in compliance.

Sanders asked what about the surrounding neighborhood?

Kinnunen questioned the cost of moving the garage compared to the cost of the rezoning hardship. Could one garage be moved to make enough room for a new road?

Sanders said from the Zoning Board of Appeals standpoint, it is a self-created hardship.

DeVooght noted the RP does not require a certain amount of frontage if it is divided only twice. Mrs. Shimon could come back to rezone later.

Shimon noted that if she had to build back 20 acres, it would be too far for her.

Kinnunen suggested Mrs. Shimon to rezone the west half of her property and the east 20 acres remain zoned RP.

Riley stated new parcels zoned RR-2 have to have 300' of road frontage.

Warren suggested splitting the 40 acres into 2 – 20 acres. It could be split in any shape, and put in a private driveway. There would be no rezoning and she could have her home in the location she prefers.

Sanders stated that being on the Zoning Board of Appeals he is not comfortable with the request. The road would not be in compliance and neither of the garages would be in compliance if the road was constructed.

Shimon noted that the neighbor's garage was just a tool shed. She would never have built the garage there if she would have known the problems it could cause 34 years later.

Sanders asked what the reasons were for denial of the 1993 request?

Riley again showed the Comprehensive Plan map and explained the soil conditions.

Sanders stated that he is not in favor of the entire 40 acre parcel being zoned RR-2, split into 8 – 5 acre parcels, with a private road extended across the parcels, with an easement less than the usual 66', which could never be a County road, with two garages becoming nonconforming, and creating a spotzone. He thought maybe there could be a solution to this problem that was not presented at this meeting that would work.

Sanders moved and Kinnunen seconded that following the review of Rezoning request #119 and the Staff/File Review, the Planning Commission recommends denial of Rezoning #119 to the Township Board to rezone said property from RP to RR-2 for the following reasons:

- 1) It would create two non-conforming structures if Shimon Court were extended as required by the rezoning.
- 2) It would create a "spot zone" of 40 acres of RP land to the north.
- 3) There are significant soil constraints on the property.

Motion carried unanimously.

Riley explained to Mrs. Shimon that the Planning Commission decision goes to the County, the County reviews it and then it goes to the Township Board.

VI. OLD BUSINESS

A. Consider Rezoning # 117 – Text Amendment – Lake Superior Shoreline/Dune Protection Overlay District (Board's request for review/changes)

Tabor reported from the Board meeting that it was the consensus of the Board to have the Planning Commission evaluate adding the language suggested by Phil and Sally May and to look at establishing a requirement or formula for buffer yards.

LaPointe started the discussion stating he would recommend a 15' undisturbed buffer, and suggested a 3 to 1 slope. He said the Board wants a standard to work with that is fair to all residents.

Phil May wants all residents along Lake Superior to be able to enjoy the view of the lake. He preferred the 2 to 3 foot dune change on a 9 foot slope.

Riley stated that the Mays would be in compliance with the 3 to 1 requirement.

LaPointe stated the main reason for the dune protection was so no one could change a dune that would adversely affect the neighbor's property.

Kinnunen asked if property owners would have to replace vegetation once changing a dune?

LaPointe described different vegetation. He recommended one clump or culm of dune grass be planted for every square foot. Once the dune grass was in control then other vegetation could be planted, such as shrubs and trees.

Phil May questioned bringing in topsoil to the dune area. He also questioned using chemicals to grow vegetation on the dunes.

Phil May said he agreed we have to protect neighbors from others actions.

LaPointe said we need to set maximum cuts in dunes. He likes the 3 to 1. He understands the problem with specific formulas.

DeVooght understood why they want to lower the dune if it keeps building up and they cannot see the lake.

Sally May stated two issues: 1) the issue of taking sand completely off the property, and 2) just spreading the sand towards the house making the dune thicker. They did not take the sand away, they just spread it out.

Kinnunen said that currently there is no management, no rules for dune protection. He supports what was submitted to the Board. As it is now, the full dune can be cut with no vegetation restoration provisions.

Phil May suggested to scratch "over time" in the language.

Sanders wants to include the Mays' language and scratch "over time." He likes a 20' buffer and a 3 to 1 slope which limits the maximum depth of cut in relation to the lot size.

LaPointe agrees with the 3 to 1 and wider buffer zone.

Tabor agrees with addressing the ability for a resident to completely cut out their dune from one lot line to the other.

There was then discussion on the buffer area.

Kinnunen thought maybe 15 to 25 feet.

LaPointe supports 20 feet.

Sanders asked if the Board could change the setback amount?

Riley answered yes.

Sanders said the Planning Commission must be comfortable with the amount.

Sanders proposed that Riley incorporate language into the text and it will be reviewed by the Planning Commission at the next meeting.

VIII. NEW BUSINESS

B. Discuss - Potential Text Amendment – Home Occupation Language – Recommendation from Zoning Board of Appeals

Riley explained the recommended language from the Zoning Board of Appeals, the first sentence in #3 will be crossed off. "There shall be no outdoor storage or other exterior evidence of the conduct of the home occupation other than an approval sign which." #3 and #4 had conflicting language. At the next meeting in November, the text amendment will be formally discussed. All agreed to schedule a public hearing on this text change.

C. Discuss – Potential Text Amendment – Conditional Uses in LS/R District

Riley showed a map of the LS/R district and gave examples of conditional uses allowed (e.g. fish markets, marinas). Where no minimum acreage is required such as in the RP District.

Sanders said there is a flaw in the ordinance, and can be fixed with a simple change.

Tabor noted that 20 acres is a large area. A fish shop, for example, would not need that much area.

Sanders stated that this area is mostly residential anyway. The Planning Commission agreed to schedule a public hearing on this text change.

D. Consider – Kawbawgam Ski Trail – Second Trail Head/Parking Lot Construction

Riley gave a brief history of the ski trail area. The trailhead has been moved because of the close proximity to the railroad, and also because it crossed private property. Moving the ski trail to have it all on State Land is suggested. A new parking lot is necessary near the entrance to Lake LeVasseur where it is closer to the scenic trail area. Volunteers will be needed to help construct the parking lot.

Snooks reported that the grant money was no longer available.

Riley said the DPW could help with the development of the new parking lot, and it could be done in a few days with volunteers. This has been cleared by the DNR.

DeVooght questioned the distance from Lake LeVasseur to the Brower property.

Riley explained that it could not be connected. There was some very low, marshy areas and also private property between the two.

DeVooght motion, Sanders second to approve relocating the Kawbawgam Cross-Country Ski Trail and Parking Lot. Aye 5, Nay 0. Motion carried.

IX. SUB-COMMITTEE REPORTS

A. Recreation-Subcommittee Report

Snooks reported:

- 1) Brower property now has a parking lot, and the Marquette High School class has been out there working on clearing the trails.
- 2) Volunteers will be needed to construct the pavilion in the Beaver Grove Recreation Area.
- 3) The Community Center Committee has met twice, and they have about 20 plus members on the committee. They are working on senior, teen activities, a post office, reception area in the center, which includes the alcohol question, and if we should rent to nonprofit groups and what the fees may be. A survey needs to be developed. A calendar needs to be made to keep the committee on task since there is a short time limit to make recommendations to the Board. They meet once a month.
- 4) The Summer Youth Program evaluations have come in and were very positive.
- 5) A new community survey must be produced so the recreation committee knows what the community wants. We may be able to double that with the Community Center survey.

B. Ordinance Amendment Sub-Committee

Riley reported that a meeting will be scheduled in the near future regarding garage sizes and building garages prior to home construction.

X. PLANNING DIRECTOR'S REPORT

Riley reported:

- 1) The Board approved the budget. The Planning Commission will now be paid \$40.00 per diem.
- 2) The street light Phase 1 Plan was approved in the budget.
- 3) The Bike Path from Silver Creek School to the Cherry Creek School is partially completed. The section along US 41 is being surveyed by MDOT through the T-21 grant.
- 4) Dune Overlay District is bringing in people questioning what they need to do. Ms. Regis Walling wants to lower a dune along with some neighbors. She came into the Township office to coordinate plans and wants to do it right. The

educational aspect of the dune situation is greatly needed. There are no regulations in place at this time.

LaPointe stated that we do not want residents to be afraid to come in and ask questions.

XI. PUBLIC COMMENT. None

XII. COMMISSIONER COMMENT

Kinnunen noted that the dune overlay district is coming to a compromise with the Residents.

LaPointe said we need to get together an educational packet to hand out to people that are interested. What is happening with grants to help pay for the packets? Some communities already have this type of information. We could use some of their material until we have ours put together.

Riley said we should have something soon, we can make changes later.

XIV. ADJOURNMENT

Chair Sanders adjourned the meeting at 9:35 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
December 10, 2001

PRESENT: **Commissioners:** Bill Sanders, Mike LaPointe, Steve Kinnunen, Ken Tabor, Tom Shaw, Scott Emerson and Estelle DeVooght (arrived at 7:40).

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Cathy Phelps, Recording Secretary, Pam Sleeman, Don Britton, Denny Magadanz, Dave and Mindy Zorza, Dan Chartier, Bryn Sneddon, Tim Matulewicz, Pete LaRue, Bob LaJuenesse, Jr., Lee Blondeau, Phil and Sally May.

Chairman Bill Sanders called the meeting to order at 7:34 PM.

I. PUBLIC HEARINGS

REZONING #120 – TEXT AMENDMENT – HOME OCCUPATION LANGUAGE; LS/R CONDITIONAL USES LOT SIZES; AND SIGN ILLUMINATION/ELECTRONIC MESSAGE SIGNS

Doug Riley gave an overview of amendments. 1) Section 107 - Home Occupation. The Zoning Board of Appeals asked the Planning Commission to amend language regarding outdoor storage. 2) District LS/R – Conditional Uses. Regarding establishing a requirement for a 20-acre minimum for more intensive commercial uses allowed as conditional uses in this zoning district. 3) Section 810 – Sign Illumination.

Doug read correspondence from Dan Chartier representing CABA, and mentioned a letter included from Dan Landers from Cook Signs that was given to the commissioners.

Dan Landers from Cook Sign reported that message centers are the best advertising for the least expense. He expressed that Chocolay Township appears anti-business and anti-free speech for businesses. He spoke on the two reasons that the Township gave for not having message centers (aesthetics and safety).

Lee Blondeau questioned the original 1977 ordinance language.

Dan Chartier, from CABA, and Paper Party World, agrees with Dan Landers in the businesses being able to put up the message centers. He noted the Township is limiting the rights of businesses. Personally he thinks the Township should stop micro-managing businesses, and they should stop closing doors and restricting businesses.

Don Britton feels that the public perceives Harvey as anti-business and this sign amendment furthers this perception.

Pete Munson, Edward Jones, thinks the Township should take into consideration the illumination factor. When it is dark people cannot see some signs. The lights for his business shine upward. He believes limiting businesses is nonsense.

Pete LaRue stated that the wind blows off the static letters from signs now used by many businesses. They are obsolete. He feels the ordinance is twenty-five years old and is obsolete. The new community center should have a message center sign as described.

Dan Chartier mentioned that MDOT has a message center on the corner of US 41 and M-28 to inform drivers of M-28 road conditions. This certainly is not a safety problem. This is an effective way to communicate. Times are changing, and the Township must stay up-to-date.

Regarding the Home Occupation Amendment, Lee Blondeau wanted clarification of #3, regarding if equipment was included as a commercial vehicle. Thought it was wide open to interpretation, it needs to be more specific.

CONDITIONAL USE 57A

Doug Riley gave an overview regarding Conditional Use 57A – Amendment to Kawbawgam Cross Country Ski Trail. Two years ago the Kawbawgam Ski Trail was established. Recently people have been asking to have the trailhead moved. They notified all residents within 300 feet of the proposed site. There have been no objections. He read one letter from Karen Kay Smith.

Bill Sanders closed the Public Hearing at 8:15 PM.

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 8:15 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated October 8, 2001 were presented for approval.

Moved by Mike LaPointe, supported by Scott Emerson, that the October 8, 2001 minutes be approved.

Motion carried unanimously.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Moved by Bill Sanders, supported by Steve Kinnunen to approve the agenda as presented.

Motion carried unanimously.

V. PUBLIC COMMENT. None

VI. OLD BUSINESS

- A. Consider Rezoning # 117 – Text Amendment – Lake Superior Shoreline/Dune Protection Overlay District (Board’s request for review/changes – Review of changes).

Doug Riley reported that Carl Lindquist from the Watershed Partnership will work closely with the Township to prepare an educational brochure and a educational workshop this spring.

Phil May objects to having to replant dune grass. When he attempted to replant it, he thought it was an eyesore until the natural grass came in naturally. His neighbors did not plant dune grass and their natural grass came in just as nice. He thinks it is unnecessary and expensive.

Mike LaPointe noted that Phil May was the person who asked the Planning Commission to have something specific in the language.

Bill Sanders noted that it would have to be a requirement to replant something.

Steve Kinnunen stated that Joan Duncan from the DNR said it is necessary to replant the dune areas.

Steve Kinnunen noted in time of high water, erosion will be greatly increased without vegetation.

Bill Sanders said that natural growth will return to some point, but asked the Planning Commission if they feel they need to have in the ordinance specific replanting measures?

Mike LaPointe stated that each site is different, depending on size and etc.

Sally May suggested that if it does no damage to the neighbors, then why do residents have to replant. She did not feel it was fair for all to have to replant if it was not necessary in their site.

Tom Shaw noted that not all homeowners really care about the effects it has on neighbors, that’s why this overlay district is being put into place.

Bill Sanders said the Planning Commission is putting together a brochure to educate residents, stating how important dune protection is, and that we should not take this language out entirely.

Bill Sanders supports the second paragraph with the additional wording “or other methods approved by the Planning Commission to prevent wind erosion from impacting adjoining properties.”

Ken Tabor suggested we stay away from subjective areas in the language, as to not put the Township staff in the position to have to make the decision of the meaning of “other methods”.

Bill Sanders stated we must require residents to replace vegetation. They will now recommend to the Board to make a decision to adopt the language with the following highlighted addition:

A 20 foot undisturbed buffer strip shall remain in place on the dune along the property lines. Slopes for dune cuts shall not exceed 3 foot horizontal to 1 foot vertical. Altered dune areas shall be replanted with beach grass at a rate of 1 culm (clump) per 1 square foot of disturbed area **or other method approved by the Planning Commission to prevent wind erosion from impacting adjoining properties.**

Bill Sanders Moved, Scott Emerson Seconded that the Planning Commission recommend to the Township Board the approval for the Amended Language to the Lake Superior Shoreline/Dune Protection Overlay District with the additional new language in January.

Motion carried unanimously.

VII. NEW BUSINESS

A. REZONING #120 –TEXT AMENDMENTS – HOME OCCUPATION LANGUAGE; LS/R CONDITIONAL USES LOT SIZES; AND SIGN ILLUMINATION/ELECTRONIC MESSAGE SIGNS

Bill Sanders said there was a need to clarify the outdoor storage language. It will be allowed if screened but must be reviewed by the Zoning Board of Appeals, who reviews Home Occupation Permits.

Lee Blondeau commented on commercial vehicles. He wanted to have the word “equipment” clarified. The Planning Commission discussed this issue and believed the Zoning Board of Appeals will review “equipment” on a case by case basis.

Bill Sanders Moved, Estelle DeVooght Seconded, that the Planning Commission recommend approval of Rezoning #120 to the Township Board for the Text Amendment to Section 107 of the Zoning Ordinance #34 as drafted.

Motion passed unanimously.

Conditional Uses Lot Sizes

No discussion.

Ken Tabor Moved, Steve Kinnunen Seconded, that the Planning Commission recommend approval of Rezoning #120 for the Text Amendments to Section 206(A) as drafted.

Motion carried unanimously.

Sign Illumination

Estelle DeVooght stated that she was one who worked on the wording of the original sign ordinance. She voted against electronic signs, big flashing signs at that time, but now the signs are made much better. With the improvement of signs, she has less of an objection to the message center.

Scott Emerson noted that he is for down-lighting, and against flashing or fluttering lights. The new signs have improved through the years, and he has less objection to them now, but does not want to see the community saturated with them.

Bill Sanders mentioned that the Edward Jones sign would be grandfathered in. He feels the night sky is a natural resource of the U.P. Bill Sanders does not agree with Mr. Landers as to Chocoday Township being anti-business, not giving businesses free speech. He feels this is absolutely not the case. He gives three reasons he does not agree with having message centers. 1) aesthetics; 2) safety, and 3) the community as a whole does not want this type of signs as expressed in the Strategic Plan which was adopted in 1995.

Bill Sanders stated that he understands putting letters up on the present message boards is difficult in the winter with winds blowing away the letters. However, he does not want to see 30 word messages on a scrolling sign.

Pete LaRue reiterated that the new message centers do not have to have bright, flashing lights.

Ken Tabor voiced his opinion regarding limiting the types and sizes of message centers.

Pam Sleeman said she felt that the Township was very hard on new businesses.

Lee Blondeau echoed the feeling of not being welcome.

Scott Emerson gave a visual example of upward and downward lighting. Showing the glare from up lighting. He noted that the Township has budgeted to replace the cobra street lights within the next 5 years with modern fixtures.

Ken Tabor questioned the site length for reading these message centers.

Bill Sanders stated that the Township cannot limit the amount of signs, but if a number of businesses in the Township get them they will not be unique and people may not read them. At this time they are not allowed in the Township according to the current ordinance language.

Doug Riley stated that currently no permits would be given out for electronic signs. There is already an appeal filed with the Zoning Board of Appeals.

Scott Emerson noted that he would suggest that for now the text amendment should state that no lighting shall project upward toward the sky and that no

ground or bottom-mounted lighting is permitted. The message center should be a separate issue.

Bill Sanders wanted to know the number of message signs in the area.

Dan Landers said there were about 20 in the U.P., 2 in Marquette Township, and 4 in the City of Marquette.

Scott Emerson feels they cause a distraction phenomenon, and is concerned about the safety aspect. We cannot control the number of signs or who buys them if the ordinance is changed in Chocolay.

Dan Landers noted that the cost of the message center will limit the number of message centers in the Township.

Scott Emerson Moved, Bill Sanders Seconded, that the Planning Commission recommend approval of Rezoning #120 to the Township Board for the Text Amendment regarding Sign Illumination - Section 810 to address sign lighting only and to delete the last section pertaining to electronic message signs which will be further reviewed.

Motion passed unanimously.

Conditional Use 57A – Amendment to Kawbawgam Cross Country Ski Trail

Bill Sanders Moved, Steve Kinnunen Second, that after review of Conditional Use request #57A; the standards of Section 701 of the Township Zoning Ordinance; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #57.

Motion passed unanimously.

Consider Street Lights/Dusk to Dawn Lights

There was discussion regarding the changes the Township has been making on the lighting and the peripheral shielding on the old lights. The Planning Commission will ask the Board to support an ordinance on new lights or shielding old lights. Possibly insert something on the Building Permit and/or have a brochure to educate the residents.

VIII. SUB-COMMITTEE REPORTS

A. Recreation-Subcommittee Report

Mike LaPointe gave notice that he would like to step down from the Recreation Committee and is looking for someone to take his place or at least an alternate. Ken Tabor said that he would continue as a representative.

B. Ordinance Amendment Sub-Committee

Riley reported that a number of things that will be discussed at the next meeting; ham radio towers, garage and accessory building sizes and roof pitches.

IX. PLANNING DIRECTOR'S REPORT

Riley reported on the Green Bay Street property acquisition, the donated land for stream bank stabilization. He said the land report would be discussed at a lighter agenda meeting.

X. PUBLIC COMMENT.

Pete LaRue mentioned that he believes there is a perception that the Township is anti-business, and that the Township is hard to deal with. Maybe it is just a history problem.

Dan Chartier suggested the Township listens to what businesses needs are, and to become involved more with CABA. They need to share in each other's meetings.

Dan Landers said he knew the Township had a anti-business reputation, but after the meeting he is very encouraged. He thanked the Planning Commission for listening and for their time.

XI. COMMISSIONER COMMENT

Steve Kinnunen noted that it takes a long time for a township to make changes in policies. First discussions must take place, and wording on the language for changes must be agreed upon and then voting by the Board. The Board needs assistance and support from the community.

XI. ADJOURNMENT

Chair Sanders adjourned the meeting at 10:25 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
January 14, 2002

PRESENT: **Commissioners:** Bill Sanders, Mike LaPointe, Steve Kinnunen, Ken Tabor, Tom Shaw, Estelle DeVooght and Scott Emerson (arrived at 7:33).

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Cathy Phelps, Recording Secretary, Lee Snooks, Director of Recreation and Grants, Fred Warren, Mary Lou Shimon, Jeff Hendrickson, Madeline and Frank Zimmerman, and Bob LaJuenesse, Jr.

Chairman Bill Sanders called the meeting to order at 7:30 PM.

I. PUBLIC HEARINGS - None

II. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated December 10, 2002 were presented for approval. Bill Sanders would like a correction made to the sentence regarding Don Britton's statement under REZONING #120. (6th line)

Moved by Mike LaPointe, supported by Ken Tabor, that the December 10, 2001 minutes be approved with correction.

Motion carried unanimously.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Moved by Steve Kinnunen, supported by Tom Shaw to approve the agenda as presented.

Motion carried unanimously.

V. PUBLIC COMMENT. None

VI. OLD BUSINESS

A. Consider Rezoning # 119 – Mary Lou Shimon – RP (Resource Production) to RR-2 (Rural Residential) AMENDED REQUEST

Doug Riley reviewed information regarding Rezoning #119. He stated the three reasons the Planning Commission gave Mary Lou Shimon for denial regarding her first rezoning application. He explained how the amended request to rezone only the west half of the property has addressed the three points of denial.

Mary Lou Shimon explained the changes she has made on her application. She noted that all of her neighbors were at this meeting to support her rezoning application.

Planning Commissioners discussed the revised application. Mike LaPointe stated that there are no reasons to deny the request, as Mary Lou Shimon has covered in her revised application the three reasons they denied the first request.

Steve Kinnunen made a motion, Mike LaPointe Seconded that following the review of Rezoning request #119 and the Staff/File Review, the Planning Commission recommends approval of Rezoning #119, as amended, to the Township Board to rezone said property from RP to RR-2.

Motion carried unanimously

Doug Riley stated that it will now go to the Board.

VII. NEW BUSINESS

Discuss the People and Land Report

Doug Riley stated that the reports can be picked up at the Township Hall. He said there are some great ideas in the report. It has some suggestions that we are not doing at this time, and has many ideas that the Township is working on or have completed, which are the following: 1) lighting; 2) cell tower ordinance; 3) US 41 Corridor Planning. There will be a meeting for US 41 Corridor Planning on February 4, 2002 for the area Townships and the City of Marquette. The meeting will be at the Lakeview Arena at 7:00 PM. He thinks Chocolay Township should feel proud on the work they have been doing. This report will be a good reference for the Township in the future.

Bill Sanders said we should revisit this report as we go on.

Steve Kinnunen says it reflects Chocolay's Strategic Plan.

Estelle DeVooght stated she would have liked to see more on Chocolay's historical sites/value in the report.

Scott Emerson noted that there is a lack of coordination from all townships. We need consistent planning, and more joint meetings.

Doug Riley stated that the joint meeting on February 4th is the start of working together on things such as traffic planning and infrastructure. All government units must work together.

Scott Emerson noted we need a common denominator to work with planning for a aesthetically pleasing commercial zone and landscaping ordinance. We have to have a high standard with landscaping.

Bill Sanders agreed with Emerson that landscaping and sprawl control are very important. He thinks the report should be circulated in the Township and to CABA members, along with all business owners.

Scott Emerson suggested that Chocolay Township find another township or city that has a similar "nature concept" on planning, and get information from them, and testimonies on how it has improved their area. We have a beautiful natural setting in Chocolay, we need to make the most of it.

Mike LaPointe made mention that there are no business owners at the meetings he goes to. It is important that they be informed.

Scott Emerson suggested that the Planning Commission make a presentation to all businesses in the area, possibly at a CABA meeting. Tourism is our major industry, we must make the best use of what we have.

Lee Snooks updated the Planning Commission on a grant application he is submitting regarding coastal restoration for the second turnout along M-28. If we get the grant, it will help to fill the gullies, replant vegetation on the dune, building fencing, steps and decking like the first turnout. We want people to stop there and enjoy the view.

Mike LaPointe made note of the section "Land Conservancy Component". He questioned the rock cut area, Willow Farm, and the open space bill regarding cluster zoning. He believes in preserving the open, green spaces, and feels that we should get more information about the organization.

Scott Emerson reminded everyone of the February 4th meeting, and how important it was to attend.

Doug Riley noted that the agenda was not yet formalized, but there was going to be a presentation for the three areas invited to the meeting.

Bill Sanders asked Doug Riley if he would contact the conservancy group and find out more regarding the presentation. They possibly could help get a presentation together for a CABA meeting.

VIII. SUB-COMMITTEE REPORTS

A. Recreation-Subcommittee Report - None

B. Ordinance Amendment Sub-Committee

Bill Sanders noted that the Sub-Committee reviewed garage heights, size limits on garages, and garage construction prior to a residence. The Sub-Committee reviewed this and believes that on height issues variances are the way to go instead of amending the ordinances.

Scott Emerson noted that amateur radio tower/antennas need to be studied closer. He feels that technology needs to be looked at. If smaller antennas are available, they should be recommended instead of high antennas.

Bill Sanders addressed the electronic message signs issue by saying that the Township does not allow these signs and determined that "static" electronic signs, however, would be allowed under our ordinance.

IX. PLANNING DIRECTOR'S REPORT

Doug Riley recommended all Commissioners and Board members to attend the Corridor Management Team presentation on February 4, 2002 at 7:00 PM at the Lakeview Arena.

Scott Emerson feels all should go to this presentation, and we should get on the agenda, if possible, to give a short presentation with a select issues to discuss. (Examples: curb/drainage, lighting, landscaping, parks, boulevard)

Due to the Corridor Management Presentation the next meeting, scheduled on February 11th, 2002, could be possibly canceled at this time, unless someone files an application 6 days prior to that date.

X. PUBLIC COMMENT. None

XI. COMMISSIONER COMMENT.

Discussion regarding the commercial area near ABC True Value ensued. The problem of a movie shop at the corner of Van Epps would cause a traffic problem. An access road behind the businesses for safety reasons was discussed as being a possibility. Possible installation of traffic lights would slow traffic in that area. Enforcing the already set speed limit would be helpful.

XII. ADJOURNMENT

Chair Sanders adjourned the meeting at 9:05 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
March 11, 2002

PRESENT: **Commissioners:** Mike LaPointe, Ken Tabor, Tom Shaw, Estelle DeVooght and Scott Emerson.

ABSENT: William Sanders and Steve Kinnunen.

OTHERS: Doug Riley, Director of Planning & Research, Denny Magadan, Supervisor DPW, and Cathy Phelps, Recording Secretary.

Acting Chairman, Mike LaPointe, called the Public Hearing to order at 7:37 PM. after waiting a short time for enough commissioners to arrive to have a quorum.

I. PUBLIC HEARINGS

Conditional Use #63 – Chocolay Township – Park – Fishing Access Site on Green Bay Street – Erosion Control Project

Mike LaPointe noted that he was involved in the planning of the Fishing Access Site so he will not vote on this issue.

A Conditional Use approval by the Planning Commission is needed to go forward with this project along with this public hearing. Doug Riley published a public notice in the paper and wrote letters to neighboring residents with no responses up to now.

Jude Emerson of 119 Lakewood Lane noted that the grant was to stabilize the area. She asked if the parking area needs to be part of the grant? She noted that the parking of cars causes more erosion.

Carl Lindquist, from the Central Lake Superior Watershed Partnership, stated that the parking of cars in that area would cause erosion, but also noted that there would be a limited number of vehicles parking there (2 or 3). He thought that having a designated parking area would cause less erosion than the way residents now parked. He stated that it would be no problem with leaving out the parking plans and just working on the fencing and stairs.

Doug Riley noted that the Road Commission recommended a parking area away from the intersection where people park at this time.

Bill Kessel asked why the parking isn't moved along Lakewood Lane? He noted that there are approximately 200 vehicles traveling through this area from 8:00 to 9:30 A.M. and 4:00 to 5:30 P.M.

John Sandin of 146 Lakewood Lane stated that the speed limit on Lakewood Lane is not enforced. He suggests that speed bumps be installed. He feels there has been erosion on his property. He feels that a parking lot would be an eyesore in that area. He thinks the people using this fishing site should park at the marina. He complained about the garbage left behind from people using this area.

Robyn Sandin of 146 Lakewood Lane asked if hauling in fill dirt for a parking lot would not also go into the river and cause problems? Doug Riley explained that no fill was proposed, only gravel. He noted that the gravel would actually help stabilize the site. He said there is plenty of room.

Jude Emerson asked if trees would be removed from the site? Mike LaPointe answered the question in saying that topsoil would be brought in to stabilize the bank and they would use indigenous species, which would enhance the already existing trees. No existing trees would be removed.

Discussion of the parking lot continued. Ken Tabor asked how many vehicles would fit in the planned parking lot? The answer was 2 or 3 at most. Parallel parking was planned to get the vehicles safely off the street. Scott Emerson stated if a parking lot is constructed, it would bring more people to the area and increase traffic even more.

Robyn Sandin suggested that two stairs be build, one on each side and then a have a boardwalk trail connecting the two.

Pete LaRue asked what the goal of the grant project was, if it was to stabilize the area or to improve the park? Mike LaPointe answered by saying it was to stabilize the riverbank.

Scott Emerson noted that the stairs were the key to stabilizing the riverbank, which is eroding badly.

Robyn Sandin said continuing the fencing which is there was also a key to keeping people off the riverbank.

Mike LaPointe thanked everyone for the good input. He then closed the Public Hearing at 8:12.

II. MEETING CALLED TO ORDER/ROLL CALL

Mike LaPointe called the meeting to order at 8:12 P.M.
He noted that William Sanders and Steve Kinnunen were absent.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated January 14, 2002 were presented for approval.

Moved by Scott Emerson, supported by Estelle DeVooght, approving minutes of January 14, 2002. **Aye 5, Nay 0. Motion carried unanimously.**

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Scott Emerson wanted to add to New Business - Dr. John Sandin was having a problem with the snowmobilers and their maps.

Moved to accept addition to agenda by Ken Tabor, supported by Tom Shaw.

Aye 5, Nay 0. Motion carried unanimously.

V. PUBLIC COMMENT.

Robyn Sandin said snowmobilers have stopped her on her property asking for directions. She said they get lost coming from the trail near Prince of Peace Church. Some have maps that show a trail in that area. She noted that there are maps out there with incorrect information on them. She also noted that better signage needs to be posted near the Prince of Peach Church.

Mike LaPointe said they could discuss this issue during New Business.

VI. PRESENTATION BY THE CENTRAL LAKE SUPERIOR LAND CONSERVANCY

Three members of the conservancy were in attendance, Matt Sayles, Carl Lindquist, and Ron Sundell. They gave out two brochures, and stated that they were a non-profit group to help further environmental sustainability in the Central Upper Peninsula through the promotion of conservation-based land use and ownership. He explained the current projects and land donations they have at this time. He said they are not there to make money, but to protect land.

VII. OLD BUSINESS

REZONING #117 - LAKE SUPERIOR SHORELINE/DUNE PROTECTION OVERLAY DISTRICT – RECOMMENDATION TO BOARD ON VEGETATION SECTION.

Doug Riley gave the background on this issue. At the February 18, 2002 Board Meeting the Township Board tabled the adoption of the Overlay District at the request of Phil and Sally May. This was done to “allow the Board time to consider wording on including/excluding trees in Section B and including natural revegetation in Section C.”

Mike LaPointe noted that trees are a critical stabilizer of a dune. The Commissioners, in discussing this issue, agreed tree root systems are important and by pruning branches that the vision of the lake may be enhanced without removal of the whole tree. They also felt that they do not want to compromise any further regarding the revegetation. They felt that options were already in the language. They want to leave it as is.

Doug Riley will prepare a letter from the Planning Commission to the Board on this issue. Mike LaPointe again made the point that trees are important in stabilizing a dune, they can be pruned without removing them.

VIII. NEW BUSINESS

A. CONDITIONAL USE #63 – PARK –FISHING ACCESS SITE ON GREEN BAY STREET – EROSION CONTROL PROJECT

Estelle DeVooght and Tom Shaw agreed that there is too much traffic on Green Bay Street to install a parking lot. They felt it would only cause more problems. Parking along Lakewood Lane seems to be better. They agreed that signs are needed, and that stairs are crucial to stabilize the riverbank.

Mike LaPointe said they could approve the project and leave out the parallel parking area.

Scott Emerson noted the garbage problem. He wanted to know if the Township would maintain the clean up of this area? Doug Riley said yes, we would be maintaining this site now that it is under Township ownership and we can look at organizing a clean up. Emerson suggests tabling the parking lot until a later date when possibly the Township could purchase the Ameritech tract of land. He does not want to miss out on the opportunity of the grant. Carl Lindquist explained that they could leave out the parking lot and perhaps add an extra stairwell and trail along the river's edge and still stabilize the riverbank. Scott Emerson noted that some vehicles do get stuck in the sand when parking. Carl Lindquist stated that they could move the fence closer to the road so they cannot park there. Lindquist suggested more "no parking" signs.

Tom Shaw Moved, Ken Tabor Second, that after review of Conditional Use request #63; the standards of Section 701; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request; the Planning Commission approves Conditional Use Permit request #63 with the following conditions:

- 1) That a permit be obtained from the Marquette County Road Commission for all work within the road right-of-way.
- 2) That all signage be placed in accordance with the requirements of the Marquette County Road Commission.
- 3) That a zoning compliance permit be obtained from the Township Zoning Administrator.
- 4) That the parallel parking lot not be included in the project at this time.

Aye 4, Nay 0. Mike LaPointe abstaining from voting. Motion passed.

B. CHOCOLAY RIVER WATERSHED COUNCIL – REQUEST FOR AREAS OF CONCERN.

Doug Riley gave the Commissioners a copy of the current Plan's designated areas of concern in Chocolay Township to review.

Carl Lindquist said they have been doing inventory work on problem sites. He wants the Commissioners to let him know if there are areas adjacent to water that should be identified that are not listed on the sheets given to the Commissioners.

C. SNOWMOBILE MAPS IN ERROR

Scott Emerson stated that some snowmobile maps show the Ameritech right-of-way as a snowmobile route. Ameritech has not granted easement for any access on their right-of-way, and these maps are in error.

Doug Riley noted that three to five years ago there were some maps printed that showed this area as a snowmobile route, that maybe these maps were still in existence. He thought they may show a proposed or future route and people are misreading it. He stated that Ameritech will not let us enforce trespassing, but our police department may be able to help monitor this problem.

Tom Shaw suggested we get more signs near Prince of Peace Church to direct snowmobilers. He noted that there are snowmobile tracks everywhere from local riders, and it confuses the out-of-town snowmobilers and they get lost. Doug Riley noted that some residents want no signs for snowmobilers.

IX. SUB-COMMITTEE REPORTS

Doug Riley informed the Commissioners that the “contractor yard” issue is still tabled. The Zoning Board of Appeals is meeting March 28th. The court case regarding the Zoning Board of Appeals was adjourned until **March 22, 2002**.

X. PLANNING DIRECTOR’S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley gave an update on the following:

- 1) Community Center Zoning – future meeting
- 2) Rezoning #119 and #120 approved by Board on 1st reading.
- 3) ABC Hardware – Mark Maki met with owners pertaining to the site plan.
- 4) Van Epps/US 41 Corner – new buyer advised of zoning and access issues.
- 5) US 41 Corridor Plan Workshop – April meeting.
- 6) Message signs – Planning Commission agreed a letter should be sent to Cook Signs.
- 7) Street light replacement – Denny Magadanz gave update.

XII. COMMISSIONERS COMMENT

None.

XIII. ADJOURNMENT

Mike LaPointe adjourned the meeting at 9:28 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
April 8, 2002

PRESENT: **Commissioners:** Bill Sanders, Mike LaPointe, Ken Tabor, Tom Shaw, Estelle DeVooght and Scott Emerson, and Steve Kinnunen.

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Grants and Recreation Director, and Cathy Phelps, Recording Secretary.

Bill Sanders called the Public Hearing to order at 7:30 PM.

I. PUBLIC HEARINGS

Conditional Use #64 – Fraco, Inc. – Construction of Office/Showroom Addition

Terry Bengry and Pete Frazier from Fraco, Inc. said they would answer questions when needed.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:33 P.M.

III. APPROVAL OF THE MEETING MINUTES

The Minutes of the regular meeting of the Chocolay Township Planning Commission dated March 11, 2002 were presented for approval.

Moved by Ken Tabor, supported by Estelle DeVooght, approving minutes of January 14, 2002. **Aye 6, Nay 0. Motion carried unanimously.** (Scott Emerson was entering the room at this time.)

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Moved to accept agenda by Bill Sanders, supported by Steve Kinnunen.
Aye 7, Nay 0. Motion carried unanimously.

V. PUBLIC COMMENT.

None

VI. NEW BUSINESS

A. CONSIDER – CONDITIONAL USE #64 –FRACO, INC. CONSTRUCTION OF OFFICE/SHOWROOM ADDITION

Doug Riley gave a brief explanation of the addition of showroom/office. He noted that the parking needs have already been met, and the buffer areas were not impacted. Additional landscaping is planned. Riley noted he had received no responses to letters he sent out or the ad in the Mining Journal. He noted Mark Maki's letter regarding the encroachment. He said this issue would be worked through and noted that it was not a major violation.

Pete Frazier mentioned that no trees would be cut down for this addition. It will be built where the grassy area is near the existing building. He noted that his sister owns the land that abuts to his land, and some of the items there belong to her. He said the materials in the buffer zone are loose storage, and it will be no problem to move.

Don Britton questioned the conditional use of the property regarding Mark Maki's letter.

Mike LaPointe Moved, Scott Emerson Second that after review of Conditional Use request #64; the standards of Section 701, and other applicable standards contained in the Township Zoning Ordinance; and subsequently finding

compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #64 with the following conditions:

- 1) That the conditions of operations from the previous Conditional Use Approvals remain in place.
- 2) That the applicant obtain a zoning compliance permit from the Township Zoning Administration.

Aye 7, Nay 0. Motion carried unanimously.

Pete Frazier, FRACO, questioned if he could proceed with this project, and deal with Mark Maki's letter later?

Bill Sanders said yes, but a zoning compliance permit has to be completed through Mark Maki.

Doug Riley noted that the new addition was in full compliance.

Scott Emerson suggested the Planning Commission put in writing that the 70 foot border can be handled administratively. All agreed.

B. WORKSHOP – US 41 CORRIDOR/ACCESS MANAGEMENT PLAN

Doug Riley explained that this is a follow-up after the Marquette City meeting. We will take a close look at our section of the corridor. Asked what the Planning Commission envisions for US 41 through Harvey? There are two areas they are working on: 1) inclusion – all corridor plan from M28 to M95; and 2) Our own use.

Riley said the commissioners should look at all options and make decisions on what to focus on. It is time to put plans on paper and begin to formalize this at future meetings. He has invited Greg Zybur, Chocolay Township Police Chief, to answer questions regarding problem areas.

Dave Gillis, CUPPAD, showed computerized areas throughout the Township along the corridor. Starting from the northern area, the rock cut, and moving through to the US 41/M-28 intersection.

Estelle DeVooght asked if MDOT and the County Road Commission will listen to our requests? She noted that the Commission tried before, but they didn't listen.

Doug Riley stated that there is never a guarantee, but the key is to review procedures now and to have a plan in place. We need to be ready for this opportunity.

Scott Emerson mention Bill #4022, and he felt that local police and community governments should have say in the speed limits. He thought maybe this bill would be brought up again in the future.

Dave Gillis, CUPPAD, has given maps to Doug Riley for the Township's use. He stated that the nine areas of government in this corridor need to generate a common language regarding land division, policies, and zoning. He felt an overlay zone for the corridor should be created. There were two things he felt these governmental areas should have organized:

- 1) Investment. A strategic plan for changes in the next fifteen years; and changes to be made from M-28 to M-95;
- 2) Implement Plans. Accident data (car/deer accidents and turning movements); Traffic volume (amounts on certain roads);
- 3) Soil Types;
- 4) Erosion Hazards;
- 5) Land use;
- 6) Geology;
- 7) Zoning;
- 8) Commercial areas, etc.

Doug Riley has all this information

Scott Emerson asked Greg Zyburt where the greatest accident areas are in Chocolay?

Greg Zyburt felt the hot spot was near the rock cut for winter accidents. Cars going too fast go out of control on the ice/snowy conditions. He mentioned that some accidents are caused because the drivers are looking out over the lake (Superior).

Mike LaPointe stated that having a boulevard in that area would cut down on two car accidents. Noting that a one-vehicle accident is better than two vehicles.

Scott Emerson stated that he thought the speed limit was too fast. He would like to see a limit of 35 mph through Harvey. He does not feel that is unreasonable. Then past the rock cut it could go back to 55 mph. He asked how much influence the commission has?

Doug Riley answered very little.

Pete Frazier noted that people while driving do not generally look at signs. There are so many and similar that they do not notice them. In Florida they have bright orange speed signs. Maybe here we could have big signs with red flags attached to them for people to comply with the local speed limit.

Bill Sanders said that a landscaped corridor/boulevard might slow the traffic.

Greg Zyburt noted that many tickets have been given to speeders through Chocolay Township, and said the drivers say they did not see the speed sign.

Tom Shaw said the area through Harvey was a short distance and people don't realize they have to slow down. He also mentioned that a narrower boulevard may be a problem with snow drifting. It would fill up faster than the wide 5 lane now there.

Scott Emerson noted the area west of the rock cut is an undeveloped commercial area with a short site distance along US 41. It would be hard to re-zone due to poor zoning designation in the past. If we had a access road from the south going behind the businesses.

Doug Riley said the existing curbcut is in a bad spot, and should be eliminated.

Tom Shaw mentioned the highway was built originally in 1876. He asked if access to an undeveloped area can be legally removed?

Adrian Stroupe, from MDOT, said if it is reasonable it can be removed when a major project is being done.

Dave Gillis, CUPPAD, noted that this whole area is troublesome as far as access management factors. The site plan must be looked at closely and reviewed.

Doug Riley stated the businesses could coordinate a curbcut location.

Mike LaPointe said the landowner has a right to have a curbcut, but MDOT decides the access point.

Scott Emerson noted that we must review this carefully to protect the public.

Adrian Stroupe noted that if it deemed unsafe, MDOT will check it and change it if necessary.

Doug Riley stated that the area near the rock cut was being offered to the state for a swap or trade for some Marquette City property (prison property) also near the rock cut. At this time he does not know where the issue stands.

Adrian Stroupe said that sounds like a good idea, but Chocoday would be losing that area that could be zoned commercial. The problem is that we would be losing tax revenue.

Scott Emerson noted that the Township could rezone other areas for commercial that would be in a better location.

Tom spoke of the area near Van Epps and Main Street. He mentioned the idea of checking on the possibility of purchasing Cliff Johnson's home and align Van Epps and Main Street for a safer area.

Bill Sander again mentioned designing a frontage road for the business in this area. He said we should not lose the opportunity to fix Van Epps.

Steve Kinnunen stated that the intersection of M-28/US-41/ and Cherry Creek Road was a problem with a bad bump going across 41 from 28 to Cherry Creek. He said we should summarize our suggestions to the corridor management team.

Estelle DeVooght suggested we talk to Cliff Johnson as soon as possible.

Doug Riley suggested we open a road behind the business along US 41 near Van Epps having one access to the highway. This project all comes down to cost.

Tom Shaw stated that this was a good investment for the community, as far as the public safety aspect and more business opportunity in that area.

Ken Tabor noted that Township money was tight right now with the other projects they are working on.

Dave Gillis mentioned there might be some incentive packages from the state on highway safety benefits. The corridor management team likes to see the local areas prioritize their needs; although they may not take the top priorities first. The needs change, and safety issues come into consideration. He suggests being creative.

Bill Sanders thought the rock cut, to Van Epps business area was a critical problem area now.

Dour Riley mention a resurfacing in the future plans. He thought if we could eliminate some of the curbcuts at that time, and combine some of the business access curbcuts that are very near each other. Example is Bayshore and the dentist office. Pot holes in the access sites are also a critical problem, and asked if they could be taken care of while the resurfacing was being done?

Adrian Stroupe said they do fill just a little past the hinge point, which is about 5 feet or so. He said they cannot do everything, but suggests to put the plans down on paper and list the critical areas first. Work on them when the opportunity comes around. He suggests less access sites along US 41 and more plantings.

Scott Emerson suggests incorporating access sites and putting in power lines underground at the same time.

Tom Shaw noted that in heavy rains the area in front of the Township Hall is a pond.

Greg Zyburt stated that many drivers lose control in the deep water. He knows of two fatalities because of the bad drainage in that area.

Scott Emerson stated that a boulevard in those areas would be helpful.

Adrian Stroupe agreed.

Steve Kinnunen noted that if a large/long semi comes from Cherry Creek turning north they have a problem. It is too narrow for them. The turn lane needs to be

widened. Could we put in a turn lane when the same time they resurface that area?

Adrian Stroupe explained the statewide road width policy.

Bill Sanders said we have to balance cost with benefits. The boulevard has twice the curbing but less pavement area. It would help with snow removal.

Scott Emerson said the plantings along the boulevard would also reduce traffic noise.

Adrian Stroupe said to get all the ideas on paper and give a copy to Andy Sikkema. He said to include all future road improvements, all access areas, resurfacing, and mention filling to potholes in access areas also.

Steve Kinnunen noted that all through the corridor of Columbus, Ohio they have traffic warning system. They have warning lights a certain distance from the actual traffic light that informs the driver of light changes. This system helps in keeping traffic moving smoothly, and there are no last minute braking problems at the intersections. He said there are yellow flashing warning lights when the lights change. He noted that stoplights are the greatest creator of accidents. A couple other areas in Southfield, MI and in Canada were also mentioned having a warning system.

Adrian Stroupe noted that when you have a boulevard, less lights are needed to control traffic.

Scott Emerson suggested a Planning Commission meeting to cover just this issue.

Doug Riley said they will format first, then review and make a recommendation to the Board.

Doug explained the traffic/parking problem near Walt's Auto and Drizzels.

Adrain Stroupe explained that if there are less access points, insurance rates are better and you are more inviting to businesses.

Doug explained the area near First of Negaunee Bank/Citgo/Pete LaRue's building. He thought we should eliminate at least one access road to those areas. Maybe consolidation of some of these access roads could be done. He also explained the Silver Creek/Corning Street area, noting that the Township access road was a problem. He has talked to the owner of neighboring land regarding moving the drive 80 to 100 feet to the west. He is still working on that issue.

Tom Shaw stated that he never sees anyone take a bike over the walkover. He mentioned building a new overwalk with a bike cross ramp near Snyders and Willow Farm. Moving it to that area would take it away from the intersection and light.

Greg Zyburt said the walkover was a sight problem with drivers seeing the light, even though there is a warning sign.

Adrain Stroupe noted that the walkover can be reused at another area.

Doug Riled said it is important to have a usable overpass especially now with the community center at the Silver Creek School building opening this summer.

The commissioners discussed the various areas a ramp could be installed. One was in front of the Township Hall, but the same problem would exist with the light sight problem. A tunnel was suggested, but a half of million dollars cost was given for a 12 x 12 tunnel.

The area near Wahlstoms/Township/Willow Farm was discussed. Access roads to Wahstroms Restaurant and Motel cannot be closed. Willow Farm may become

a commercial area in the future. Willow Farms consists of about 100 acres. A frontage road was suggested by Dave Gillis connecting Cherry Creek and US 41.

Steve Kinnunen stated we have to come up with a master plan.

Greg Zyburt stated that a big accident area was the south entrance to the Holiday Station, figuring it was probably the worst spot in the Township. Turning movement are the highest accident causes.

Steve Kinnunen suggested we close two of the four access roads in that area and maybe connect Snyders with the Holiday Station so vehicles do not have to drive out into US 41 to get to these businesses. Also when the road is being resurfaced to put in a frontage road at the northern most point of the business grouping.

Scott Emerson noted that a boulevard with a turning lane in that area would be beneficial.

Adrian Stroupe said the biggest problem with frontage roads is deciding who is going to maintain them? He said that a special assessment district could be developed to connect driveways with new developments.

Doug Riley suggested a frontage road running from US 41 to M 28 behind the businesses. They discussed the soil in that area as possibly being wetland. Riley also noted that the area near Van Epps and US 41 could have a frontage road that loops behind the businesses.

The area south of the US 41/ M 28 intersection was discussed. The soil in that area is wet but not considered wetland. It is sand, and would need fill before a road could be developed connecting US 41 and M 28.

Tom Shaw noted that the traffic in the Silver Creek/US 41 intersection is going to get busier as the Sands Township develops in that area. The Teaching Family Home is going to go into the old prison farm at the end of Silver Creek. At this time it is a seasonal road. Extra traffic in this area will put a burden on Silver Creek Road already having the school/community center and the church there. Tom Shaw also noted that manhole problems we had recently near the rock cut.

Doug Riley said he would write up a sub-plan and have a property owners' meeting as early as possible.

Dave Gillis and Adrian Stroupe thanked the planning commissioners for being so concerned with the Chocoday area, and said they were doing an excellent job.

VII. SUB-COMMITTEE REPORTS

RECREATION SUB-COMMITTEE

Lee Snooks reported:

- 1) 1500 of the recreation surveys were randomly mailed to Chocoday residents by Dr. Sherony's NMU business class. About 550 surveys have been returned for help in developing a 2003 recreation plan;
- 2) The Browers' Property has finally been given a name. Mr. Browers at first did not want the area named after him, but being asked again he gave approval to name it "Browers' Recreational Area." He explained the 4-H Grant and Forest Management Plan for this area;
- 3) The DEQ Grant for the 2nd turnout along M-28 looks good. This will be used to restore vegetation in the turnout area; and,
- 4) The new pavillion/parking in the Beaver Grove Recreation Area will be started as soon as possible this spring. A young man came to the last Recreation Meeting asking for lights in the soccerfield area. He was asked to come up with prices and come back to the committee with more information.

- 5) A permanent Community Center Committee is being formed to set policies. Eight members of the original committee will be staying on this new committee. They will act as an advisory board/policy maker to the Township Board.

VIII. PLANNING DIRECTOR'S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley noted that the Dune Overlay has been adopted by the Board and that he was going to a meeting regarding this issue on Tuesday, April 9, 2002 in Escanaba.

He also reported that the Board is asking the residents for 1 addition mill/5 years for the community center operations. The ballot language is being worked on and it will be on the August primary election ballot. Rezoning of the community center will be discussed at the next meeting.

VII. COMMISSIONERS COMMENT

None.

VIII. ADJOURNMENT

Bill Sanders adjourned the meeting at 10:28 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
April 8, 2002

PRESENT: **Commissioners:** Bill Sanders, Mike LaPointe, Ken Tabor, Tom Shaw, Estelle DeVooght, Scott Emerson, and Steve Kinnunen.

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Grants and Recreation Director, and Cathy Phelps, Recording Secretary.

Chair Bill Sanders called the Public Hearing to order at 7:30 PM.

I. PUBLIC HEARINGS

Conditional Use #64 – Fraco, Inc. – Construction of Office/Showroom Addition

Terry Bengry and Pete Frazier from Fraco, Inc. said they would answer questions when needed.

II. MEETING CALLED TO ORDER/ROLL CALL

Chair Bill Sanders called the meeting to order at 7:33 P.M.

III. APPROVAL OF THE MEETING MINUTES

The Minutes of the regular meeting of the Chocolay Township Planning Commission dated March 11, 2002 were presented for approval.

Moved by Ken Tabor, supported by Estelle DeVooght, approving minutes of March 11, 2002. **Aye 6, Nay 0. Motion carried unanimously.** (Scott Emerson was entering the room at this time.)

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Moved to accept agenda by Bill Sanders, supported by Steve Kinnunen.
Aye 7, Nay 0. Motion carried unanimously.

V. PUBLIC COMMENT.

None

VI. NEW BUSINESS

**A. CONSIDER – CONDITIONAL USE #64 –FRACO, INC.
CONSTRUCTION OF OFFICE/SHOWROOM ADDITION**

Doug Riley gave a brief explanation of the showroom/office addition. He noted that the parking needs have already been met, and the buffer areas were not impacted. Additional landscaping is planned. Riley noted he had received no responses to letters he sent out or to the ad in the Mining Journal. He noted Mark

Maki's letter regarding the encroachment. He said this issue would be worked through and noted that it was not a major violation.

Pete Frazier mentioned that no trees would be cut down for this addition. It will be built where the grassy area is near the existing building. He noted that his sister owns the land that abuts to his land, and some of the items there belong to her. He said the materials in the buffer zone are loose storage, and it will be no problem to move.

Don Britton questioned the conditional use of the property regarding Mark Maki's letter.

Mike LaPointe Moved, Scott Emerson Second that after review of Conditional Use request #64; the standards of Section 701, and other applicable standards contained in the Township Zoning Ordinance; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #64 with the following conditions:

- 1) That the conditions of operations from the previous Conditional Use Approvals remain in place.
- 2) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

Aye 7, Nay 0. Motion carried unanimously.

Pete Frazier, FRACO, questioned if he could proceed with this project, and deal with Mark Maki's letter later?

Bill Sanders said yes, but a zoning compliance permit for the addition has to be completed through Mark Maki.

Doug Riley noted that the new addition was in full compliance.

B. WORKSHOP – US 41 CORRIDOR/ACCESS MANAGEMENT PLAN

Doug Riley explained that this is a follow-up after the Corridor Management team meeting at the City of Marquette. He said we are taking a close look at our section of the corridor. Asked what the Planning Commission envisions for US 41 through Harvey?

Riley said the Commissioners should look at all options and make decisions on what to focus on. It is time to put plans on paper and begin to formalize this at future meetings. He has invited Greg Zyburt, Chocolay Township Police Chief, to answer questions regarding problem areas. Dave Gillis from CUPPAD was in attendance to present the GIS data of the Chocolay area, and Adrian Struope, Transportation Planner from MDOT, was present to answer questions and provide information.

Discussion of five main areas:

1) Section near the rock cut to Van Epps/Main Street

Scott Emerson asked Greg Zybert where the greatest accident areas are in Chocolay? Greg Zybert felt the hot spot was near the rock cut for winter accidents. Cars going too fast go out of control on the ice/snowy conditions. He mentioned that some accidents are caused because the drivers are looking out over the lake (Superior). Mike LaPointe stated that having a boulevard in that area would cut down on two car accidents. Noting that a one-vehicle accident is better than two vehicles. Scott Emerson stated that he thought the speed limit was too fast. He would like to see a limit of 35 mph through Harvey. He does not feel that is unreasonable. Then past the rock cut it could go back to 55 mph. Bill Sanders said that a landscaped corridor/boulevard might slow the traffic. Tom Shaw said the area through Harvey was a short distance and people don't realize they have to slow down. He also mentioned that a narrower boulevard may be a problem with snow drifting. It would fill up faster than the wide five lanes now there.

Scott Emerson noted the area west of the rock cut is an undeveloped commercial area with a short site distance along US 41. It would be hard to re-zone due to poor zoning designation in the past. If we had an access road from the south going behind the businesses it would be much safer. Doug Riley said the existing curbcut is in a bad spot, and should be eliminated. Tom Shaw mentioned the highway was built originally in 1876. He asked if access to an undeveloped area can be legally removed? Adrian Stroupe, from MDOT, said if it is reasonable it can be removed when a major project is being done. Doug Riley stated the businesses could coordinate a curbcut location. Mike LaPointe said the landowner has a right to have a curbcut, but MDOT decides the access point. Adrian Stroupe noted that if it is deemed unsafe, MDOT will check it and change it if necessary.

Doug Riley stated that the area near the rock cut was being offered to the State for a swap or trade for some Marquette City property (prison property) also near the rock cut. At this time he does not know where the issue stands. Adrian Stroupe said that sounds like a good idea, but Chocolay would be losing that area that could be zoned commercial. The problem is that we would be losing tax revenue. Scott Emerson noted that the Township could rezone other areas for commercial that would be in a better location.

Tom Shaw spoke of the area near Van Epps and Main Street. He mentioned the idea of checking on the possibility of purchasing Cliff Johnson's home and align Van Epps and Main Street for a safer area. Estelle DeVooght suggested we talk to Cliff Johnson as soon as possible. Doug Riley suggested we open a road behind the business along US 41 near Van Epps having one primary access to the highway. This project all comes down to cost. Tom Shaw stated that this was a good investment for the community, as far as the public safety aspect and more business opportunity in that area. Dave Gillis mentioned there might be some incentive packages from the State on highway safety benefits. The corridor management team would like to see the local areas prioritize their needs; although

they may not take the top priorities first. The needs change, and safety issues come into consideration. He suggests being creative. Doug Riley mentioned a resurfacing in the future plans. He thought we could eliminate some of the unused or poor curbcuts at that time, and combine some of the business curbcuts that are very near each other. Example is Bayshore and the Dentist office. Potholes in the access sites where they adjoin US 41 are also a critical problem, and asked if they could be taken care of while the resurfacing was being done? Adrian Stroupe said they do fill just a little past the hinge point, which is about five feet or so. He said they cannot do everything, but suggests to put the plans down on paper and list the critical areas first. Work on them when the opportunity comes around. He suggests less access sites along US 41 and more plantings. Scott Emerson suggests incorporating access sites and putting in power lines underground at the same time.

2) Walt's Auto/Drizzels Area

Doug Riley explained the traffic/parking problem near Walt's Auto and Drizzels. Adrain Stroupe explained that if there are less access points, insurance rates are better and you are more inviting to businesses. Doug explained the area near First of Negaunee Bank/Citgo/Pete LaRue's building. Maybe consolidation of some of these access roads could be done.

3) Silver Creek/ US 41/Corning Street Intersection

Doug Riley explained the Silver Creek/Corning Street area, noting that the Township access road was a problem. He has talked to the owner of neighboring land regarding moving the drive 80 to 100 feet to the west. He is still working on that issue

Tom Shaw stated that he never sees anyone take a bike over the walkover. He mentioned building a new overwalk with a bike cross ramp near Snyders and Willow Farm. Moving it to that area would take it away from the intersection and light. Greg Zybert said the walkover was a sight problem with drivers seeing the light, even though there is a warning sign. Adrain Stroupe noted that the walkover can be reused at another area. Doug Riley said it is important to have a usable overpass especially now with the community center at the Silver Creek School building opening this summer. The commissioners discussed the various areas a ramp could be installed. One was in front of the Township Hall, but the same problem would exist with the light sight problem. A tunnel was suggested, but a half of million dollar cost was given for a 12' x 12' tunnel.

Tom Shaw noted that the traffic in the Silver Creek/US 41 intersection is going to get busier as Sands Township develops in that area. The Teaching Family Home Project is going to go into the old prison farm at the end of Silver Creek. At this time it is a seasonal road. Extra traffic in this area will put a burden on Silver Creek Road already having the school/community center and the church there.

4) Township Hall/Wahlstroms/Willow Farm Area

Tom Shaw noted that in heavy rains the area in front of the Township Hall is a pond. Greg Zyburst stated that many drivers lose control in the deep water. He knows of two fatalities because of the bad drainage in that area. Scott Emerson stated that a boulevard in those areas would be helpful. Adrian Stroupe agreed.

Steve Kinnunen noted that all through the corridor of Columbus, Ohio they have a traffic warning system. They have warning lights a certain distance from the actual traffic light that informs the driver of light changes. This system helps in keeping traffic moving smoothly, and there are no last minute braking problems at the intersections. He said there are yellow flashing warning lights when the lights change. He noted that stoplights are the greatest creator of accidents. A couple other areas in Southfield, MI and in Canada were also mentioned having a warning system. Adrian Stroupe noted that when you have a boulevard, less lights are needed to control traffic.

Access roads to Wahstroms Restaurant and Motel probably cannot be consolidated. Willow Farm may become a commercial area in the future. Willow Farms consists of about 100 acres. A frontage road was suggested by Dave Gillis connecting Cherry Creek and US 41. Discussion centered on planning for the best access.

5) M-28/Cherry Creek area

Steve Kinnunen noted that if a large/long semi-truck comes from Cherry Creek turning north they have a problem. It is too narrow for them. The turn lane needs to be widened. Could we put in a turn lane the same time they resurface that area? Steve Kinnunen stated that the intersection of M-28/US-41 and Cherry Creek Road was a problem with a bad bump going across 41 from 28 to Cherry Creek. He said we should summarize our suggestions to the corridor management team. Adrian Stroupe explained the statewide road width policy. Bill Sanders said we have to balance cost with benefits. The boulevard has twice the curbing but less pavement area. It would help with snow removal. Scott Emerson said the plantings along the boulevard would also reduce traffic noise. Greg Zyburst stated that a big accident area was the south entrance to the Holiday Station, figuring it was probably the worst spot in the Township. Turning movements are the highest accident causes. Steve Kinnunen suggested we close two of the four access roads in that area and maybe connect Snyders with the Holiday Station so vehicles do not have to drive out into US 41 to get to these businesses. Also when the road is being resurfaced to put in a frontage road at the northern most point of the business grouping. Scott Emerson noted that a boulevard with a turning lane in that area would be beneficial.

Adrian Stroupe said the biggest problem with frontage roads is deciding who is going to maintain them? He said that a special assessment district could be developed to connect driveways with new developments. Doug Riley suggested a frontage road running from US 41 to M 28 behind the businesses. They discussed the soils in that area.

The area south of the US 41/ M 28 intersection was discussed. The soil in that area is wet but not considered wetland. It is sand, and would need fill before a road could be developed connecting US 41 and M 28.

General Info:

Adrian Stroupe said to get all the ideas on paper and give a copy to Andy Sikkema. He said to include all future road improvements, all access areas, resurfacing, and mention filling to potholes in access areas also. Scott Emerson suggested a Planning Commission meeting to cover just this issue. Doug Riley said he would work on a draft area sub-plan and have a property owners' meeting as early as possible.

VII. SUB-COMMITTEE REPORTS

RECREATION SUB-COMMITTEE

Lee Snooks reported:

- 1) 1,500 of the recreation surveys were randomly mailed to Chocolay residents by Dr. Sherony's NMU business class. About 550 surveys have been returned for help in developing a 2003 recreation plan.
- 2) The Browers' Property has finally been given a name. Mr. Browers at first did not want the area named after him, but being asked again he gave approval to name it "Browers' Recreational Area." He explained the 4-H Grant and Forest Management Plan for this area.
- 3) The DEQ Grant for the 2nd turnout along M-28 looks good. This will be used to restore vegetation in the turnout area.
- 4) The new pavillion/parking in the Beaver Grove Recreation Area will be started as soon as possible this spring. A young man came to the last Recreation Meeting asking for lights in the soccerfield area. He was asked to come up with prices and come back to the committee with more information.
- 5) A permanent Community Center Committee is being formed to recommend policies. Eight members of the original committee will be staying on this new committee. They will act as an advisory board to the Township Board.

VIII. PLANNING DIRECTOR'S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley noted that the Dune Overlay District has been adopted by the Board and that he and Bill Sanders were going to a Access Management Conference on Tuesday, April 9, 2002 in Escanaba.

He also reported that the Board is asking the residents for one additional mill/five years for community center operations. The ballot language is being worked on and it will be on the August primary election ballot. Rezoning of the community center will be discussed at the next meeting.

IX. COMMISSIONERS COMMENT

None.

X. ADJOURNMENT

Bill Sanders adjourned the meeting at 10:28 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
May 13, 2002

PRESENT: **Commissioners:** Bill Sanders, Ken Tabor, Tom Shaw, Estelle DeVooght, and Steve Kinnunen.

ABSENT: Mike LaPointe and Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Grants and Recreation Director, and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER/ROLL CALL

Chair Bill Sanders called the Public Hearing to order at 7:30 PM.

II. PUBLIC HEARINGS

Chair Sanders stated the Commissioners would be discussing the two following items:

- A. Conditional Use #121 Chocolay Township – Silver Creek School and Silver Creek Recreation Area Property – R-3 to Public Lands
- B. Private Road #17 – Mary Lou Shimon – Shimon Trail

III. APPROVAL OF THE MEETING MINUTES

Ken Tabor Motioned, Steve Kinnunen Seconded that the April 8, 2002 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved unanimously.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen Moved, Ken Tabor Seconded that the Agenda be approved as presented.

Aye 5, Nay 0. Motion approved unanimously.

V. PUBLIC COMMENT

John Smith brought a video to show the Commissioners before making their decision on rezoning the Silver Creek School (Community Center). Problems with the VCR recorder/tape did not enable him to proceed. Smith stated that he is not against the Community Center, but he feels the Township is being deceptive in the way it is being done. Smith felt an ordinary citizen would have a tough time changing the zoning, so why can the Township? Smith thinks the Community Center should not compete with the local businesses. He felt that a post office would be a retail business and it needs to have approximately 100 square feet of space to operate. He feels the Township should not be going into retail business. He feels there will be a parking problem at the Community Center. He would like to see the Community Center zoned C-1. It is zoned R-3 now, and he thinks that was also mis-zoned. He questioned the money issue regarding the post office. He heard the Township may get \$5,000 to \$7,000 per year from the post office for rent. He wanted the Commissioners to hear him before making their decision on zoning, and “not just ram the zoning through.”

Madeleine Zimmerman, 400 Little Lake Road, stated she was a friend and neighbor to Mary Lou Shimon for over 30 years. She has no objection to the road, but questioned if it had to be a cul-de-sac and also questioned the name of the extension. She felt it should be called Shimon Circle.

John Smith questioned the publishing of the Ordinance Amendment Sub-Committee Meetings. He felt there was a violation of the Open Meetings Act.

Chair Sanders closed the Public Comment at 7:43 P.M.

VI. NEW BUSINESS

A. CONSIDER – REZONING #121 – CHOCOLAY TOWNSHIP – SILVER CREEK SCHOOL AND SILVER CREEK RECREATION AREA PROPERTY – R-3 TO PUBLIC LANDS

Doug Riley said the Commissioners had in their packet the information on the rezoning issue. Everything was covered in the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS.

Bill Sanders asked what site plans the Planning Commission would have to review? Would this be for additions, and not for things like painting? Doug Riley answered yes.

DeVooght questioned John Smith's comments regarding zoning. Doug Riley stated that changing the zoning to Public Lands would be needed for the community center. Bill Sanders agreed with the rezoning to Public Lands. He noted that the school was built before the Zoning Ordinance was in place. Doug Riley noted that in R-3 schools are a conditional use.

Bill Sanders asked what the size of the school was? Doug Riley noted it was approximately 29,000 square feet. Bill Sanders then stated that he felt having a post office in the community center with 100 square feet would be no problem as a typical use in a community center. He was comfortable in rezoning the Silver Creek School and Recreation area to Public Lands.

Steve Kinnunen stated that the community center plans look good. He felt when the Marquette Area Public School put the Silver Creek building up for sale the price was right for the Township to purchase it.

Bill Sanders noted that the Silver Creek School area should be zoned Public Lands as it has the recreational lands behind the school.

Estelle DeVooght feels it is a great idea to have a community center. The Township needs a place to have wedding receptions, showers and the like. She feels we need a building like this.

John Smith (**public comment**) was concerned that the community center would be in competition with local businesses. He feels Wahlstrom's would lose business if we had an area for weddings, etc. He thinks the Board is rubber-stamping and he is against the way it is being slid through. He feels it should have conditions put on it.

Estelle DeVooght again noted that she is in favor of the community center and resents the fact that John Smith feels the Planning Commission is doing something crooked.

Bill Kimmes, 313 Fernwood, (**public comment**) stated that it appears that there is a push regarding commercial vehicles in residential areas. He wants to be able to plan ahead, and look at what would be available for him to park his commercial vehicles. He asked if there is a possibility to park commercial vehicles at the community center in an enclosed, secure area?

Bill Sanders Motioned, Estelle DeVooght Seconded to add to New Business - item D – Commercial Vehicle Parking Information to the agenda. Aye 5, Nay 0. Motion approved unanimously.

Doug Riley, again getting back to Rezoning #121, wanted to give a clarification to John Smith's thoughts on the Township being in competition with local businesses. He noted that CABA has been in support of a community center. In fact they had raised \$34,000 toward the development of a community center. He does not think businesses feel threatened by the community center. This money was used toward the first payment.

Doug Riley also noted that there cannot be conditions placed on rezoning. The Planning Commission either has to recommend approval or denial of the rezoning.

Estelle DeVooght stated that Wahlstrom's room is not big enough for large wedding receptions and parties and that it would not be in direct competition with them.

Doug Riley felt that the community center would bring more people to our local businesses. It could be an anchor in our Township.

Bill Sanders said the Planning Commission was not a rubber stamp, and that the Silver Creek School area site plan was being reviewed, and matters like parking are being worked on.

Bill Sanders Motioned, Ken Tabor Seconded, that following the review of Rezoning request #121 and the STAFF/FILE REVIEW, the Planning Commission recommends approval of Rezoning #121 to the Township Board to rezone said property from R-3 to PUBLIC LANDS.

Aye 5, Nay 0. Motion approved unanimously.

Madeleine Zimmerman (**pubic comment**) questioned the use of alcohol at the Community Center. This is an important issue to be discussed. She is on the Fair Board, and it is a big issue.

B. CONSIDER PRIVATE ROAD #17 – MARY LOU SHIMON – SHIMON TRAIL

Doug Riley showed the Commissioners overheads regarding the Shimon property, stating that Mary Lou Shimon's west 20 acres has been rezoned RR-2, and the back 20 acres is zoned R-P. In April the Zoning Board of Appeals granted her the variance for the garage which is located within the 66' required roadway. To build a new home, she needs to have this private road approval. She also needed an easement from the neighbor to the south, Mr. Hendrickson. Doug Riley noted that a letter from Mr. Hendrickson is included in their packet with his approval.

Doug Riley noted that a name has to be given to the extension. Two suggestions were Shimon Circle or Shimon Trail. The commission discussed the naming of the extension. It was suggested that it be called Shimon Court, the same as the rest of the road. Doug Riley noted that the Township usually names the private section of streets differently. The Marquette County Road Commission will be asked if they have any objections to having it named Shimon Court.

Mary Lou Shimon explained to the commission that she has already taken many steps to get to this point, and has been given many conditions. She would like to build a house, and will spend the extra money for the road if she is able to build.

Steve Kinnunen Moved, Ken Tabor Seconded that after review of Private Road request #17; the standards of Section 402 D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DADA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) **A covenant be established on the deeds for any parcel created off from this private road identifying the private road status and which reference the Private Road Easement and a maintenance agreement which must be fully executed.**
- 2) **The applicant is required to provide certification from a surveyor/engineer that the private road standards of the Ordinance have been achieved at the conclusion of construction.**
- 3) **A zoning compliance permit shall be issued after all of the above conditions are met.**

Aye 5, Nay 0.

Motion Approved. This will be forwarded to the Board.

C. JUNK & JUNK VEHICLE ORDINANCE/ENFORCEMENT

Doug Riley indicated that staff was approached by a citizen that is probably going to circulate a petition requesting the Township to increase its junk and junk vehicle enforcement efforts. This person also requested the review of our junk vehicle ordinance to address some problems. The Ordinance Amendment Sub-Committee has initially discussed this.

Doug Riley noted that the ordinance is confusing. What has been discussed is the need to have a limit on the number of junk cars that can be stored in an area. At this time junk vehicles must be fenced/screened in, but the Ordinance does not limit the amount. Therefore, a junkyard situation can result. The Planning Commission will review the Ordinance in the future.

The issue of the Township expanding its spring clean up program to help people get rid of their junk was also discussed.

This is just a heads up. This issue will be discussed at a future meeting.

D. COMMERCIAL VEHICLE INFORMATION

Bill Kimmes asked the Commissioners what he would be able to do with his commercial vehicles if the Township/Zoning Administrator cracks down on commercial vehicle parking in residential zones?

Doug Riley noted that in cases where a home occupation approval was not obtained, commercial vehicles could be parked in C-3 zones, and that maybe a C-3 site could be developed to accommodate this need. The Township was not prohibiting anyone from parking a commercial vehicle that they drive home from work.

Bill Kimmes noted that he had received a letter from the Zoning Administrator stating that 313 Fernwood was not authorized for commercial vehicle parking use, and that the Zoning administrator suggested to him that he apply for a home occupation permit. Bill Kimmes feels that he does not run a business out of his home, and does not think he should have to apply for a home occupation permit.

Bill Sanders noted that the Township has issued two tickets in the last 20 years for commercial vehicle parking in residential districts. They were issued because they were operating out of area not zoned business and greatly exceeded customary commercial vehicle parking.

Doug Riley stated that the Zoning Board of Appeals is still reviewing this issue.

Bill Sanders feels that driving home a business vehicle is certainly not an issue.

Doug Riley mentioned that with home occupation approval, business vehicles and equipment is authorized if screened. Of course, this requires Zoning Board of Appeals review.

Bill Kimmes stated that he is confused. If he applies for a home occupation permit, is he then in part saying that he runs a business out of his home? And what if he is turned down by the Zoning Board of Appeals or has restrictions put on? Garage sizes are limited by the zoning ordinance, can he build it big enough? He is confused by what he hears on the street.

Bill Kimmes asked if the Planning Commission could give him a letter.

John Smith (**public comment**) said that in the Bob LaJuenesse's court case, he feels the judge went beyond what he should have. Bob LaJuenesse was ordered to remove personal items (vehicles).

Ken Tabor noted that it was not the intention of the Board not to let residents drive business vehicles home.

Bill Kimmes (**public comment**) questioned if he does file for a home occupation, will he be categorized? He is concerned about if he parks his business vehicles at his residence, that he will be ticketed and have to spend thousands of dollars to go to court.

Doug Riley stated that the Zoning Administrator determines this issue. If you do not agree with the Zoning Administrator, you can appeal to the Zoning Board of Appeals.

Bill Sanders noted that the Commissioners appreciate the questions. He noted that continued review of this issue will continue with the Planning Commission and the Ordinance Amendment Sub-Committee following the Court Cases and ZBA ruling. He asked Mr. Kimmes to stay involved and get the facts from the Township and not the “word of the streets.”

Steve Kinnunen agreed, and again mentioned to get the facts from the Township office, and not take the “word of the street” as fact.

V. SUB-COMMITTEE REPORTS

A. RECREATION SUB-COMMITTEE

Lee Snooks reported that the business class at Northern Michigan University did a great job on the Recreation Survey. They sent out 1500 random surveys and received about 450 back for the tabulation. In total about 500 came back, but many came back too late to be tabulated. This recreation survey will be used in developing the Recreation Update for 2003, which is used for grant requests.

Steve Kinnunen asked about the many comments on the marina.

Lee Snooks stated that the way the marina is situated, it is impossible to dredge to Lake Superior, since the sand fills in that area each year. The marina is not made for larger boats entering Lake Superior. It is just not financially feasible.

B. ORDINANCE AMENDMENT SUB-COMMITTEE

Doug Riley mentioned that the committee is reviewing the junk vehicle ordinance. He said the committee is made up of three people, they meet when it is convenient for the three. The meeting agendas are posted on the Township bulletin boards at the Township Hall. This Committee does not constitute a quorum of the Planning Commission. They are a working group that makes recommendations to the Planning Commission.

VI. PLANNING DIRECTOR’S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley reported on the corridor plan issue. Ideas are being put on paper at this time, and will be reviewed in the future.

Doug Riley noted that the Speed Limit Bill has been vetoed. But another bill has been introduced pretty much to do the same thing. It involves having a pilot program in six counties. Marquette County is one of them.

At a recent Regular Board Meeting a few people requested to have the Township Board meetings televised and for the Township to pay for the cost. The Board discussed the possibility, and were unsure if they should spend tax payers money for it. A decision was made to do a survey to see if the residents of Chocolay would support the cost of televising these meetings.

There will be a metal pick-up at curbside beginning on May 25th at 7:00 A.M. for all residents.

VII. PUBLIC COMMENT

John Smith said that in the 1976 Open Meetings Act, Section 16.265 states that all public meetings must be posted within 10 days of the 1st meeting. He felt that the Ordinance Amendment Committee has not complied with this.

Bill Sanders stated that if we are doing something wrong, we will have it rectified.

Tom Shaw stated that he hears the talk on the street everyday, and there are statements made that are not true. He wants to tell everyone to come to meetings or go to the Township and talk with the person in charge of the issue to get the facts and not listen to the talk on the street.

John Smith stated that it would be perceived that the Planning Commission added the commercial vehicle discussion to this meeting agenda without it being appropriately posted on the agenda.

Bill Sanders stated that a member of the public requested information, and he felt it was important to give him facts, and clarify some incorrect information the resident had received from other people. Bill Sanders asked Lee Blondeau and John Smith to inform others that this addition to the agenda was not improperly squeezed in and to please call him directly if they have concerns. Sanders felt it was appropriate to answer his questions at this meeting.

John Smith was filming the meeting, and said it was on camera. He mentioned that he felt the Board should pay for televising the meetings.

VIII. COMMISSIONERS COMMENT

Estelle DeVooght asked if anyone knew why airplanes were flying low near her home?

Doug Riley said the County was doing a study in a 3-mile radius of KI Sawyer.

IX. ADJOURNMENT

Bill Sanders adjourned the meeting at 9:17 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
June 3, 2002

PRESENT: **Commissioners:** Bill Sanders, Ken Tabor, Tom Shaw, Estelle DeVooght, Mike LaPointe and Steve Kinnunen.

ABSENT: Scott Emerson

OTHERS: Lee Snooks, Grants and Recreation Director, and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER/ROLL CALL

Chair Bill Sanders called the Public Hearing to order at 7:31 PM.

II. PUBLIC HEARINGS None

III. APPROVAL OF THE MEETING MINUTES

Ken Tabor Motioned, Tom Shaw Seconded that the May 13, 2002 Minutes be approved as presented.

Aye 6, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen Moved, Estelle DeVooght Seconded that the Agenda be approved as presented.

Aye 6, Nay 0. Motion approved.

V. PUBLIC COMMENT None

Chair Sanders closed the Public Comment at 7:35 P.M.

VI. NEW BUSINESS

A. CONSIDER – PRELIMINARY PLAN FOR CHOCOLAY WOODS – PROPOSED SITE CONDOMINIUM

Glen Van Neste handed out a map with additional information added to the map given to the commissioners in their packets. He noted that this area was located off M-28 (Wintergreen and Autumn Trail).

Bill Sanders stated that the preliminary review was straightforward.

Glan Van Neste gave a brief description of a site condo. He said in Marquette they have Lakeshore Park Place, where condominiums have been developed. They just own the interior of the building. Here in Chocoday they own the land, it looks much like a subdivision with the shaded area on the map to be common land and a walkway, all owned by the association. Units 1 & 2 are detached from the rest of the area. All the owners must sign a road agreement.

Bill Sanders noted Mark Maki, the Assessor, says there are no more allowable splits. Estelle DeVooght said she felt the flood plain goes further than shown.

LaPointe Moved, Tabor Seconded that the Planning Commission approve the Preliminary Plan for the Chocoday Woods Proposed Site Condominium and forward it to the Township Board with the following conditions:

- 1) That the development comply with the submittal requirements of Section 525 of Zoning Ordinance 60 and Condominium Act 59 for the Final Condominium Plans.**
 - 2) That the lots may need adjustment to comply with lot size requirements as determined by the Zoning Administrator.**
- Aye 6, Nay 0. Motion carried.**

It will now go to the Board. They meet on June 17, 2002.

B. ANNUAL ELECTION OF OFFICERS

Estelle DeVooght Moved, Tom Shaw Seconded that the Planning Commission keep the same officers as last year as follows:

**Chairperson: Bill Sanders
Vice Chairperson: Mike LaPointe
Secretary: Estelle DeVooght
Vice-Secretary: Steve Kinnunen
Aye 6, Nay 0. Motion Carried.**

C. CONSIDER – 2001 ANNUAL REPORT

Bill Sanders noted looking at the annual report that a lot of work was accomplished. There was a short discussion by the commissioners. Bill Sanders said the 2001 Annual Report would be given to the Board.

D. REVIEW/DISCUSS – PLANNING COMMISSION BY-LAWS

Bill Sanders noted that a 15-day commission notice would have to be made if any changes were made. He noted that the Planning Commissioners adhere to the policy, and he feels that it should even be tightened up now. Discussion centered on the public participation policy the Board recently put in place.

Ken Tabor stated that at some meetings the public comes in and takes over the discussion. We have a need to implement a time limit. The public should only speak if the Chairperson instructs them to speak.

Tom Shaw agreed that the time limit should be watched carefully.

Steve Kinnunen stated that the guidelines are in place if a meeting gets out of hand, and control is needed. He has seen the public speaking when there is a motion on the floor.

Mike LaPointe noted that he attends many meetings and they must be strict or the board would not get any work accomplished. We must use common sense in running a meeting. LaPointe suggested we attach “rules to speak” to the agenda.

Bill Sanders said it may be frustrating for the public, and at times it would be appropriate to let the public speak. We need to be flexible, but have control. We will ask Doug Riley to help with the implementation.

VII. SUB-COMMITTEE REPORTS

A. RECREATION SUB-COMMITTEE

Lee Snooks asked for guidance regarding the Recreation Committee status. The Recreation Committee has lost steam. It was an ad hoc committee for a special project, and at this time nothing is really happening. Attendance is low, they have no power to make decisions, and he feels there is a lack of interest. They have almost completed the Beaver Grove area, updated the recreation plan. There is no formal chairperson. Lee Snooks asked the Planning Commission for direction.

Steve Kinnunen stated that because of the Recreation Committee existing, the Township has received grants that we may not have otherwise received. He feels it should stay intact as a committee, and just meet when necessary.

Bill Sanders felt that since Lee Snooks has taken the new position, he thinks we could recall the recreation committee as is. If needed in the future, still under the Planning Commission, a group can be called to work on special projects. It does not have to be the same group, it can be a group that has a interest in the project.

Lee Snooks stated that he would like to work on valuable issues, right now it is slow, and there are no projects to work on. The Beaver Grove area is almost completed, the recreation report just needs to be published. He stated that the

members involved right now are very busy people and he is having a hard time getting more than a couple people to make it to a meeting.

Steve Kinnunen said with the community center opening shortly, we may have more recreational activities available. He would like to see more community members getting involved to make things happen. He is concerned with the millage, he hopes the community will support a children and senior citizens center.

Bill Sanders does not feel the committee should be dissolved. It is an ad hoc committee anyway, if needed just a couple of members could be called for a meeting.

Lee Snooks stated that the Community Center Committee is for inside activities, the outdoor activities are for the recreation committee. Don Britton is on both committees.

Ken Tabor felt it should be continued, but only call meetings when Lee Snooks feels it is necessary.

Mike LaPointe noted that he was on the committee, but it was a bad day for him to make the meetings.

Bill Sanders said to dissolve the committee as is, and call a group of interested people when a mission comes up. Then those people will be more involved, and that way different people in the community can get involved.

Steve Kinnunen noted that he does not want the community to feel that we are dropping plans for recreation. If anyone has recreation concerns they should see Lee Snooks.

Lee Snooks also noted that the Brower's Stewardship Plan is now available.

Mike LaPointe asked Lee Snooks if we got the turn-out dune restoration money? Lee said that the DEQ is trying to find money now for coastal restoration. He wanted to know what kind of timeframe we are looking at? Lee Snooks said it would probably be next season, if approved this month. Mike LaPointe noted that he would like to be involved.

Steve Kinnunen said he has contacted Christy Fox, from Land Management in Lansing. He said this organization was very happy that our Board accepted the dune ordinance, and they would like the Township to send them information regarding the ordinance.

B. ORDINANCE AMENDMENT SUB-COMMITTEE

Bill Sanders stated that there was a question brought up about posting the meeting. The meetings are posted on the bulletin board near the front door of the Township office.

VIII. PLANNING DIRECTOR'S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley was not in attendance, so there was no report.

IX. PUBLIC COMMENT None.

X. COMMISSIONERS COMMENT

Tom Shaw asked about when the Special Meeting could be held for the Dune Application? The Commissioners discussed dates and times. Lee Snooks suggested using the Teachers' Lounge at the Silver Creek School, since the Township meeting room was being used almost every night. The meeting would be to review the request only, and would be no longer than one hour. It was decided that June 13th, at the Silver Creek

School Teachers' Lounge would work for everyone at 6:00 P.M. Lee will check with the school for confirmation.

Mike LaPointe stated that everyone should take a ride and check out the Greenbay Street/Lakewood Lane River Access Project. He noted that it looks very good. He said he has had comments from residents suggesting handrails be installed on the steps.

Steve Kinnunen noted that it is a big improvement. He wants everyone going there to check out the dirt washing into the river from the bank near the north side of the bridge. He suggested filling in with rock, like the area near Cherry Creek area to stop the erosion.

Tom Shaw noted there are washouts near the Bayshore Vet Clinic near the sewer manholes.

Estelle DeVooght brought up the letter that was enclosed in the packets regarding Savola's property. She asked what Chocolay Township could do to clean up the mess? Tom Shaw stated that it was all in Sands Township and Marquette City, and they don't care. They feel it is someone else's responsibility. People think it belongs to Chocolay Township and make comments regarding their feelings toward the project.

Steve Kinnunen noted that the Michigan State Extension Service was having a class on understanding ordinances. It was a 40-hour class. He went to one in Marquette, which was only one day, but he felt it was very informative. It showed how people can maneuver around ordinances, and how agencies (townships) can be in control. For example, Marquette City had no tower ordinance in effect, so there was no ruling against what they did.

Tom Shaw mentioned that Northern Michigan Landbrokers opened up the road from 553 to Silver Creek Road. The area of 148 acres was rezoned residential from forest. This may cause a large increase in traffic along Silver Creek Road. US 41 and Silver Creek is a bad intersection, and Silver Creek Road is too narrow for increased traffic.

Mike LaPointe noted that secondary homes were on a rise in this area. Steve Kinnunen stated that development usually follows water. His thoughts were that it could be good for the Silver Creek Road residents to have another way to exit.

Ken Tabor said we should coordinate and work with Sands Township. Bill Sanders noted that Sands does not have a full time staff, which makes it harder for them.

Steve Kinnunen suggested the Planning Commission review the US 41 and Silver Creek intersection area. Silver Creek needs repair and with the added development it could cause an increase in through traffic.

Tom Shaw noted that you can now drive through the 80-foot wide flattened area.

Bill Sanders said that similar things happened in Traverse City with the traffic increase and road problems. We do not have that development pressure here, yet.

Steve Kinnunen said we should get our road requirements in place ahead of time.

Bill Sanders noted that new private roads are sprawl generators. Steve Kinnunen mentioned the Green Garden area, Vista Hills, and noted that a private road was created, and land splits were done.

Steve Kinnunen stated he had read in a magazine in the Township office regarding urban sprawl, and that MSU had a video available. Within the next ten years, tourism will be increased, and people will be buying up land and development will increase. We need to do some studying as we see it coming.

XI. ADJOURNMENT

Chair Sanders adjourned the meeting at 8:42 P.M.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION
SPECIAL MEETING
June 13, 2002**

PRESENT: Commissioners: Ken Tabor, Tom Shaw, Mike LaPointe and Steve Kinnunen.

ABSENT: Scott Emerson, Bill Sanders and Estelle DeVooght

OTHERS: Doug Riley, Director of Planning & Research and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER/ROLL CALL

Vice-Chair Mike LaPointe called the Public Hearing to order at 6:00 PM.

II. PUBLIC HEARINGS

A. Conditional Use #65 – Joe Gasper – 3003 M-28 East
Dune Overlay District Application

Doug Riley reported that letters were sent out to all neighboring residents within 300 feet and he heard from several. (Three noted comments relayed to the Commissioners). No one had any objection. Some noted they were appreciative of the notice.

Joe Gasper apologized for coming to the meeting in uniform, but he was just taking time off work and had to return after the meeting. He also thanked the commissioners for the quickness of taking care of his request, and for answering all of his questions. He noted that there were no changes in his plans from what was turned into the commissioners.

Mike LaPointe closed the Public Hearing at 6:05 P.M., and called the Special Meeting to order. He noted that Bill Sanders, Estelle DeVooght and Scott Emerson were absent.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor Moved, Tom Shaw Seconded that the Agenda be approved as presented. Aye 4, Nay 0. Motion approved.

IV. PUBLIC COMMENT None

V. OLD BUSINESS None

VI. NEW BUSINESS

A. CONSIDER – CONDITIONAL USE #65 – JOE GASPER – 3003 M-28 EAST – DUNE OVERLAY DISTRICT APPLICATION

Joe Gasper stated that he would not take any vegetation out except for what is needed for installing the foundation. They do want to clean up the dead trees. He will plant the dune grass as requested, and wants to leave the vegetation natural.

Mike LaPointe stated that he has been at the site and sees no problems.

Steve Kinnunen noted that Lake Superior is at a low level right now, and at some point it will rise, and by protecting the dune area Mr. Gasper will be thankful in the future. Protecting the dune is important.

Ken Tabor Moved, Tom Shaw Second that after review of Conditional Use request #65; the standards of Section 218 and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #65 with the following conditions:

- 1) That the disturbed areas of the foredune be rehabilitated with dune grass plantings at a rate of 1 clum (clump) per square foot of disturbed area following completion of the home construction.
- 2) That the applicant obtain a Zoning Compliance Permit from the Township Zoning Administrator.

It is also a suggestion by the Planning Commission that the applicant utilize some type of stairway or wood pathway system for his beach access in order to limit foot traffic erosion.

Aye 4, Nay 0. Motion Carried.

Mike LaPointe noted that this system seems to be working, the neighbors appreciate the notification, and it educates the property owner on dune protection.

VII. PLANNING DIRECTOR'S REPORT

Doug Riley reported that Mark Maki has given his retirement notice to the Board with a June 27, 2002 date. It will be considered at the Board Meeting on Monday, June 17, 2002. Mr. Maki has stated that he will help out part-time during the transition period through July.

Doug Riley thanked the commissioners for coming to this Special Meeting. Riley also feels that this system is working great. The responses from the neighbors involved are very positive. Every situation they get will be different, and it helps if the commissioners are able to go to the site and look at it firsthand.

Steve Kinnunen noted that this was a unique situation and the neighbors are in close proximity. There was some confusion with taking the measurements. He suggested implementing some extra wording on the application regarding measuring the area with the Zoning Administrator.

Doug Riley agreed that the application should be changed.

Tom Shaw stated that we need to have someone measuring who is familiar with the erosion hazard line, whether it be the Zoning Administrator or someone else. He said in time (high water level) they will be glad they have trees in front of the house.

VIII. PUBLIC COMMENT None.

IX. COMMISSIONERS COMMENT None

X. ADJOURNMENT

Vice-Chair LaPointe adjourned the meeting at 6:20 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

July 8, 2002

PRESENT: **Commissioners:** Bill Sanders, Ken Tabor, Tom Shaw, Estelle DeVooght, Mike LaPointe, Scott Emerson and Steve Kinnunen.

ABSENT: None

OTHERS: Doug Riley, Director of Planning and Research, Cathy Phelps, Recording Secretary, and Mark Maki, Zoning Administrator.

I. MEETING CALLED TO ORDER

Chair Bill Sanders called the meeting to order at 7:30 PM.

II. PUBLIC HEARINGS None

III. APPROVAL OF THE MEETING MINUTES

Estelle DeVooght Motioned, Ken Tabor Seconded that the June 3, 2002 Minutes be approved with the deletion of the second sentence in VIII Planning Director's Report. Aye 7, Nay 0. Motion approved.

Mike LaPointe Motioned, Ken Tabor Seconded that the June 13, 2002 Minutes be approved as presented. Aye 7, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen Moved, Scott Emerson Seconded that the agenda be approved as presented. Aye 7, Nay 0. Motion approved.

V. PUBLIC COMMENT None

VI. NEW BUSINESS

A. CONSIDER –CHOCOLAY WOODS – PROPOSED SITE CONDOMINIUM- FINAL PLAN

Mike LaPointe asked if the Health Department has been notified regarding having the project approved for suitability of the soils and groundwater supply? Scott Hubbard said they were contacted about a week to ten days ago. He asked if the Planning Commission would consider having a Special Meeting for them one they have the Health Department approval. Bill Sanders asked the Planning Commissioners if they would be available in two weeks or so? Scott Emerson said he would be out of town, Mike LaPointe said he would meet if we could work around everyone's schedules. Ken Tabor said he would be available.

Steve Kinnunen questioned the review by the Township Attorney. Doug Riley asked if the commissioners want to meet before or after the attorney reviews the Master Deed and By-Laws? It has not been sent to the attorney as of this date. He noted that it should only take three or four days for the attorney to review it. Bill Sanders noted that it does not matter to him if the attorney has reviewed it before the special meeting. Mike LaPointe and Ken Tabor also stated that it does not matter to them.

Bill Sanders said when Glen Van Neste and Scott Hubbard have everything ready then the Planning Commission would have a special meeting. Glen Van Neste asked why the Planning Commission will not act before getting the okay from the Health Department? The Planning Commission is only interested in the layout and setbacks, so why the wait? Bill Sanders noted because the Ordinance says we cannot act without their approval. Scott Emerson noted that it would be a waste of their time if they had a special meeting and then the Health Department turned it down. It has happened before, but he does not remember the exact case. Glen Van Neste wants them to see the developer's view. Steve Kinnunen noted that these lots were approved months ago. He asked why they waited in

going to the Health Department? Scott Hubbard noted that the Health Department has some new rules they must follow.

Bill Sanders questioned who would be responsible for the sewer system? Glen Van Neste said each site would have their own individual septic system. He asked if other issues could be discussed to get them out of the way?

Bill Sanders mentioned the setbacks and where measurements should be taken from.

Glen Van Neste noted unit #1 and the encroachment. He said this affected the owner and the developer, they have met. They will be adding a long, narrow triangle to the owners parcel. Van Neste noted that surveying had been done incorrectly at one time, and the owner may have measured from old flagging. Scott Emerson noted that he is confused by where the buildings are plotted. Doug Riley said the dotted lines are the setback lines and show where the buildings can be built.

Bill Sanders mentioned that the Township is working on down-lighting. He said Doug Riley or Denny Magadanz could give them the specifications on the new lights and suggested these be incorporated into the project. Scott Emerson explained that the lights along Ontario Street in Marquette Township were the types of lights Chocolay Township would like to see installed. He asked if all the utilities would be underground? Scott Hubbard said yes, they were underground.

Scott Emerson questioned if the commons area was the shaded area? He asked if there would be a 100-foot waterfront setback and a 30-foot buffer strip from the water's edge? He noted that he would like to see the flood plain be part of the common's area. Scott Hubbard said there is a large area of access to the Chocolay River that is the commons area. Doug Riley noted that this is the first time we have worked with a site condo under our new regulations. We need to look at the Ordinance and what additions need to be made for site condos and common areas. He encourages the review along with cluster zoning. Bill Sanders said that it is up to the developer to decide how he wants the commons area used. It is his choice. He asked Scott Hubbard why he is choosing dusk to dawn lighting? He noted that Chocolay Township is trying to cut down on light pollution. He noted that he lives where there are few lights, and during the recent meteor shower, he was able to see it clearly. Scott Hubbard noted that his reasoning was that there are lots of kids out after dark. He said Alger Delta will install the lights, rather than putting in the more expensive types. Bill Sanders said the problem with them is that you cannot turn them off when not needed. Scott Hubbard agreed and said he understood. Scott Emerson suggested checking out the new lights, they look very nice, and are not glaring.

Bill Sanders questioned time-sharing and leases. He wondered if would be like a Bed and Breakfast arrangement? Doug Riley noted that the Condo Act required that this language must be included. Scott Hubbard said they are individual, single-family homes only.

Bill Sanders brought up the special meeting again. Doug Riley asked how long it would take for the Health Department to approve it? Scott Hubbard did not know how long it would take. Doug Riley noted that changing the meeting time might be an option also. Bill Sanders suggested either July 25th or the 29th at 5:30 at the Township Hall or at the Community Center.

B. CONSIDER – ANNUAL ROAD RANKINGS

Doug Riley noted that he and Denny Magadanz traveled about 100 miles looking at roads. Bill Sanders noted that the Green Garden/Greenfield Road project should be done at the same time as the Green Garden bridge replacement, unless the Planning Commission decides other roads are more important. This opportunity can save the Township money by piggybacking projects. Scott Emerson feels that West Main Street is in need of repair. Bill Sanders also noted that County Road 545 is in bad shape. Doug Riley noted that it is a high priority for the County and they get Federal Funds for it as it is a County Primary Road.

Mike LaPointe asked how far can we go with the Township match? If we did the piggybacking of Greenfield/Green Garden and Green Garden bridge, would that use all

of our funds? Denny Magadanz noted that it would be a big portion of the funds. Greenfield Road to Mangum Road is in terrible shape, and it would be a big savings if they were done at the same time. Mike LaPointe said it makes sense, and will save the Township money in the long run. He asked if we could do another project also (West Main Street)? Doug Riley said we can make the request. He noted that Denny Magadanz has all the preliminary numbers in his office. Scott Emerson suggested changing Green Garden to #1, and West Main to #2.

Bill Sanders suggested leaving them as is, and make the recommendation to the Board to do Greenfield/Green Garden roads along with the bridge if there is a significant cost savings.

Tom Shaw noted that Silver Creek and West Main are both narrow and bumpy. They are both high traffic roads.

Scott Emerson Motioned, Ken Tabor Seconded that the Planning Commission approves the road ranking for the 2003 budget as submitted with West Main Street having the top priority, unless Green Garden Road and Greenfield Road can be coordinated with the bridge replacement and significant cost savings can be realized, then this project would get first priority.

Aye 7, Nay 0. Motion approved.

C. CONSIDER – 2003 PLANNING COMMISSION BUDGET

Doug Riley noted that under the Professional Services category, the \$1,000 should be changed to \$3,000. All agreed raising it to \$3,000.00.

Scott Emerson noted that they have not been paid for sub-committee meetings. If it can be only one or the other, he would rather see the money used for professional services.

Bill Sanders asked if the GIS amount of \$750.00 was sufficient? Doug said yes, that there was a lot of help with that from CUPPAD. There was discussion regarding training courses and conference fees. Bill Sanders asked if we need more training to be able to use it? Steve Kinnunen and Bill Sanders suggested we raise it to \$1,000.00.

Doug Riley questioned the members regarding raising Publications and Memberships. Bill Sanders asked for recommendations of changing educational magazines. Doug Riley suggested the *Planning and Zoning News* instead of the *Michigan Planner*. Steve Kinnunen also recommended it, stating they had some great articles regarding junkyards and urban sprawl recently. Scott Emerson noted that one publication would be enough. Scott Emerson would like to see a pamphlet made up to preserve green areas. We could give them to developers, and it would be part of the educational process for all involved. They discussed and decided to increase Publications from \$150 to \$500 in order to obtain the *Planning and Zoning News*.

Aye 7, Nay 0. Motion approved.

VII. THANK YOU TO MARK MAKI

RESOLUTION

WHEREAS, Mark Maki has served the citizens of Chocolay Township for over 27 years in the capacities of Assessor, Director of Land Use Management and Zoning Administrator; and

WHEREAS, Mark Maki has been instrumental in the planning and zoning efforts of the Township while performing these duties and with his service as staff liaison to the Planning Commission for 14 years and to the Zoning Board of Appeals for 25 years; and

WHEREAS, Mark Maki was instrumental in completing the Township's Comprehensive Plan, Zoning Ordinance and numerous other planning documents and ordinances; and

WHEREAS, Mark Maki has also served on various Planning Committees such as the Ad Hoc Trails Committee and the Marquette County Planning Commission and Construction Board of Appeals; and

WHEREAS, the Chocolay Township Planning Commission extends to Mark Maki its sincere gratitude for his serving the Township faithfully and well and offers its heartfelt thanks for helping to improve the Chocolay Township Community.

THEREFORE, BE IT HEREBY RESOLVED, That this resolution of appreciation be presented to Mark Maki for his years of dedicated service to Chocolay Township.

All members of the Planning Commission signed the Resolution, and presented it to Mark Maki.

Bill Sanders presented the resolution in a frame to Mark Maki. He thanked Mark Maki, and noted how the Township appreciates all the work he has put in to keep this community a wonderful place to live.

Scott Emerson noted that being a zoning administrator is a tough job and can cause a lot of animosity towards you. He thanked Mark Maki for being so gracious under all that pressure. We will have some big shoes to fill now that Mark Maki is leaving. Scott Emerson stated that Mark Maki has had a powerful voice and hopes that Mark will continue to sound off that voice as a citizen of Chocolay Township.

Steve Kinnunen asked Mark Maki if he would be available if the Township needed to call on him. Mark said he would be available.

Mike LaPointe noted that it is a hard job, and you don't make many friends in the process

Mark Maki thanked the Planning Commission for their comments and the presentation. He noted that there is lots of work, and thanked the members of the Zoning Board of Appeals and the Planning Commission members for working with him. The Township needed a new plan back in the 60's and 70's. At that time many people worked to set down the foundation. They fought the earliest battles. Maki feels this is the nicest Township to live in and property values have risen. He has been given a great opportunity, and had to take advantage of it. The 27 years working for Chocolay Township has gone by very fast.

VIII. SUB-COMMITTEE REPORTS None

IX. PLANNING DIRECTOR'S REPORT

Doug Riley mentioned that at the next meeting we will discuss the guidelines for public participation at public meetings.

X. PUBLIC COMMENT None

XI. COMMISSIONER COMMENT

Mike LaPointe asked if the complaints that were brought up in court, noted in the Zoning Board of Appeals Minutes for June, had been followed up on and letters sent out?

Mark Maki said there were four or five complaints brought up as part of the defense in the court case. Some letters have gone out regarding the complaints, some had no merit, and he sent a few letters of inquiry.

XII. INFORMATIONAL ITEMS

Scott Emerson asked Mike LaPointe questions regarding indicators of pollutants to local waters.

XIII. ADJOURNMENT

Chair Sanders adjourned the meeting at 8:40 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
AUGUST 12, 2002

Present: Commissioners: Bill Sanders, Ken Tabor, Estelle DeVooght, Mike LaPointe, Scott Emerson and Steve Kinnunen

Absent: Tom Shaw

Others: Doug Riley, Director of Planning and Research

I. MEETING CALLED TO ORDER

Chairperson Sanders called the meeting to order at 7:33 p.m.

II. PUBLIC HEARINGS

Rezoning #122 - Wotring - M-28 East, west of Dana Lane - R-1 to C-3

Chairperson Sanders opened the public hearing at 7:33 p.m.

Planning Director Riley gave a brief overview of the proposed rezoning request. The request is to rezone four (4) vacant acres from R-1 (Residential) to C-3 (Commercial/Light Industrial). This property is located on the south side of M-28 between Timbercrest Nursery and Dana Lane. Planning Director Riley reviewed the map of the area noting the surrounding zoning and land uses. The applicant has indicated that he is seeking the C-3 zoning in order to construct mini-warehousing on the parcel, however, Planning Director Riley cautioned that the Township cannot condition a rezoning on a specific land use but that if the property is rezoned it would be eligible for any permitted C-3 uses.

Roger Wotring - (Applicant) - E-813 Hwy. M-28 - gave a lengthy presentation on his rezoning request. Mr. Wotring provided the rationale for his request and stated that his only interest in the parcel was for mini-warehousing. In order to demonstrate this he has also already submitted a conditional use application for mini-warehousing. Mr. Wotring presented a map showing the buffers he would leave to the adjoining residential neighborhood and a poster containing reasons why he believes the Planning Commission should recommend approval of his request. Mr. Wotring explained the improvements that he has made to his existing business in Deerton named Roger's Classic Cars. He stated that this proposed business will not be an eyesore. Mr. Wotring read from a handout he provided the Planning Commissioners and referred to the Planning Commission portion of the Township's website and their obligations as referenced there. Mr. Wotring also read the intent section of the R-1 District and indicated that he would even be in compliance with this. There would be no pollutants allowed on the property.

Mr. Wotring indicated that if he does anything other than mini-warehousing on the property, he would deed the property over to the Township.

Mr. Wotring reviewed his arguments for approval as contained on his poster which stated:

- Clean up property to compliment area.
- Preservation of trees on east property line.
- Privacy fencing - Colored green.
- Front entry gate with pass card security system.
- Very minimal traffic.
- No pollutants.
- On-site retention ponds.
- Night motion lighting - Defused away from residential properties.
- No septic or ground water usage.

Mr. Wotring read the recommendation from Planning Director Riley's memorandum and thought it was unfair that he recommended denial.

Charles Hudson - 104 Dana Lane - Mr. Hudson indicated that he has lived here for 23 years and previously cleaned up this property. He is 100% against the proposed rezoning. It is right behind his home and there is no buffer. He believes Mr. Wotring's business in

Deerton is an eyesore. Indicated that there is already enough noise and disruptions to the Dana Lane neighborhood.

Gordon Uren - 116 Dana Lane - Mr. Uren indicated that his property abuts the property in question. He is opposed to the request because he fears the applicant will do exactly as he proposes. Fencing does not screen. There would be no monitoring or regulating. There would be noise and lights 24 hours a day. He does not feel it would be in compliance with the Comprehensive Plan or the Zoning Ordinance. The second scenario is what if the applicant does not do what he says? Once it is zoned C-3 it is C-3 and can be used for many other uses. The Township can not contract zone. Mr. Uren presented photographs taken of other existing C-3 Districts and all of the photos were taken from R-1 District properties. All of these uses and outdoor storage would be permitted. Mr. Uren indicated that he had lived at his residence for 25 years. Most of the commercial in the area was not there, or has changed, since he moved there. Who knows what else might come to this property five to ten years in the future.

Bob Harrington - 1467 E. M-28 - Mr. Harrington indicated that he has lived here 29 years. He is concerned with the vehicle traffic. He lives straight across M-28 from the property and headlights would hit his house. Regardless of what is proposed now, businesses change over time.

Kim Erickson - 120 Dana Lane - Mr. Erickson presented photos to the Planning Commission of other existing C-3 Districts. This property can be sold or used differently than from what is proposed. He witnessed a meteor shower the other night and he could lose this ability if additional lighting is proposed on this property. This is really a quality of life issue.

Dale Ollila - 105 Dana Lane - Against the rezoning for the reasons given.

Paul Fleischman - 112 Dana Lane - Mr. Fleischman indicated that he just bought his property and would not have bought it if he had known this property would be rezoned to C-3.

Barbara Glass - 101 Dane Lane - Against rezoning.

Cecilia Fleischman - 111 Dana Lane - Ms. Fleischman indicated that she just bought her home and would not have bought it if she had known this property may go to C-3. Concerned about her property value.

William Beckman - (Property Owner) - 1719 Woodland, Marquette - Mr. Beckman indicated that it appears that all of the adjoining property owners want him to leave this property as is in order to protect theirs. There are still laws of review even if the property is rezoned. It certainly is not fair that he has to leave his trees.

With no further public comment, Chairperson Sanders closed the public hearing at 8:22 p.m.

Conditional Use #60A - Silta - Mini-Warehousing - Corner of US-41 and S. Big Creek - Request for amendment of original approval.

Chairperson Sanders opened the public hearing at 8:23 p.m.

Christal Silta (Applicant) gave a brief overview of her request to amend her original conditional use permit. She believes this new proposal is much more desirable because the buildings are away from the residential.

With no further public comment, Chairperson Sanders closed the public hearing at 8:26 p.m.

III. APPROVAL OF THE MEETING MINUTES

Estelle DeVooght moved, Ken Tabor seconded that the July 8, 2002 Minutes be approved as presented.
Aye 6, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Mike LaPointe seconded that the agenda be approved as presented. Aye 6, Nay 0. Motion approved.

V. PUBLIC COMMENT None

VI. OLD BUSINESS

A. CONSIDER –CHOCOLAY WOODS – PROPOSED SITE CONDOMINIUM- FINAL PLAN

Planning Director Riley indicated that Mr. Hubbard had obtained Health Department approval of the proposed Site Condominium project. The Township Attorney has also reviewed the project and his comments were forwarded to the Planning Commission. That review did not discover anything really new but indicated the items that needed to be addressed prior to final approval of the project by the Township Board.

Scott Emerson moved, Ken Tabor second, that the Planning Commission approve the final site condominium plan for Chocolay Woods with the following conditions:

- 1) That the developer address the points contained in the Township Attorney's letter of July 29, 2002, prior to Board approval of the Final Plan.
- 2) That the developer amend the By-Laws to encourage/require downward directed shielded dusk to dawn lights.

Aye 5, Nay 1, Motion Approved.

B. CONSIDER – AMENDMENT TO BY-LAWS - ADDITION OF PUBLIC PARTICIPATION POLICY (Handout for meetings)

Chairperson Sanders explained the rationale for the public participation policy and the need to make the rules clear and available to the public. Emerson indicated that these policies were largely a written document outlining the way meetings have been conducted by the Planning Commission. The key is to make them available as a handout, along with the agendas, for the meetings.

Ken Tabor moved, Steve Kinnunen second, that the Planning Commission amend Article XI (Rules of Order) of the Planning Commission By-Laws to add the attached Public Participation Policy which will be utilized for future meetings.

Aye 6, Nay 0. Motion Approved.

VII. NEW BUSINESS

A. Rezoning #122 - Wotring - M-28 East, west of Dana Lane - R-1 to C-3

Chairperson Sanders thanked Mr. Wotring for his presentation. He also stated that he does not doubt his stated intent for what he desires to construct on his property. However, Michigan law does not allow contract zoning, it is illegal and the Planning Commission must look at all allowed uses on the property. Stated that he believes that some of the permitted C-3 uses are not compatible to the residential abutting this property.

At the request of the Planning Commission, Planning Director Riley reviewed the Township Comprehensive Plan Decision Map and explained the overlay category of properties designated for "Intensive Use" and read page 140 of the Comprehensive Plan.

Steve Kinnunen moved, Mike LaPointe second, that following the review of Rezoning request #122, and the Staff/File Review, the Planning Commission recommends DENIAL of Rezoning #122 to the Township Board to rezone said property from R-1 to C-3 due to:

- 1) It would be contrary to the guidelines of the Comprehensive Plan.
- 2) The rezoning would allow light industrial in very close proximity to the existing residential development to the east.

3) The property can be reasonably utilized under the existing R-1 zoning.

Aye 6, Nay 0. Motion Passed

Scott Emerson indicated that a lot of very valid points have been made and he likes a lot of what Mr. Wotring proposes. We also need to give due consideration to the residents that live in this neighborhood 24/7. It is too bad that there is not some other alternative. If he lived in that neighborhood, however, he probably would not feel it is appropriate either.

Sharon Wotring (Applicant) - Stated that other trees could be planted, perhaps hardwoods. It will be very secure. They would provide extra buffers. Someone could build a house on it and cut down all the trees.

William Beckman (Property Owner) - If he cuts all the trees down on the property, the residents will already have the view of C-3.

Chairperson Sanders called a 5 minute recess at 8:50 p.m.

Chairperson Sanders called the meeting back to order at 8:55 p.m.

B. Conditional Use #60A - Silta - Mini-Warehousing - Corner of US-41 and S. Big Creek - Request for amendment of original approval.

Planning Director Riley reviewed the proposed changes from the original plan. Staff's only concern was in regards to drive access to the property. Planning Director Riley met with MDOT's Chuck Lindstrom at the property and reviewed the drive alternatives. The two best scenarios are to either construct the drive access off from Big Creek Road or utilize the existing drive to the north in front of the Manthey property. This would result in no new access being constructed off from US-41.

Mike LaPointe moved, Bill Sanders second, that after review of Conditional Use request #60A and the standards of Section 701 and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #60A with the following conditions:

- 1) That any lanes providing access to storage doors be left with a 20' unobstructed area to allow customer access/maneuvering as well as for providing access for emergency vehicles.
- 2) That the applicant provide the Fire Department with a final set of building plans detailing the fire breaks within the buildings.
- 3) That the proposed security lighting shall be designed to reflect light downward and away from adjoining residential properties in accordance with the requirements of Section 500 of the Zoning Ordinance.
- 4) That drive access shall be off from S. Big Creek Road via a frontage road concept or shall utilize the existing drive on the parcel to the north as permitted by the Michigan Department of Transportation or the Marquette County Road Commission as applicable.
- 5) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

Bill Sanders asked to add a condition that the applicant submit the lighting fixture details for staff review against the Ordinance standards prior to placement. This additional condition was added to the motion.

Aye 6, Nay 0. Motion Passed.

C. Site Plan Review #02-1 - Parkway Motel - Renovation of Motel Site - Parking/Landscaping Modifications

Planning Director Riley provided a brief overview of the history of the project and why the site plan is now in front of the Planning Commission. Overall, staff is very pleased with the improvements to the property as part of the motel conversion to a Knights Inn franchise. There are three site plan elements that the Planning Commission is reviewing. The parking lot expansion, landscaping, lighting.

Scott Emerson indicated that he believes the changes that have been made are a positive addition to the US-41 commercial corridor. He also likes the idea of changing over all of the parking lot light fixtures to the new cut off style. Perhaps an agreement can be made to change over to the new style within 18 months.

Steve Wahlstrom (Applicant) - Stated that he could agree in principal to this but would need to know more of the details (costs, etc.).

Scott Emerson indicated that he was aware of some of the problems the large pines pose for buildings with falling limbs, etc.. Suggested the planting of some oak trees within some of the landscape areas.

Steve Wahlstrom indicated that he will do some more landscaping but it is a money issue at this point. He has a landscaping plan from Timbercrest that he would like to implement as money becomes available.

Bill Sanders suggested a condition that the lights should eventually change over.

Scott Emerson suggested changing over the new lights first.

Steve Wahlstrom stated that he would rather change over the old lights first since they were more visible.

Bill Sanders moved, Scott Emerson second, that after review of the standards of Section 504 and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Site Plan Review Request #02-1 with the following conditions:

- 1) No additional changes or expansions to the parking area are permitted without first going through site plan review.
- 2) No truck or vehicle parking other than what is ancillary to the motel or restaurant is permitted.
- 3) That the new parking lot lights will be converted within nine months.

Aye 6, Nay 0. Motion Passed.

VIII. SUB-COMMITTEE REPORTS: None

IX. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) Corridor Plan - Maps displayed on wall.
- 2) Cluster Zoning - Private Roads
- 3) Revenue Sharing
- 4) Community Center Millage
- 5) Letter from MDNR Director regarding railroad grade.

X. PUBLIC COMMENT

Roger Wotring asked the Planning Commission why he was not given a chance for rebuttal to the property owners comments? Why wasn't I recognized? This was not fair. Mr. Wotring indicated that residents are using the property now. He hopes Mr. Beckman now chops every tree down on the property. That's his right. Mr. Beckman cannot use his property for commercial or residential. Mr. Wotring indicated that he will file a formal complaint because he could not offer rebuttal during the meeting. There are no other C-3 parcels for sale. He reviewed the other C-3 parcels in the Township. Chocoy Township is not a progressive community as they proclaim. All of the property owner responses were picky. Why is the Planning Director and the Department of Transportation doing engineering for the other applicant? Indicated that his stuff and cars at his business are not junk. Why did the Planning Commission allow a medical waste facility at the Varvil Center?

Sharon Wotring again asked for the rationale for the denial and reviewed their arguments for the commercial rezoning.

XI. COMMISSIONER COMMENT

Chairperson Sanders asked Planning Director Riley whether Mr. Wotring had paid for a conditional use application, and if so, should it be refunded? Mr. Riley indicated that he had not paid the fee he only submitted the application.

Discussion ensued regarding the Community Center and the millage defeat. Chairperson Sanders recommended Planning members attend the Board meeting on the 19th where this item will be discussed.

XII. INFORMATIONAL ITEMS

XIII. ADJOURNMENT

Chairperson Sanders adjourned the meeting at 10:20 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
OCTOBER 14, 2002**

Present: Commissioners: Ken Tabor, Estelle DeVooght, Mike LaPointe, Scott Emerson and Steve Kinnunen

Absent: Bill Sanders and Tom Shaw

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration

I. MEETING CALLED TO ORDER

Vice-Chair LaPointe called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS : None

III. APPROVAL OF THE MEETING MINUTES

Steve Kinnunen moved, Ken Tabor second, that the August 12, 2002 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor moved, Steve Kinnunen second, that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT

Doug Riley read a letter dated October 7, 2002 from John Smith that was submitted to the Planning Commission that he requested be read during Public Comment. The letter pertained to contractor yards and commercial vehicle parking and complaints regarding the Township's handling of these issues.

Mark Maki, 370 Karen Road, Mr. Maki refuted several points made in Mr. Smith's letter regarding enforcement actions and costs. Mr. Maki also addressed additional zoning violations that still need to be addressed and that he would provide a list.

Cathy Peterson, 6341 US-41 South, Commented on Mr. Maki forgetfulness as related to his handling of her address for her home.

VI. OLD BUSINESS - None

VII. NEW BUSINESS

A. Presentation - Sam Ledebuhr - Eagle Scout Project - Brower Property

Sam Ledebuhr gave a 20 minute power point presentation on his Eagle Scout Project for the Brower property. Mr. Ledebuhr also presented a black bear informational display to the Planning Commission that will be put up on the Brower property.

The Planning Commission thanked Mr. Ledebuhr for all the hard work that he has completed in putting together a good plan for the Brower property. The Planning Commission complemented all those that were involved in this project.

B. Consider - Private Road Request #17 - Shimon - Waiver request to cul-de-sac requirement

Planning Director Riley gave a brief overview of Ms. Shimon's waiver request to reduce the standard cul-de-sac size as she can now only construct one home off the private road per the Zoning Board of Appeals condition. Therefore, the private road largely functions as a private driveway.

Ms. Shimon indicated that she proposes to construct a 40' x 40' gravel turnaround at the end of the road in place of the standard cul-de-sac.

Ken Tabor moved, Scott Emerson second, that the Planning Commission recommend approval of Ms. Shimon's cul-de-sac waiver request with the condition that the Fire Department comment on her proposal prior to Board action.

Aye 5, Nay 0, Motion Approved.

C. Update on DNR Planning Meeting for Railroad Grade

Scott Emerson gave the Planning Commission an update on the DNR's first "Advisory Committee" meeting regarding the Wisconsin Central Railroad grade that was held on October 10th. Mr. Emerson indicated that the meeting was not held in expected fashion according to the guidelines of the Michigan Trailways Act and the DNR's own promises. The advisory committee went into an "emergency mode" at the first meeting on the need for an East to West snowmobile route across the U.P.. The advisory committee made a quick vote to recommend that the grade through Chocolay Township be utilized as a snowmobile route yet this winter on a "test basis". This recommendation was made despite Mr. Emerson's objections as the representative from Chocolay Township on several grounds.

D. Update on Community Center

Lee Snooks gave the Planning Commission an update on the Community Center and the activities that are occurring. He also invited the Planning Commission to attend the public forum on the Community Center scheduled for Wednesday, October 23rd at 7:00 p.m.

E. Update on US-41 Corridor Plan

Planning Director Riley gave the Planning Commission a brief update on the Corridor Plan and the fact that U.P. Engineers and Architects has been selected to complete the mapping and design work based upon the two proposals that were submitted in response to the request for proposals. They will be working on the project over the next few months.

Cathy Peterson, 6341 US-41 South, expressed her concern that Planning Commissioner Bill Sanders works for U.P. Engineers and Architects and she believes this could be a conflict of interest.

Doug Riley indicated that Mr. Sanders would probably not be able to vote on the Corridor Plan decisions as a Planning Commission member while the project is being completed.

IX. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) Rezoning #122 - Wotring
- 2) Gibbs Well Testing
- 3) Street Lights
- 4) LaJuenesse Home Occupation Application to ZBA
- 5) Request for review of 300' notification requirement for rural areas

X. PUBLIC COMMENT - None

XI. COMMISSIONER COMMENT

The Commissioner's discussed sending out appropriate thank you letters to Sam Ledebuhr and all others involved in the Browers Property project.

XII. INFORMATIONAL ITEMS

XIII. ADJOURNMENT

Vice-Chair LaPointe adjourned the meeting at 9:00 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
DECEMBER 9, 2002**

Present: Commissioners: Ken Tabor, Estelle DeVooght, Mike LaPointe, Bill Sanders and Tom Shaw

Absent: Scott Emerson and Steve Kinnunen

Staff: Doug Riley, Director of Planning and Research, Randy Yelle, Zoning Administrator and Denny Magadanz, DPW Supervisor.

I. MEETING CALLED TO ORDER

Chair Sanders called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS: None

III. APPROVAL OF THE MEETING MINUTES

Ken Tabor moved, Mike LaPointe second, that the October 14, 2002 Minutes be approved as presented.
Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders noted that in New Business he asked to be excused as Chair as he is presenting the US 41 Corridor Plan. At this time Mike LaPointe will take over as Chair for the Planning Commission meeting.

Doug Riley asked the Planning Commissioners if they would prefer to move the Planning Commission meetings for 2003 from 7:30 to 7:00 P.M? They discussed the change and decided to leave it at 7:30 P.M. for 2003.

Mike LaPointe moved, Estelle DeVooght second, that the agenda be approved as presented and the 2003 meeting schedule remain at 7:30 P.M.
Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT

Bill Sanders asked if anyone wanted to reserve time, limited to 5 minutes, for any of the New Business items? John Smith asked for time to speak during (D) Joint Board/Planning Commission Meeting in January. John Sandin asked for time to speak during (C) Railroad Grade – Court Hearing.

VI. NEW BUSINESS

A. Presentation/Discuss – US 41 Corridor Plan

Mike LaPointe took over as Chair. Bill Sanders from UP Engineering presented the draft project plans for the US 41 Corridor. He stated that the reasons for looking at improving this corridor are safety, increase the capacity of the highway, aesthetics, and better snow removal. Bill Sanders explained the plans through the entire corridor. The primary focus would be on the left-hand turns, which are the main cause of car accidents in the Township. He stated they would have a five-year plan and a twenty-year plan. For the five-year plan, the north side of the highway 51 driveways would be reduced to 37. It would make this section of US 41 much safer. They are looking at developing a connecting road behind the businesses near the rock cut to make accessibility safer. Sanders also explained the possible frontage roads on the corner of US 41 and M-28. The MDOT highway engineer will review this plan for compliance before any further action is taken.

Tom Shaw asked about the width of the new projected corridor? Bill Sanders said the current width is 65' and the plans for the new road would be 105' at the widest section. Tom agrees with the plan to reduce left turns for safety reasons.

Doug Riley explained the conceptual plan is for twenty years, but UP Engineers were also asked to come up with a five-year plan. This plan will be forwarded to the County Road Commission and MDOT. Then the Township will look at the final draft and have a Public Hearing before considering adopting the plan. To get grant dollars, we must have a plan in place. It also helps us (the Township) as properties re-develop.

Mike LaPointe asked if MDOT would allow an access road within the right of way? Doug Riley said they could by going through a process.

Snow removal was discussed. Bill Sanders noted that we have good winter maintenance of the roads here, but as it is the center lane can be dangerous. With the boulevards it may be kept cleaner and safer.

Estelle DeVooght noted it would take longer to make these crossovers in comparison to just making a left turn. Bill Sanders said in making a left turn you have to wait for oncoming traffic, and in making a merge move with traffic it is much safer than crossing traffic.

Bill Kimmes stated that Marquette Township wishes they had some frontage roads connecting businesses. It is expensive to change the road system after the businesses have been developed.

Doug Riley noted that we are working closely with Marquette Township and MDOT as part of the Corridor Management Team. Doug Riley asked Lee Blondeau how this corridor plan would affect his trucking business? Lee Blondeau noted that it could be a traction problem for his trucks on the turns. He noted that frontage roads are the best solution and control on the number of access turns off the corridor.

Mike LaPointe thanked Bill Sanders for the presentation and said he thought we were off to a good start. Bill Sanders said any additional comments should go to Doug Riley before December 23rd. Doug Riley stated that he will give this information to Steve Kinnunen and Scott Emerson so they can comment before it goes to MDOT.

B. Introduction of New Zoning Administrator

Chair Bill Sanders introduced Randy Yelle as the new Zoning Administrator. Doug Riley noted that Randy has been working for about a month now, and was able to go to one Zoning Board of Appeals meeting. Randy Yelle is a good addition to the Township.

C. Update - Railroad Grade –Court Hearing

Doug Riley gave an update on the court hearing held Wednesday, December 4th. The Township requested a preliminary injunction, and the DNR was granted a week extension. On December 11th Judge Solka will make a decision. The Township presented a brief regarding local zoning. Testimony was given by Ivan Fende regarding other routes for the snowmobile trail, Mark Maki gave testimony regarding zoning and property values, and three other residents gave testimony regarding the nuisance elements. Doug Riley noted that the Michigan Townships Association may help us in this court matter as appropriate.

John Sandin stated there are 10 signs near his home for snowmobiles within a 800' span. He said it looks like a snowmobile freeway. This is in a residential area. He thinks it is ridiculous. We need to have some enforcement on our zoning laws. Can we propose speed bumps along the trail; after all automobile traffic has speed limits? It is not safe.

D. Joint Board/Planning Commission Meeting in January

John Smith stated that (1) Bob LaJeunesse, Jr. was not pleased regarding the motion approved by the Zoning Board of Appeals that the Township can give a short notice and show up to inspect his property. They could call at midnight and show up. If you own lots of land, you should be able to do anything you want with it. You should be able to park any vehicles as long as people cannot see them. (2) Regarding the complaints made during the trial; John Smith feels the person making the complaint should be made to sign their name. There may be a personal neighbor problem and people could make complaints without giving their name. Unless the Township gets two or three

complaints, he does not feel that action should be taken. John Smith does not like anonymous complaints. (3) Regarding Carlson Tree Service; the equipment has been moved to another site. The Township needs to discuss this issue with both the Board and the Planning Commission and come up with a solution. (4) There are many hard working business people in Chocolay, some have businesses like Mr. Kimmes and park their work vehicles at their homes. They should not have to have a home occupation permit.

The Planning Commission determined to suggest to the Board a joint Board /Planning Commission Meeting for January 13, 2003 at 7:30 P.M. It was suggested that the Township Supervisor and Planning Commission Chairman set the agenda.

E. Expanded public hearing notice requirement for certain zoning districts

Doug Riley explained that there was a suggestion from the Zoning Board of Appeals for the Planning Commission to discuss and decide on this issue. This would not include all zoning districts, only the large districts (e.g. RR-2). The current notice requirement is 300' and the proposed would include all properties within 600'.

Estelle DeVooght and Mike LaPointe disagree with expanding the notice requirement in the different zoning districts like RR-1. They think it should be left at 300'. All commissioners agreed.

VII. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) DEQ Coastal Management Grant was received.
- 2) Winter recreation – Denny Magadanz said the ski trail has been groomed and there are now hockey boards around the hockey rink at the Lions Field.
- 3) Randy Yelle's schedule is Tuesday and Thursday 9:00 A.M. to 3:00 P.M. plus some floating hours.

VIII. PUBLIC COMMENT - None

IX. COMMISSIONER COMMENT

Estelle DeVooght asked why Bob LaJeunesse, Jr. doesn't park his vehicles in his back parcel?

Lee Blondeau stated it is not right that the Township can inspect Bob LaJeunesse's property any time with a very short notice. Estelle DeVooght said as a farmer she lives with inspections done by numerous agencies without notice.

Bill Sanders said this was Zoning Board of Appeals decision and not the Planning Commission.

Lee Blondeau said the Zoning Board of Appeals was given a petition from all of Bob LaJeunesse's neighbors that parking of his commercial vehicles did not bother them. Bill Sanders noted that there is a process for all residents to go through with the Zoning Board of Appeals in approving a home occupation permit. Estelle DeVooght thought maybe there was something the Planning Commission could do to help Bob LaJeunesse with this issue. Doug Riley said parking of commercial vehicles in residential areas should be discussed at the joint meeting in January.

Bill Kimmes said he was concerned because he has commercial vehicles parked at his home, and many other residents are also concerned. Kimmes said the Township should be here to serve the people, not be against the people. He said he watched a Zoning Board of Appeals tape and feels that Bob LaJeunesse was treated badly at the meeting. Bill Sanders was surprised at Kimmes' comment. Bill Sanders is on the Zoning Board and said he feels Bob LaJeunesse was treated fairly, and was not treated unfairly. John Smith noted that the Planning Commission can change the ordinance language. John Smith videotaped the ZBA meeting and has a number of copies if anyone wants to view it. Bill Sanders said the Zoning Board of Appeals has a process that everyone has to go through for a variance or special permit, the process works. Everyone is treated the same. Bob LaJeunesse obtained approval. He did get less than what he was asking for, but he was approved. This happens to residents who come to the Zoning Board of Appeals.

People don't always get what they ask for. Bob LaJeunesse was granted permission to do part of what he was asking for. The process is not terrible as is the perception being touted. If we significantly change or eliminate the zoning ordinance, this Township would be in trouble. Ken Tabor said the Township has set limits for the good of all residents. Bill Sanders noted that he believes persons coming to the Zoning Board of Appeals are treated with dignity. Sanders said he is not ashamed of how Bob LaJeunesse was treated at the meeting, people are making this out to be worse than it really was. He asked John Smith why he was spreading this misconception?

Tom Shaw ended the meeting by saying that he is glad that everyone in this Township cannot do as they please, we need to have rules and regulations to live together in harmony.

X. ADJOURNMENT

Chair Bill Sanders adjourned the meeting at 9:20 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
FEBRUARY 10, 2003**

Present: Commissioners: Bill Sanders, Ken Tabor, Estelle DeVooght, Steve Kinnunen and Tom Shaw

Absent: Scott Emerson and Mike LaPointe

Staff: Doug Riley, Director of Planning and Research, Denny Magadanz, DPW Supervisor, Lee Snooks, Director of Recreation and Grants and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER

Chair Sanders called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS: None

III. APPROVAL OF THE MEETING MINUTES

Ken Tabor moved, Tom Shaw second, that the December 9, 2002 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved.

Steve Kinnunen moved, Estelle DeVooght second, that the January 13, 2003 Joint Meeting Minutes be approved as presented. (See Board Minutes)

Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Steve Kinnunen second, that the agenda be approved as presented.
Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT – None

VI. NEW BUSINESS

A. Consider – Lot Split Request #14 Diloreto – Main Street

Doug Riley explained the request for this lot split on property located on the north side of Main Street west of the Chocoley Shores Apartments. He noted that ten years ago it was not approved for a lot split because it created a landlocked parcel, which is in violation of the lot split ordinance and zoning ordinance. This problem has been resolved. Proper notification was given to adjacent property owners. Only one comment was received from Dave and Alma Thomas with no objection. Randy Yelle, Zoning Administrator, gave a written memo stating he sees no reason not to allow the split.

Bill Sanders asked the commissioners for comments. Sanders felt it was straightforward. It would now go to the Board on Monday, February 17th. There was no further discussion.

Bill Sanders moved, Ken Tabor second, that the Chocoley Township Planning Commission recommend to the Chocoley Township Board that Lot Split #14 be approved.

Aye 5, Nay 0. Motion approved.

B. Discuss – Commercial Vehicle Parking in Residential Areas/Home Occupations – Follow up from the Joint Board/Planning Commission meeting

Doug Riley explained the draft language prior to scheduling the public hearing on a formal Zoning Ordinance text amendment with his memo and Section 107 Ordinance.

Steve Kinnunen noted that is was straightforward.

Doug Riley suggested that the Planning Commission round 26.3 feet to 27 feet, and the three places in the language would be replaced with 27 feet.

Bill Sanders questioned the fees for Home Occupation. Doug Riley said there will be a review of the fee schedule.

Bill Sanders noted in “d” under HOME OCCUPATIONS the specific examples of customary personal vehicles. He said it spells out clearly what low impact home occupations are allowed, and others will be reviewed individually. He questioned the amount of fees again and notifying neighboring property owners. He thought a small fee or no fee would be appropriate.

Steve Kinnunen stated that the fee covers the cost of the required publication notice.

Doug Riley said this language may not be perfect, but they want to keep it as simple as possible but yet understandable.

Tom Shaw noted it is much more flexible now.

Bill Sanders asked if everyone thinks this language looks okay, and if they want Doug Riley to proceed with the public notice for the next meeting for Public Hearing then a motion is needed.

Steve Kinnunen moved, Bill Sanders second, that the commissioners accept the proposal that Doug Riley has presented with the addition that he comes back with a recommendation on the fees and that there is a public notice for a Public Hearing at the next Planning Commission meeting including the amendment of vehicle length from 26.3 to 27 feet in three areas in the language.
Aye 5, Nay 0. Motion approved.

C. Discuss – Election Signs

Doug Riley said five suggestions were discussed at the joint meeting in January; having property owner’s permission to place a sign, limiting placed signs to 30 days, removal of signs within 3 to 5 days following the election, one identical sign per lot or property, and a sign deposit fee of \$100.00 prior to placing signs out.

Doug Riley noted that clean up of signs after elections has been a problem in the Township, along with multiple signs on one lot or property.

Don Britton said many signs are left in the Township from the August Primary to the November General Election.

Bill Sanders moved, Ken Tabor second, that we submit the election sign language that Doug Riley presented for Public Hearing at the next Planning Commission meeting.
Aye 5, Nay 0. Motion approved.

D. Discuss – Munising to Marquette Rail to Trail Advisory Committee – Chocloy Township Representative Recommendation

Doug Riley explained that Scott Emerson could not make this meeting and requested the Planning Commissioners review Scott Emerson’s recommendations regarding the uses of the railroad grade. There are a few typos in the draft that need to be corrected.

Steve Kinnunen moved, Bill Sanders second, that the Planning Commission support Scott Emerson’s recommendation from Chocloy Township after the typing corrections are made and this be sent to the Munising to Marquette Rail to Trail Advisory Committee prior to their February 26th meeting.
Aye 5, Nay 0. Motion approved.

E. Consider – Silver Creek Recreation Area – Recreation Plan Amendment and Grant Application

Lee Snooks explained that the current Recreation Plan does not expire until December 31, 2003. We need to update this plan now in order to apply for a DNR grant to be submitted before March 21st. This is a matching grant and the Township would be responsible for 25% to 35% of the total cost. The grant can be turned down if the Township decides against it. The change is a combination of the three following actions:

- 1) The Recreation Sub-Committee recommended changes at its January 8, 2002 meeting.
- 2) A survey research study of Chocolay Township Recreation Facilities conducted by NMU.
- 3) Chocolay Township staff recommendations.

Steve Kinnunen noted that once grant money is awarded it is available for two years.

The recommended amendment to the 1998 Recreation Plan:

Silver Creek Recreation Area

Short Term

- 1) Continue maintenance programs
- 2) Expand parking facility for the soccer field users
- 3) Expand the current irrigation system to the ball field
- 4) Relocate Tot-Lot from its present location to an area adjacent to the soccer field
- 5) Construct covered dug outs for ball field players
- 6) Construct toilet facilities near soccer field

Long Term

- 1) Review existing trail system for improvements and expansion
- 2) Develop a site for the trail system
- 3) Construct the trail system according to the site plan

Steve Kinnunen moved, Ken Tabor second, that the Planning Commission reviewed the proposed recreation plan amendment to the 1998 Chocolay Township Recreation Plan for the development of the Silver Creek Recreation Area and the Planning Commission supports the amendment changes and grant application.

Aye 5, Nay 0. Motion approved.

VII. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) Railroad Grade – DNR has filed its appeal.
- 2) MTA – Temporary amended order to allow limited snowmobile use as part of the UP 200 Dog Sled Races.
- 3) Private Roads/Cluster Development – continue to work on.
- 4) Roger Wotring may make application shortly on a PUD.
- 5) 41 Corridor Plan. MDOT has received it, we have received no comments yet.

VIII. PUBLIC COMMENT - None

IX. COMMISSIONER COMMENT - None

X. ADJOURNMENT

Chair Bill Sanders adjourned the meeting at 8:08 P.M.

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MARCH 10, 2003**

Present: Commissioners: Bill Sanders, Ken Tabor, Estelle DeVooght, Steve Kinnunen, Mike LaPointe and Scott Emerson (7:45)

Absent: Tom Shaw

Staff: Doug Riley, Director of Planning and Research, Denny Magadanz, DPW Supervisor, Randy Yelle, Zoning Administrator and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER

Chair Sanders called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS: None. Bill Sanders noted that this meeting would function as a work session on the Commercial Vehicle Parking in Residential Areas/Home Occupations issue and on Election Signs.

III. APPROVAL OF THE MEETING MINUTES

Estelle DeVooght moved, Ken Tabor second, that the February 10, 2003 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen moved, Ken Tabor second, that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT

Walt Racine- US 41 South – What is the deal with the election signs?
Bill Sanders noted he will explain the notice and the proposed changes.

Dick Arnold – West Branch Road – What is the status of his junk car petition?
Doug Riley said it was presented to the Board. The Board has decided to include that question on their community survey which will be discussed at their next meeting. They wanted to obtain some direct citizen opinion on that issue.

Elaine Hogan – US 41 South – Wants to speak on the election sign ordinance.

VI. OLD BUSINESS

Bill Sanders explained that the commercial vehicle parking/home occupation issue has been in front of the Planning Commission several times. It was on the agenda for the Joint Meeting. The language needs work, and this will be a work session to help make decisions on the confusing aspects of the ordinance. Also there is a concern with the language in the election sign ordinance. There is no good mechanism set up to have the election signs cleaned up at this time. A deposit system has been proposed. The deposit would only be made by a candidate or political party group, not individual residents. After the election is run, the group or candidate would pick up all their signs and their deposit would be returned to them.

A. Public Meeting – Commercial Vehicle Parking in Residential Areas/Home Occupations – (Follow up from Joint Meeting)

Doug Riley detailed the proposed ordinance changes. He noted no one has ever been cited regarding parking a commercially signed customary size vehicle at their home. Larger vehicles have caused many debates. The current proposal is to be able to park one 27' or smaller vehicle without approval (e.g. standard size UPS van). If you have more than one or if it is larger than 27' it would require review/approval by the Planning Commission. The Home Occupation language proposed would allow most home occupations that have no exterior evidence without any review. It would also provide a method of review for more intense

home occupations to be approved by the Planning Commission. If any Home Occupation does not comply with the four standards, it would require review and approval by the Planning Commission (taking into account the zoning district, size of the property, adjacent land uses, screening and other factors). The adjacent homeowners would be notified so they would have an opportunity to comment. This will create more flexibility than what the Ordinance currently allows.

Bill Sanders asked for comments from the public.

John Trudeau – Cedar Lane – He is concerned with permitting commercial vehicles up to 27' in a residential area. They must be hidden or screened in some way, it would be improper to leave the large vehicle in the open.

Dick Arnold agrees, but it should depend on the area. In residential areas they should be hidden.

Lee Blondeau said going by the GVW (Gross Vehicle Weight) makes sense to him. It is the carrying weight plus the vehicle weight and it is marked on each vehicle. A CDL license is needed to drive a vehicle over 26,000 GVW.

Ken Tabor suggested using both weight and length to make the determination.

Dick Arnold agrees. His truck would fit into that category by length, but not by the GVW.

Don Britton said the vehicle type can vary considerably if you just use one method to make a determination.

Bob LaJeunesse said the GVW is noted on each vehicle, and can be identified on the license plate.

Bill Sanders said if someone parked a large truck on a small lot in a residential neighborhood, the neighbors would be sure to complain. The size matters more than the weight.

Steve Kinnunen noted that the size and weight are not the real issue, it is whether the vehicle is compatible in the neighborhood.

Lee Blondeau said they are discriminating by not regulating motor homes – a use difference not a size difference. He said he just wants to see a fair shake. He provided a handout to the Planning Commissioners.

Bill Sanders said they would not get into the past issues that Lee Blondeau suggested. Bill Sanders stated that customary sized vehicles with commercial signage were not in violation of the zoning ordinance. When a vehicle parked in residential areas reaches a certain size or weight, that is the issue at hand.

Bob Attwell feels that the standard UPS van is too big to be parked in a residential area and that weight and length should both be considered.

John Trudeau referred to his memo. The Kodiak truck he used for an example is 16,000 lbs. and would be too large for a residential area, the zoning ordinance should not be that liberal. This larger vehicle would be offensive.

Bill Sanders thought there should be a different scale for the R-1 district.

Bob LaJeunesse agreed that there should be a different scale, it should depend on where you live.

Don Britton stated that a 27' vehicle is large, and it could incorporate a number of types of trucks.

Bill Sanders suggested in R-1 districts it should be reduced to a 25' vehicle and/or 16,000 GVW. In other districts, it should be limited to a 27' vehicle and no GVW limit.

Lee Blondeau gave an example of a Charter truck which is over 16,000 GVW, it is more like 22,000 to 22,500 GVW.

John Trudeau said he thinks if it is over 16,000 GVW it should be hidden.

Dick Arnold felt it should be determined by size not GVW.

Lee Blondeau wants Chocolay Township to be user friendly for people with businesses. If a vehicle is out of sight, what other limitations do we need? He said it was all about aesthetics.

Ken Tabor noted that the neighborhood input is needed, they have the right to make comments.

Bill Sanders gave an overall summary of the consensus of the Planning Commission:

It is to limit the size of commercial vehicles to one 25' or smaller truck or van not exceeding 16,000 GVW with no review process in the R-1, R-2 and R-3 Districts. If vehicles are larger than 25' and/or larger than 16,000 GVW it needs to be reviewed by the Planning Commission. In the other residential zoning districts leave at the 27' length.

Bill Sanders noted that there will be a public hearing as part of the formal Ordinance amendment process.

Estelle DeVooght said she believes the height of a vehicle should be taken into consideration also.

Steve Kinnunen said that it was straightforward. People will know what is permitted.

Bill Sanders asked for Home Occupation comments at this time. He said this would no longer be approved by the Board of Appeals. It will allow the Planning Commission more discretion.

Walt Racine asked a hypothetical question to clear it in his mind, if someone was building a hunting blind in their basement would they need to get a Home Occupation Permit?

Bill Sanders said that would not apply, unless they were making a number of them and selling them as a business.

Scott Emerson also added if they have a sales/retail display they would need a Home Occupation Permit.

Bill Sanders said if there is no exterior evidence that there is a business in the home, it does not apply.

Doug Riley noted if someone complains, Randy Yelle, the Zoning Administrator would investigate.

Lee Blondeau asked about enforcement, how we would go about checking into homes? Do you look into their records for employees? Doesn't the Township want economic activity?

Bob LaJeunesse thinks the 320 sq. ft. should be expanded in an accessory building.

Scott Emerson agreed. He thinks 600 sq. ft. is reasonable.

Doug Riley said that a Home Occupation is supposed to be a secondary use of your home and should not change the residential character of the area.

Ken Tabor said this needs more review but agreed with 1/4 of a family dwelling and 1/2 of a accessory building.

Steve Kinnunen thought it may open it up too much.

Don Britton said we want to be user friendly.

John Sandin asked if trailers were considered in the same category as commercial vehicles? If there is more than one, is a review by the Planning Commission needed? Don Britton said if they are licensed they are considered a vehicle. Walt Racine asked about campers and boats, and if there was a limit on size and numbers parked in your yard? Bill Sanders said this ordinance language is only for commercial vehicles parking in residential areas only

Bill Sanders brought up the Home Occupation Permit fee issue. He said they have been kicking around the fee amount. The neighboring property owners within 300 feet would be notified.

Doug Riley noted that it averages the Township between \$65 and \$85 to put the notice in the paper and complete the mailing to all property owners within the 300 feet area. The Township now recoups none of that money, as there is no fee for a Home Occupation Permit at this time. He noted that a Variance and Conditional Use Permit cost is \$75.

Dick Arnold said he feels the person applying for the permit should pay for all of it. He asked why the taxpayers should pay for getting their home business permit?

Bob LaJeunesse said that as a taxpayer too, he feels the person applying should pay perhaps \$50.00.

Walt Racine questioned if someone has a home business right now, do they have to get a permit?

Bob LaJeunesse asked whose job is it to check on these home businesses, is it the business owner or the Township?

Bill Sanders feels that it is the business owner who should come to renew his permit. He feels that a \$75 fee is too high. Estelle DeVooght agreed, saying that it may scare small business owners away.

Bob Attwell said he thinks \$75 is fair, if they have money to start a business they should have enough to pay for a permit.

Walt Racine suggested a \$75 fee for the initial permit and \$50 for the following permits every three years afterward.

Scott Emerson suggested an initial \$75 permit fee, and unless there was a change in the business, the owner could just renew by letter to the Township without a second fee. If there were a change, the owner would come in for a review.

B. Public Meeting -Election Signs

Doug Riley said this was an issue discussed during the Joint Meeting in January. He explained the current ordinance and the proposed changes.

John Trudeau agreed that the clean up of signs after an election is a problem, but he feels it is a freedom of speech issue and feels we could control it in other ways. He said there is no coordination within political party groups to put signs out. He suggests groups/political parties register their signs with the Township. The Township would give them stickers to put on their signs with their name and contact information on the stickers. He said there would be a problem controlling

groups from out of the area from coming in and putting up signs. In public areas, if the stickers were not on a sign, the Township could then remove the sign. To reclaim your sign put up improperly, the fee would be \$3.00 per sign fee.

Bob LaJeunesse asked who would be responsible for picking up the signs? He said the DPW Department is so busy working on other projects.

Bill Sanders suggested publishing our requirements in the local paper and going with the deposit. The checks would just be held by the Township, and the owners would get their check back if they properly took down their signs. He felt the sticker suggestion was too complicated and time consuming to be checking for stickers on every sign.

John Trudeau said it would not be fair if a political party paid their deposit and lost it because outside groups came in with the same type of sign and did not pick them up after the election.

Estelle DeVooght felt the deposit system would not work.

Scott Emerson said you must get permission for private landowners to put signs up on their property. The property owner will remove the sign or at least they will know whom to contact to have them removed.

Dick Arnold asked how many signs were left out after the last election?

Bill Sanders said Tom Shaw had picked up 75 signs himself and paid to have them taken to the dump.

Bob LaJeunesse said he doesn't want his tax money used for the Township to pick up signs.

Ken Tabor said we should go with the five days removal time after an election.

Bill Sanders said some things just cannot be fixed, and this may be one of them.

It was a consensus to make the following changes to the proposed amendment:

- a) A \$100 sign deposit feeomit it completely
- b) Approval of the landowner as proposed
- c) Signs may not exceed 32 sq. ft. as proposed
- d) Signs may not be placed any earlier than 30 days prior to the electionchange it to 45 days and to keep the removal within 5 days after the election.

John Trudeau noted that at intersections, height of signs is very important. He explained the sign size/dimensions he thought would work for the Township

Ken Tabor suggested changing the wording to c) Signs may not exceed 32 sq. ft. and no side can be longer than 8 ft. and it was suggested to omit the following wording "only one (1) identical sign shall be placed on any individual lot or property".

Bill Sanders complimented everyone on the comments given, and the helpful manner in which everyone participated and worked together.

Bill Sanders called for a two minute break at 9:26 P.M.

VII. NEW BUSINESS

A. Discuss – Cluster Development/Open Space Preservation Provisions – Public Act 177

Doug Riley explained Public Act 177 was State Legislation and we must include Open Space/ Cluster Zoning provisions into our Ordinance He would like to get the commissioners' ideas on six possible additions to our language in his memo. These are their ideas during the discussion:

- 1) Review Procedure: All thought the site plan submittal requirement and the conditional use review process were appropriate.
- 2) Density Determination: It is extra expense for the developer/the unbuildable area is not included in the plan/the parallel plan is good, they get a better analysis/get the best financial plan/needs more options/use a simple density calculation for plans of less than 6 homes.
- 3) Density Bonus: Do we need # 3 and #4? Either one/or both? Like density bonus for leaving forests for production/economic implications as large acreages have been broken down through the years.
- 4) Private Roads: Use a density bonus to affect roads-can make them shorter and improve the initial construction/decreases maintenance/sell more homes and preserve more land.
- 5) Recreational Amenities: All agreed that it could be used to promote nature trails, tennis courts, baseball fields as part of the larger developments.
- 6) Setbacks: Limit no homes closer than 300 ft./or have homes near the roads and the forested areas can be contiguous to other lots/every lot can be different, depends on lay of land/ have minimum size lots/need septic approvals, which problems may take care of themselves.

Doug Riley will put together language for the next meeting that the Commissioners can look at. The commissioners are asked to call him with their thoughts/comments for the draft.

VIII. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) Corridor Plan
- 2) MDOT repairing the bridge on Big Creek on US 41 - US-41 will be closed this summer which may cause heavier traffic along Cherry Creek and Little Lake Road- Potential damage to Little Lake Road between 480 and 41.

IX. PUBLIC COMMENT

Walt Racine asked when Chocolay Township would be opened up to commercial development? He asked about a public water supply being put into the Township? If we do not have public water, we will not attract businesses. He has potential well contamination, but yet his taxes went up. He believes the State, Odovero, and the Indian reservation would have given money for the public water supply and along with the grants the Township turned down, we could have had public water in Chocolay.

Bill Sanders said Chocolay Township has always welcomed commercial businesses, and he knows nothing about money that was offered to pay for a water system. Cost is the factor in the public water supply.

Lee Blondeau asked about the Zoning Ordinance requirements regarding the DNR facility on Cherry Creek and Ford Road? He questioned the parking of commercial vehicles in the residential zoned area and their repair facility? Others questioned a chemical storage building and a fire hose drying facility.

X. COMMISSIONER COMMENT

Scott Emerson noted that the DNR Trail Advisory Committee meetings are done. Bill Sanders thanked Scott Emerson for all the time and work he put into it.

XI. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 10:15 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

April 14, 2003

Present: Commissioners: Bill Sanders, Estelle DeVooght, Steve Kinnunen, and Scott Emerson

Absent: Tom Shaw, Ken Tabor and Mike LaPointe.

Staff: Doug Riley, Director of Planning and Research, Denny Magadanz, DPW Supervisor and Cathy Phelps, Recording Secretary.

I. PUBLIC HEARING CALLED TO ORDER

Chair Sanders opened the Public Hearing at 7:33 p.m.

II. PUBLIC HEARINGS:

A. Rezoning #123 – Zoning Ordinance Text Amendment – Commercial Vehicle Parking in Residential Areas/Home Occupations

Bill Sanders read a letter from Mark Maki of 370 Karen Road. He gave comments regarding the following: defining would be appropriate, retail businesses in residential areas is not in character, accessory buildings are not in character, parking commercial vehicles and businesses in residential zones.

John Smith of 2176 M-28 E. spoke regarding commercial vehicle definition, motor homes and that ordinary persons wouldn't know what the GVW is on their vehicles. He suggested keeping the ordinance simple and having it state "ordinary accessory use if properly screened". He was concerned who will make the determination.

John Trudeau of 216 Cedar Lane suggested that perhaps a clearer definition of a commercial vehicle was needed in the proposed changes.

B. Rezoning #124 – Zoning Ordinance Text – Election Signs

John Smith said he has not seen a sign problem. He feels the local people do a great job, that it is the outsiders that cause the problem. He reserved time during Old Business – Rezoning #124.

The Public Hearing was closed at 7:45 p.m.

III. MEETING CALLED TO ORDER

Chair Sanders opened the Meeting at 7:45 p.m.

IV. APPROVAL OF THE MEETING MINUTES

Steve Kinnunen moved, Scott Emerson second, that the March 10, 2003 Minutes be approved as presented. Aye 4, Nay 0. Motion approved.

V. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Scott Emerson second, that the agenda be approved as presented. Aye 4, Nay 0. Motion approved.

VI. PUBLIC COMMENT – None

VII. PRESENTATION – Noquemanon Trail Network

Craig Stien said their group has been in existence for three years, and they have been working on developing a regional non-motorized trail system. They work with all the non-motorized groups (hiking, biking, kayaking, cross-country skiing, etc.) They have received tremendous public support. They have raised \$80,000 and have about 300 members at this time. He said their master plan is the reason he is at the Choccolay planning meeting tonight. He explained what they could do for the Township, and we

could do for them. They have lots of experience in working on trails and they can help us plan and develop trails in Chocolay. They can also help us in getting grants. They are a voice for non-motorized sports. They spoke to the DNR as a non-motorized group regarding the railroad grade through Chocolay Township. We can work together in a master plan for clean, quiet sports. They have volunteers set to help work on trails. He asked the Planning Commissioners if they would give a Resolution of Support?

Mr. Stien was open to questions at this point. He was asked what the trail surfaces are? Mr. Stien said most were made of natural materials (road gravel). Some are paved, but this is very expensive. They work with volunteers in clearing and leveling the trails. They are not asking for money, but of course would take it if offered. They have received no government funding up to now. They have uniform signage along the trails. Asked if we could get the same type of signage here in Chocolay? Mr. Stien said. "yes we could get the same. It is a blue sign with an arrowhead used for directional signs. They also have welcome signs. They would love to connect the non-motorized trail system all the way to Munising. They have close ties to Michigan Rails to Trails. They do have a website, which will be updated shortly.

Scott Emerson Moved Bill Sanders Second that the Planning Commission adopts the following:

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
RESOLUTION OF SUPPORT**

WHEREAS, defining and projecting an image of a livable physically active community is an essential component of economic and community development; and

WHEREAS, the Noquemanon Trail Network Foundation is a board comprised of local citizens interested in a regional, multi-use, year round, non-motorized land and water trail network for silent sport recreation; and

WHEREAS, the Noquemanon Trail Network Foundation board has demonstrated the importance of a livable physically active community to economic and community development.

NOW THEREFORE BE IT RESOLVED that the Chocolay Township Planning Commission fully supports the endeavors of the Noquemanon Trail Network Foundation to advance the regional, multi-use, year round, non-motorized land and water trail network project and will look to incorporate it's concepts into the Chocolay Township Recreation Plan and other planning documents.

Aye 4, Nay 0. Motion approved. A letter will be send to the Noquemanon Trail Network and also to the Board.

VIII. OLD BUSINESS

A. Consider – Rezoning #123 – Zoning Ordinance Text Amendment – Commercial Vehicle Parking in Residential Areas/Home Occupation

Sanders noted that after discussion, the Planning Commission will make a recommendation, which will go to the County for review and then to the Township Board.

Discussion centered on the public comments/suggestions from the public hearing. The Planning Commission determined it should retain language regarding "retail" not being permitted as part of a home occupation. Planning Director Riley recommended retaining the 1st sentence of item #4 of the existing home occupation language.

Scott Emerson Moved, Bill Sanders Second that the Planning Commission recommend approval of Rezoning #123 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 107 ACCESSORY USES AND STRUCTURES to amend the Home Occupation Provisions and to establish a Commercial Vehicle Parking in Residential Districts section as follows:

Section 107 (A) - Home Occupation Provisions - The existing language shall be deleted and replaced with the following:

Section 107(A) - HOME OCCUPATIONS

Home occupations that are permitted without any Township review or approval required include any home occupation that does not have any exterior evidence, other than the permitted sign, and complies with all of the following:

- a) Is conducted entirely within an enclosed dwelling but does not occupy more than 1/4 of the floor area of the residential single family dwelling unit on the property or not more than 1/2 of the square footage of an accessory structure.
- b) Home occupations shall employ only those inhabitants residing on the premises.
- c) A sign shall not exceed four (4) sq. ft. in area and shall be attached to the building used for the home occupation or a two (2) sq. ft. sign may be placed in the yard.
- d) Commercial vehicles or personal vehicles with signage are permitted to be parked in association with the home occupation as long as they are of customary personal vehicle size (e.g. cars, trucks, vans, etc.). Up to one (1) 25 foot or smaller truck or van not exceeding 16,000 GVW (Gross Vehicle Weight) may be parked at a residence in the R-1, R-2, R-3 and R-4 Districts in conjunction with the home occupation. Up to one (1) 27 foot or smaller truck or van may be parked at a residence in all other residential zoning districts in conjunction with the home occupation.
- e) Specifically excluded is the storage and display of merchandise not produced by such home occupation or any activity similar to a generally recognized retail store or service establishment as permitted in any commercial district.

Any Home Occupation that does not comply with items a) through d) above requires review and approval by the Township Planning Commission under the provisions of Section 701 (Conditional Use Permits). Home Occupations reviewed by the Planning Commission shall be reviewed to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance. In completing this review, the Planning Commission shall take into account the zoning district, the size of the property, distance to adjacent land uses, screening, buffering, and other factors. The Planning Commission may attach conditions, including any time limit for future review, as warranted.

Section 107 - Add a new Section (D) - COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS as follows:

COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS

- 1) Commercial vehicles, or personal vehicles with signage, are permitted to be parked at a residence as long as they are of customary personal vehicle size (e.g. cars, trucks, vans, etc.) without any Township review or approval required.
- 2) Up to one (1) 25 foot or smaller truck or van not exceeding 16,000 GVW (Gross Vehicle Weight) may be parked at a residence in the R-1, R-2, R-3 and R-4 districts without any Township review or approval required.
- 3) Up to one (1) 27 foot or smaller truck or van may be parked at a residence in all other residential zoning districts without any Township review or approval required.
- 4) Any larger commercial vehicles or equipment, or for more than one (1) vehicle as specified in item 2) or 3) above requires review and approval by the Township Planning Commission under the Home Occupation provisions of the Ordinance. (This does not include equipment used for one's own snowplowing, farming, etc.).

During the discussion Bill Sanders noted that we have been working on this since January and had lots of participation from residents. The people that are affected by this seem to be supportive of the changes. Scott Emerson stated that John Smith's ideas could cause more problems. The amended rules and regulations are not arbitrary. John Smith wanted to simplify it. Steve Kinnunen said this controls the size and weight of vehicles being driven through

neighborhoods. It gives everyone a fair shake. A question was asked why a large size house (rich person) is able to use more space for business than a small house (poorer person), so only the rich get richer? Bill Sanders stated that Home Occupations are not for large businesses. This is just for small, non-evident home businesses. Scott Emerson noted that the IRS categorizes businesses in this same way (percentage of square footage).

Aye 4, Nay 0. Motion approved. This recommendation now goes to the County Planning Commission.

B. Consider – Rezoning #124 – Zoning Ordinance Text Amendment - Election Signs

John Smith spoke after reserving time. He feels the local (county) people are not the problem, but the outsiders are the cause of signs being left after elections. He feels this is an infringement on free speech. The State has a limit of 90 days and the Township is cutting the time in half. What right do we have to limit the time? Scott Emerson asked John Smith what his suggestion would be? John Smith suggested 60 days.

Scott Emerson does not feel this is a free speech issue; if we would not allow signs at all then it would be a free speech issue. We have the right to limit the time as the city of Marquette also limits signs to 45 days. He then asked John Smith that since he feels that 45 days is an arbitrary number, wouldn't 60 days also be?

Bill Sanders moved, Steve Kinnunen second that the Planning Commission recommend approval of Rezoning #124 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 805 EXEMPTIONS FROM SIGN REGULATIONS to amend the Election Sign provisions as follows:

Section 805 - Election (Political) Sign Provisions - The existing language shall be deleted and replaced with the following:

Section 805 - Election Signs

Political signs which are intended to advertise a public election, issues to be balloted upon in that election, or to promote individuals and/or parties participating in an election are permitted as follows:

- a) Approval of the landowner or occupant must be obtained prior to sign placement. Signs must be placed in accordance to Michigan Department of Transportation or County Road Commission setback rules as applicable.
- b) Signs may not exceed 32 square feet and no side may exceed 8' in length.
- c) Signs may not be placed any earlier than 45 days prior to the election and must be removed within 5 days after the election.

Aye 4, Nay 0. Motion approved.

C. Discuss – Draft Cluster Development/Open Space Preservation Provisions – Public Act 177

Doug Riley stated that this draft language was a combination of actual language from Public Act #177, Marquette Township's adopted language and ideas that were discussed at the March meeting. This is a statewide promotion for efficient use of land.

Bill Sanders asked if feedback from other planning groups had been solicited on this specific language, specifically on the density bonus provisions? Riley indicated that he will send it out to other planning groups for their comments. All agreed to look at keeping it relatively simple; we do not want this to be cumbersome. We have non-commercial forests, a similar scenario to the farmland downstate, and perhaps the preservation of these forest areas can be tied into this.

Estelle DeVooght asked how this Cluster Development tied in with the land conservatories? Isn't this doubling up? Doug Riley said they may promote one another. Bill Sanders said we are moving in the right direction.

IX. NEW BUSINESS - None

X. PLANNING DIRECTOR'S REPORT

Doug Riley spoke on three items. 1) On April 21st there is a Land Use Leadership Meeting at 3:00 and 6:00 p.m. at NMU, 2) Agendas and Minutes for the Planning Commission, Zoning Board of Appeals and the Board meetings are now on our Township website. 3) The Little Lake Road will be an official detour while the County works on the bridge near County Road 480 and US 41 South scheduled for this summer. They will improve Little Lake Road to accommodate the increased traffic at MDOT expense.

IX. PUBLIC COMMENT

Randy Gentz asked what the website for the Township was? Doug Riley noted it was www.upsell.com/choctwp.htm

Doug Riley noted that we now have more frequent updates. Meeting schedules and Minutes are posted in the Township office, the community center, the Fire Hall, Northern Michigan Bank, Wells Fargo Bank, Jacks IGA, Kassel's Korner and First of Negaunee Bank.

X. COMMISSIONER COMMENT – None

XI. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 8:50 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
May 12, 2003

Present: Commissioners: Bill Sanders, Estelle DeVooght, Tom Shaw, Mike LaPointe and Ken Tabor

Absent: Steve Kinnunen and Scott Emerson.

Staff: Doug Riley, Director of Planning and Research and Cathy Phelps, Recording Secretary.

I. PUBLIC HEARING CALLED TO ORDER

Chair Sanders opened the Public Hearing at 7:37 p.m.

II. PUBLIC HEARINGS:

A. Special Use Permit #3 – Carl Besola – Mining Permit (Sand) – Youn property at the end of Valley Road

Bill Sanders said this is a public hearing for a special use permit, a recommendation will be determined tonight and will be given to the Board on May 19th.

Doug Riley read over the application for the mining permit and showed the district zoning map explaining that this area is zoned RP (Resource Production) and the lots need to be 20 acres or larger. Proper notification has been made to the property owners within ¼ mile of the property. Doug Riley noted the problems involved with this operation in the past were primarily dust and noise. He read three letters from nearby property owners who were concerned about the sand mining and he also noted one phone call he received regarding the noise and dust. The Road Commission responded that they would like to see dust control measures implemented on the haul route (Valley Road). The Soil Conservation District indicated that a permit from their office is needed and they have been in contact with Mr. Besola.

Bill Sanders opened the public hearing to those attending.

Earl Yelle, Sands Township Supervisor, stated Sands Township has no problems with the mining permit.

Gretchen Preston of 993 Valley Road asked the people who opposed the permit to stand. Most of the audience stood.

Sam Mahoney of 981 Valley Road presented the Planning Commission with pictures of the existing area showing junk cars, oil cans, and miscellaneous debris. He stated there is no top soil left where Carl Besola had mined before. He asked if the water quality had been tested, how much oil is in the water supply? The noise can be heard ¼ a mile away. Neighbors cannot leave their windows open the dust is so thick and the noise is constant from the shaker. Who is going to pay for the damage it causes? Does the DEQ check on Mr. Besola? Could he put a bond down to cover damages he causes? What about lowering of their property values? Please invite Mr. Besola to leave.

Bill Sanders stated that we must have respect for one another at this meeting.

Carl Besola of 6262 US 41 South noted the oil cans were used to haul water and the shaker does not run continuously. There is a lot of top soil left, and he plants trees. The so called facts these people are telling the Planning Commission are not true. The mining pit has been there for years, he has purchased a larger truck than he used before. The Soil Conservation District has been there to check on the area. He does not speed along the road.

Fanice Wuepper of 1075 Cherry Creek Road stated that the fine sand dust could cause hardening of the lungs after long time exposure. She questioned the requirements of state regulations. She noted the Township can be more strict, but

cannot be more general. How many cubic yards does Mr. Besola haul per year? Is he 1500 feet from the nearest well and 500 feet from the nearest county road? What will the policy be for inspecting Mr. Besola? It will grow and property values will lessen. Will the Township be responsible for this? She would like to see a site plan and a survey done.

Joanne Clarke of 950 Valley Road noted that Valley Road is a dead-end road. She said she has a lung condition and her son is an asthmatic. The dust is a problem especially for them. Mr. Besola runs his trucks even when the road restrictions are on. He drives too fast, she has almost been run off the road. She does not want the noise from Mr. Besola's shaker. He runs it even on Sundays. She has fought for five years to keep him out. She said 1 or 2 of the people are here to make money, the others are here to protect the air they breathe. Joanne requested that the Planning Commission members go down Valley Road and see it for themselves. It is a country gravel road with blackberries and raspberries growing, kids playing; just a typical country setting. But what is it going to be like when Mr. Besola is done? Will the people have health problems caused from the dust? Please let it remain country.

Tracy Feliz of 996 Valley Road noted this is a neighborhood where they raise their children, have pets and entertain their friends. They like to hear the birds and see the deer. She wants the Planning Commission to keep this in mind when making their decision on the mining permit. Please do not allow him to get the permit.

Joan Mulder of 1034 Cherry Creek Road said she owns 40 acres and enjoys riding her horses. Mr. Besola's shaker is so loud that she has to wear earplugs. She said the shaker runs non-stop. She is sick of the noise. Mr. Besola is mining within 1500 feet of their well. They want to be able to enjoy their home.

James Youn of 998 Valley Road questioned the black topping of Valley Road? He also noted that even bikes kick up dust on the road.

Carl Besola noted he never runs the shaker on a Sunday, he obeys the Sabbath Day.

John Rhodes of 655 Cherry Creek Road said he has lived there for 19 years. Trucks travel that road every day of the week. Why has it taken so long to get to this point since Mr. Besola has not had a permit? He has several witnesses to the fact that Mr. Besola runs his shaker at 7:00 a.m. and drives his trucks too fast.

Carl Besola said not all the trucks on Valley Road are his. Between 7:00 and 8:00 a.m. he spends his time on the phone at home. He is not on the roads.

Tim Preston of 993 Valley Road said the traffic has accelerated lately. Where is the end? Will there be more trucks and more noise? What will happen to their property values?

Matthew DeBreuil of 975 Cherry Creek asked if the Township can verify the amount of sand removed by Mr. Besola? Will he be forced to clean up? What about posting a bond for expenses? He said he lives a half mile away and can hear the shaker. Can the shaker be insulated for sound? He asked about how many trips per day it would take to haul out 1000 cubic yards in a season, and asked how that could be measured and controlled? He asked what will the Township be left with in that area after ten or twenty years?

Larry Wilson of 600 Cherry Creek Road said a gravel road will kick out dust. He does not hear the shaker. He asked if the DNR flies over, and if they have taken any pictures of the area? He said the pictures would show if there is a problem.

Devin Mahoney of 981 Valley Road said there are many children in the area. Their health and safety should be taken into consideration. When a truck goes by and you are along the road, the dust hangs in the air for many minutes, it is hard to breathe.

The property owner to the southeast questioned mineral rights? He believes there are no mineral rights in the U.P. Why are gravel pits different? He believes you cannot sell minerals from your land for profit. It was never legal. He would like the board to address this.

Carl Besola noted that Mr. O'Dovero has his own gravel pit.

James Mager of 770 Lakewood Lane owns land in Sands Township near this area. He stated that someone is near his land looking for sand and leveling areas.

Sarah Clarke, daughter of Joanne Clarke of 950 Valley Road noted that buses go the speed limit on Valley Road, but the trucks hauling sand speed through the neighborhood and kick up lots of dust. It is a narrow road, which should be black topped.

Diane Mahoney of 981 Valley Road said the shaker is loud all day long. The dust is terrible, especially when the trucks with trailers travel along Valley Road. She cannot open the windows of her home. The truck drivers go way too fast along Valley Road.

Russell Prather and Carol Phillips of 990 Valley Road said that the shaker is very loud and goes for hours. The noise gets on your nerves. This is noise pollution. The quality of life is going down in that area. It is hard not to get emotional about it, our homes are a large investment.

Robin Rohoy of 975 Valley Road said she has three children and worries about the danger of them being hit by the trucks. The kids in that area have a false sense of security and she worries that something may happen if the trucks do not slow down.

Marvin Brewall of 682 Cherry Creek Road said Mr. Besola has the right to make a living.

James Youn said he moved here in 1936, they used to walk or ski out to catch the bus. The road was graveled at one time, but now the gravel is long gone.

Bill Sanders said the Planning Commission would decide on their recommendation tonight; whether to deny, approve or table the recommendation. The Township Board, after receiving the recommendation, will discuss and they will then be the final authority on the permit. If tabled, someone asked what happens then, does Mr. Besola have the right to mine the sand? Bill Sanders said not without a permit if more than 1000 cubic yards is removed. He closed the Public Hearing at 8:30 p.m.

III. MEETING CALLED TO ORDER

Chair Sanders opened the meeting at 8:30 p.m.

IV. APPROVAL OF THE MEETING MINUTES

Estelle DeVooght Moved, Tom Shaw Second, that the April 14, 2003 Minutes be approved as presented. Aye 5, Nay 0. Motion approved.

V. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders Moved, Estelle DeVooght Second, that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

VI. PUBLIC COMMENT

Carl Besola said he began his business with two trucks, and use generally just one at a time. He does not plan to add more trucks. County roads are not a place for children to be playing on. Drivers should always leave 500 feet of spacing between themselves and the truck in front, never tailgate. He could move his shaker closer to Roger Welchs'

property to try to help the noise pollution problem. He purchased a water tank to water Valley Road to keep the dust down.

Joanne Clarke asked about the assessments of their property. Will taxes be lowered because of the problems they have in that area? They also have to pay to keep their vehicles repaired from all the ruts, which are caused from the large trucks.

VII. NEW BUSINESS

A. SPECIAL USE PERMIT #3 –Carl Besola – Mining Permit (Sand) – Youn property at the end of Valley Road.

Bill Sanders said he understands that emotions are running high. But we must respect each other and try to come to some common ground that both sides can live with. Without a permit, Carl Besola was not regulated. He has now come in with a permit application to use the land as zoned. With the approval of this application, we can now put conditions on it.

Doug Riley explained the mineral rights issue. He said it was a private matter and it is in the deed of the owner of the land. The Township cannot legally get involved with that issue. How we can we enforce the limit of sand removed? He does not have an answer. The Zoning Administrator can work with Carl Besola, but there is no magic way to verify that amount. The 1500-foot distance to the nearest well will be looked into further. The reclamation plan could be reviewed after three years.

Carl Besola said his permit from the Conservation District is pending at this time.

Estelle DeVooght noted that the Planning Commission had a similar situation with Blondeau in the past. She could not remember the details.

Bill Sanders noted that Carl Besola signed the application and has agreed to maintain dust control. Asked if the mining permit transfers to new property owners if the land is sold, Bill Sanders said the special use permit is not forever. He said we must set conditions on this permit in the RP zoned district. But the owner has a right to mine it, especially since it has been previously mined for years. Let's try to find a common ground. He said the Zoning Administrator could try to measure the material hauled by the number of trucks. Carl Besola said many times he runs the truck with just a half a load. Estelle DeVooght suggested hiring a surveyor figure the amount of sand in an area. He can take less than 1000 cubic yards without a permit. Carl Besola stated that this pit has the best sand for backfill and septic fields. He said the maximum he could take per year would be 1500 to 2000 yards. He would probably average 1800 cubic yards per year. The old pit can be used as it is grandfathered in.

Carl Besola said that he uses the shaker for topsoil. He can move it if it upsets so many people. He can run it for three days a week; Monday, Tuesday and Wednesday only. If that doesn't work he will remove it.

Mike LaPointe recommended the following conditions:

1. Haul Monday through Friday 8:00 a.m. to 5:00 p.m. only. May to November only.
2. Shaker used Monday, Tuesday, and Wednesday 9:00 a.m. to 4:00 p.m. It will be moved to the center of the property within a month.
3. Watering the road to reduce the dust, at Carl's discretion.
4. Have a reclamation plan within 6 months.
5. Slope and re-seed, etc. (30% slope)
6. 500 foot buffer on all sides of the property.
7. 1500 feet from the nearest well.
8. Hire a surveyor to measure the pit once per year.

Discussion centered on the issue of topsoil removal and processing. The Planning Commission determined that this could best be controlled by limited shaker hours being permitted.

Bill Sanders asked Carl Besola if he would abandon the old pits? He said that may go a long way to mend the ill-feelings. Carl Besola said the old pit has some stone (pea-gravel) he does not want to abandon it because it is grandfathered. It insures his future. Bill Sanders said any complaints could be given to Randy Yelle at the Township office. Randy Yelle will give Carl Besola notice to correct the problem. If not corrected, the permit could be revoked.

Bill Sanders Moved, Ken Tabor Seconded, that after consideration of Special Use Permit #3 for a Mining and Mineral Extraction Permit for sand as provided in the standards of Section 407 of the Chocoday Township Zoning Ordinance, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) That the applicant complies with all elements of his application unless otherwise noted in these conditions.
- 2) That the applicant apply dust control measures as needed on the haul routes to prevent dust from impacting property owners.
- 3) That an 800' buffer be maintained along all property lines where no excavation shall take place and the buffer is left in its natural state including trees already on site.
- 4) The shaker shall only be utilized between the hours of 10:00 a.m. and 3:00 p.m. two days per week, not on weekends.
- 5) That excavated areas shall be reclaimed, per item 8 of the application, within 6 months after excavation in a particular area has ceased.
- 6) That the applicant obtains a soil erosion permit as required by the Soil Conservation District.
- 7) That the applicant have surveyed and submit to the Township once per year a certification of the volume of material removed.
- 8) That the maximum limit of material removed from the site is 1800 cubic yards per year.
- 9) The clearance to the nearest well be maintained at 1500 feet or must be approved by the Zoning Board of Appeals.
- 10) The shaker will be relocated to the approximate center of the property within 30 days after approval of the permit application.
- 11) That this permit is valid for a period of three (3) years after which time the Planning Commission shall review the permit to determine the need for new/amended conditions.

Aye 5, Nay 0. Motion approved. This recommendation will now go to the Township Board for their May 19, 2003 meeting at 7:00 p.m.

B. Lot Split Request #15 – David Bussier – 401 Green Bay Street

Doug Riley said this lot split request is very basic. This property is part of the original 1800's plat of the village of Harvey. Mr. Bussier of 401 Green Bay Street is requesting the split. Notification was sent to the adjacent property owners with no responses. This lot split will clear up some confusion between property owners. Both parcels will remain non-conforming based on lot area requirements.

Mike LaPoint Motioned, Ken Tabor Second that the Chocoday Township Planning Commission recommend to the Chocoday Township Board that Lot Split #15 be approved with the following conditions:

- 1) The Township is making no findings as to actual property line locations.
- 2) That the piece of property being split is combined into the legal description of the neighbor's parcel to the south.

Aye 5, Nay 0. Motion approved. This now goes to the Chocoday Township Board on May 19th at 7:00 p.m.

VIII. PLANNING DIRECTOR'S REPORT

A copy of the County Planning Commission recommendation on the recent zoning text amendments were provided to the Commissioners.

IX. PUBLIC COMMENT – None

X. COMMISSIONER COMMENT

Mike LaPointe inquired about potential corridor improvements on US 41 South. Doug Riley said there is a meeting on May 13, 2003 regarding the Corridor Plan.

XI. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 9:55 p.m.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

Chocolay Township Planning Commission

Monday, July 14th, 2003

Present: Commissioners: Bill Sanders, Estelle DeVooght, Tom Shaw, Mike LaPointe, Steve Kinunen, and Ken Tabor

Absent: Scott Emerson

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration, Kathleen Stiles, Recording Secretary

I. PUBLIC HEARINGS

A. **Rezoning #125 - Schaub - Terrace Street - C-2 (Commercial) and R – 1 (Residential) to R – 3 (Residential – Single and Multi – Family)**

Bill Sanders opened the public hearing at 7:35 p.m. Planning Director Riley provided an overview of the rezoning of the Schaub property. He also made reference to the current buildings on the property and how they would be torn down and replaced with three to four apartment buildings. The alley that still technically exists, though while not constructed, will also have to be addressed as part of the site plan process.

Bill Sanders opened the public hearing to those attending.

Jim Tonkin, 308 Corning, stated that he was concerned about the future use of the alleyway.

Mark Brandel, 201 Terrace, stated that he and his wife were concerned about how close the apartment buildings would be built to their existing home.

Doug Riley then showed drawn plans of what the apartment buildings would look like. There was then some discussion about if these apartments would be sold or used as rentals and the Schaub family stated that they would be sold. Doug Riley also stated that Planning Commissioner Emerson also called supporting the rezoning. (A letter was also submitted to the Planning Commission from Calvert and Rose Gentz, 234 Corning against the rezoning).

Bill Sanders then closed the public hearing at 7:45 p.m.

B. **Special Use Permit #4 – Wittler – U.S. 41 – Mining Permit for the excavation of sand**

Chairperson Sanders opened the public hearing at 7:45 p.m. Planning Director Riley provided an overview of the requested permit. Planning Director Riley indicated that this site had been approved for a mining permit for sand in both 1999 and again in 2001 in order to obtain sand for local road construction projects. The applicant would now like to obtain a 5 year permit, the maximum duration allowed under Ordinance before review is required again, in order to have the permit in place when sand is needed for a local road or other construction project. The Township has never received a complaint regarding sand excavation from this site.

No other public comment.

Chairperson Sanders closed the public hearing at 7:50 p.m.

II. MEETING CALLED TO ORDER/ROLL CALL

Chair Sanders then opened the regular meeting.

III. APPROVAL OF THE MEETING MINUTES

Steve Kinnunen moved, Estelle DeVooght second, that the May 12, 2003 minutes be approved. Motion approved

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Steve Kinnunen second, that the agenda be approved as presented. Motion approved

V. PUBLIC COMMENT

John Trudeau, 216 Cedar Lane, commended Bill Sanders for doing a great job as Chair.

Bill Sanders then closed public comment.

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. **Rezoning #125 - Schaub - Terrace Street - C-2 (Commercial) and R – 1 (Residential) to R – 3 (Residential – Single and Multi – Family)**

Bill Sanders asked for the overhead again for a review of which area is currently C-2. Discussion centered on whether the leg of property that fronts on Fairbanks (the portion currently zoned R-1) should be included in the rezoning. The Schaub's indicated that they would at least like to have the property up to the hill rezoned to R-3 and perhaps leave the property below the top of the hill zoned R-1 and left undisturbed. Planning Director recommended this option as this was the "usable" portion of the property that would not impact the single family homes on Fairbanks. Many of the site design elements would be reviewed as part of the required site plan review of actual building and parking layouts.

Mark Brandel asked how much of a set back from his property would the rezoning call for and it was determined that it would be ten feet from the property line (where 5' is the current setback under the C-2 zoning). It was also discussed if the remaining R-1 property would leave enough for a building. Mr. Schaub explained that the remaining property would not be developed and that it may be used as a commons area for the apartments.

Kinnunen moved, Shaw second, that following review of Rezoning request #125, and the Staff/File Review, the Planning Commission recommends APPROVAL of Rezoning #125, except that the northern section of property fronting on Fairbanks measuring 150' x 80' shall not be included and shall remain zoned R-1.

Motion Approved

B. **Special Use Permit #4 - Wittler - U.S. 41 - Mining Permit for the excavation of sand**

The Planning Commission discussed the aspects of the application and the fact that the site has operated in the past with no complaints and it is very well buffered from surrounding properties.

LaPointe moved, Tabor second, that after consideration of Special Use Permit #4 for a Mining and Mineral Extraction Permit for sand as provided in the standards of Section

407 of the Chocolay Township Zoning Ordinance, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) That the applicant complies with all elements of his application.
- 2) That the access road be adequately treated to prevent dust from impacting US-41.
- 3) That the permit is only valid for 5 years (until 2008) and the Zoning Administrator shall check the site annually for compliance with the mining standards of the Ordinance.
- 4) That the applicant obtain a soil erosion permit as required by the Soil Conservation District.

MOTION CARRIED

C. ANNUAL ELECTION OF OFFICERS

DeVooght moved, Shaw second, to keep the same officers for another year.

Motion approved.

D. 2002 ANNUAL REPORT

Bill Sanders moved, Kinnunen second, to approve the annual report as presented.

Motion approved.

E. 2004 PLANNING COMMISSION BUDGET RECOMMENDATION

Doug Riley indicated that he had discussed having the Clerks office take over the financial aspect of the web site, under the Township Board fund category, instead of it being strictly the Planning Commission Department's budgeting responsibility. He also recommended to again request the three thousand dollars for professional services for needed corridor or comprehensive plan update services.

Chair Sanders and Doug Riley will prepare the final proposed Planning Commission budget.

F. REVIEW/DISCUSS- DRAFT RECREATION PLAN UPDATE

Lee Snooks talked about the need to have a new recreation plan for 2005. He and Doug Riley thought that the plan could be presented to the Planning Commission for review a couple of chapters at a time. The first chapters largely stay the same. The majority of change is to the census data from 1990 to 2000. More significant changes will be in the future chapters. This will be used for the purpose of writing grants.

The Planning Commission was encouraged to contact Mr. Snooks with any suggested changes they may have.

PLANNING DIRECTORS REPORT

Update on Corridor Plan

Update on the Community Center and possible move of Township Offices to that facility.

Doug introduced Kathleen Stiles, new Recording Secretary.

VIII. PUBLIC COMMENT

John Trudeau voiced his concerns about changing yet another commercial zoned area into a residential area. He suggested that the township should be trying to get

businesses to come to the Chocolay area and losing commercially zoned property for more residential areas could hurt the possibilities of that.

The Planning Commission discussed the pros and cons of the rezoning with Mr. Trudeau.

IX. COMMISSIONER COMMENT

DeVooght asked whether the Township had heard anything about the State not using and potentially selling off the Prison Farm properties. Perhaps we need to start planning for this possibility.

Planning Director Riley stated that he would check into this and provide a report at the next meeting.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

XI. ADJOURNMENT

Estelle DeVooght, Commission Secretary

Kathleen Stiles, Recording Secretary

Charter Township of Chocolay

Planning Commission Minutes

Monday, August 11, 2003

7:30 P.M.

Present: Bill Sanders, Estelle DeVooght, Tom Shaw, Mike LaPointe, Steve Kinunen, Scott Emerson

Absent: Ken Tabor

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration, Kathleen Stiles, Recording Secretary

I. Public Hearings – None

II. Meeting Called to Order at 7:30 p.m.

III. Approval of Minutes

Mike LaPointe moved, Tom Shaw second, that the July 14th 2003 minutes be approved. Motion approved.

IV. Approval of Agenda

Bill Sanders moved, Steve Kinunen second, that the agenda be approved as presented. Motion approved.

V. Public Comment – None

VI. Old Business – None

VII. New Business

A. Recreation Plan - Review of Chapter 6 (Forwarding of Chapter 7)

Discussion was made regarding incorporating the Noquemanon plan into our Recreation Plan and the possibility of incorporating a Noquemanon sprint ski race on the railroad grade in the Township. There was also discussion about incorporating the proposed Noquemanon Water Trail into the Township for kayaking and canoeing.

B. Land Use Leadership Council

Discussion on Michigan's Land Use Leadership Council's draft recommendations. Discussion centered on how the discussion points apply to Chocolay Township.

VIII. Planning Directors Report

Special Board Meeting - August 13th to determine whether to appoint an interim Supervisor or to delegate the duties until the October 7th Special Election.

Update on the Prison Farm Property.

IX. Public Comment

John Smith - 2176 M-28 E - Commented that there might be some money for a bike lane on M-28 when MDOT does their scheduled improvements. He also added comment, regarding the Land Use Leadership's Council report, on reducing taxes for large landowners to keep large parcels intact.

X. Commissioner Comment

Bill Sanders mentioned that Mike LaPointe and Scott Emerson would be joining him for a Michigan Society of Planning meeting on the 15th in Marquette.

XI. Informational Items and Correspondence

XII. Adjournment

Estelle DeVooght, Commission Secretary

Kathleen Stiles, Recording Secretary

Charter Township of Chocolay
Planning Commission Minutes
Monday, September 8, 2003
7:30 P.M.

Present: Commissioners: Bill Sanders, Estelle DeVooght, Mike LaPointe, Steve Kinnunen and Ken Tabor

Absent: Tom Shaw and Scott Emerson.

Staff: Doug Riley, Director of Planning and Research, Cathy Phelps and Lori DeShambo, Recording Secretaries.

I. PUBLIC HEARING CALLED TO ORDER

Chair Sanders opened the Public Hearing at 7:30 p.m.

II. PUBLIC HEARINGS:

A. Rezoning #126- Ward – R-1 (Residential) to R-3 (Residential-Single and Multi-Family)

Bill Sanders read into the record a letter that was received following distribution of the agenda packet authored by the property owners that border the Frank Ward property.

Bill Sanders opened the public hearing to those attending.

Carol Henry, 1019 Ortman, stated she was against the zoning.

Kris Willard, 105 Veda, stated she was against the zoning as the property is currently zoned for single-family dwellings.

Ron Raisanen, 109 Veda, is against changing the zoning and would like it to stay residential.

Jim Peck, 104 Veda, owner of lots #8 and 9, which are located across from the proposed rezoned property stated he would like the zone to remain single family.

Bill Sanders explained the rezoning 126 issue and the difference between R-1, being zoned as a single family dwelling and R-3, which is for single and multi-family dwellings. R-3 zoning could include apartment buildings and condominiums.

Bill Sanders acknowledged and read the Deerview Trail residents' correspondence into the record.

Bill Sanders closed the Public Hearing regarding the R-3 issue at 7:40 p.m.

B. Conditional Use #66 – William Kimmes – Home Occupation/Parking of Commercial Vehicles

Mike Gschwind, 321 Fernwood, lives near the Kimmes' property stated that Mr. Kimmes keeps his equipment and property in good clean condition. He stated that "his street supports Kimmes." He noted that there are motor homes and such in the area that are the same size as the trucks Mr. Kimmes uses for his business.

Bill Sanders closed the Public Hearing regarding the Home Occupation/Parking of Commercial Vehicles issue at 7:42 p.m.

III. MEETING CALLED TO ORDER

Chair Sanders opened the meeting at 7:42 p.m.

IV. APPROVAL OF THE MEETING MINUTES

Steve Kinnunen Moved, Estelle DeVooght Second, that the August 11, 2003 Minutes be approved as presented. Aye 5, Nay 0. Motion approved.

V. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders Moved, Estelle DeVooght Second, that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

VI. PUBLIC COMMENT No comments.

VII. OLD BUSINESS None.

VIII. NEW BUSINESS

A. Rezoning #126 – Ward – R-1 (Residential) to R-3 (Residential- Single and Multi-Family)

Frank Ward addressed the Commission regarding his request. He referenced Randy Yelle's comments regarding spot zoning. Mr. Ward quoted excerpts from the Commissioner's packets referencing compatibility requirements. He stated that he has 23.5 acres which is enough property to allow the proposed multi-family buildings to have character and the required buffer zone.

He remarked on how accommodating he was to his neighbor regarding snowmobiles on his property but yet this same owner now objects to his zoning request.

Mr. Ward pointed out that several multi-family buildings have been built in Chocolay Township in the past several years pointing out the senior housing located on Cherry Creek Road and the fact that the Commission has rezoned a parcel of property located on Terrace. He also referenced Willow Road, which has two structures, which have had no adverse effect.

Mr. Ward stated he understood homeowners' concerns about their property being devalued, but again assured the proposed property would have a buffer zone and character.

The fact that the Board had denied his request for rezoning in the past due to sewer issues was addressed wherein Mr. Ward pointed out that the Ewing subdivision was approved and developed after his request was denied.

Mr. Ward advised the Commission that the Stenglein family had concerns in the past regarding the property and the fact that future home owners would have a problem with their farm and the smells emitted from farming but yet they have sold property in the past few years and now have residential homes built close to their farm.

Mr. Ward advised the Commission that he was awarded the Businessman's Award in Munising for his renovations to the Navigator Restaurant located in Munising.

Mr. Riley then brought the overhead into use with the map and zones of property in question being shown. The requested rezoned property was pointed out and the comparison parcels earlier indicated by Mr. Ward (R-3 on Willow Road, and other R-3 zones abutting C-2 parcels) were also pointed out.

Estelle DeVooght asked for the private drive of Deerview Trail to be indicated to her. The issue of spot zoning was again addressed.

Mr. Ward again referenced comments of Mr. Yelle (contained in the packet to the Planning Commission) regarding spot zoning. Estelle DeVooght stated that the Commission does not have to agree with Mr. Yelle.

Is spot zoning a legal issue?

Mr. Ward went into detail regarding how many units could be built on his property if he built the minimal requirement of 800 square feet (35 residential units) and what that would look like.

Steven Kinnunen then addressed the Commission stating that his son lives on Deerview Trail. He has no financial interest in his son's property and wanted this issue brought before the Commission to decide whether his voting would create a conflict of issue. Mr. Sanders voiced the opinion of the Commission that it would not.

Mr. Sanders made it clear that rezoning the property to R-3 not only opens up the property to build multi-family dwellings, it could include nursing homes, day care, hotels, clinics and the like.

Estelle DeVooght noted that she thought spot zoning was an issue here.

Sam Elder then addressed the Board with the development made to the Ewing subdivision and Carmen Drive additions. He stated that 2 lots had been kept open on U.S. 41 and 2 lots on Juliet as R-3 to be used as a buffer zone. The proposed church to be built on 8 acres was to have access from Cherry Creek (not through the residential home area) and the sewer system would be built through Jean Street. He pointed out that conditions were made to buffer commercial and residential buildings.

Mr. Sanders pointed out that he agreed with Estelle DeVooght in the questions of "what is spot zoning and what is not?" He stated he did not think it was proper to create R-3 zoned property surrounded only by R-1 zoned property. Most all of the Township's R-3 property abuts C-2 and acts as a transition to R-1.

Steve Kinnunen made the motion that following the review of zoning request #126 and the staff file review that the planning commission recommends denial of rezoning #126 to the Township Board to rezoned said property from R-1 to R-3 for the following reasons:

1. The requested R-3 zoning is not reasonably adjacent or linked to the Township's commercial or service corridor.
2. It remains a viable piece of property that could be developed under the existing R-1 zoning designation.
3. The requested R-3 zoning designation would allow other land uses that would not fit in with the character of the surrounding area.

The Motion was Seconded by Estelle DeVooght. Aye 5, Nay 0. Motion approved. This recommendation will now go to the County Planning Commission.

B. Conditional Use #66 – William Kimmes – Home Occupation/Parking of Commercial Vehicles

Mr. Kimmes addressed the Commission regarding his application for home occupation and parking of commercial vehicles. He advised he owns three lots of property and provided photographs to the Commission of his property, where his trucks are parked and his home. Mr. Kimmes purchased his home in 1976 or 1977. The home was built in 1980. He stated he keeps all of his business activity to the center of his lots to ensure privacy for surrounding homeowners.

Mr. Kimmes explained in detail the devices he has installed into his business vehicles and the precautions taken when approaching and leaving his property, again in respect to his neighbors.

During the winter months, the removal of snow is piled in an effort to hide his business vehicles from view.

Mr. Kimmes stated that he had received correspondence from the Zoning Administrator requesting he submit his application. He has done so now and asked if the Commission had any questions of him.

Mr. Sanders asked that Mr. Kimmes describe what his business is.

Mr. Kimmes owns Snap-On-Tools. He went on to explain that his business trucks go from business to business selling tools. All his inventory is kept on his trucks. The only activity in and out of his home/occupational use would be an occasional UPS truck. He does his ordering from home with the use of a computer and uses a laptop when on the road. He has no ads in the local newspapers advertising his product. He has no billboard signs advertising his products. Mr. Kimmes pointed out that he does not conduct retail sales through his home.

Mr. Sanders then asked the Commission if they had any questions.

Mr. LaPointe asked Mr. Riley if a notice had been sent regarding Mr. Kimmes' application for which Mr. Riley replied an ad had been run in the Mining Journal newspaper. 31 property owners within 300 feet were notified in the surrounding area of Mr. Kimmes regarding his application and there was no response to this notification, either in writing or verbal received by the Commission.

Mr. LaPointe stated that Mr. Kimmes' neighbors must not find him a nuisance then.

Mr. Sanders then read the general standards with regard to what "home occupation" means and what "conditional use" is. The issue of whether conducting business from Mr. Kimmes three lots would be contrary to the public's health and welfare for which it was stated no as he has three lots to use as a buffer zone.

Mr. Sanders again offered to the Commission if there were any concerns. Mr. Tabor supported the application stating perhaps a review of the application should be conducted in five years and that Mr. Kimmes would have to keep his business size as is, i.e.: number of trucks, size of trucks. Mr. Sanders stated you can not change the rules in five years. Mr. Kimmes would have to re-apply to the Commission to upgrade/change the size of his business with respect to the number of vehicles and their size.

Again, the issue of the property and its character and buffer zone was addressed. The photographs provided earlier show that Mr. Kimmes' business trucks are largely blocked from view. Looking at the photographs, Mr. Kinnunen voiced concern over the size of trucks in and out of residential sites and what certain items represented in the pictures. Mr. Kimmes indicated personal buildings (storage), snowmobile trailer(s), etc.

Mr. Kimmes advised the Commission that his two employees live on the property.

Mr. Kinnunen stated his concerns that the Commission be consistent with the ordinance so in the future others will not have the "okay for him but not for me" argument.

Mr. Sanders states that the home occupation ordinance states it is okay to conduct business from your homes, however, each conditional use issue is different, as in this case, the number and size of business trucks being used. He stated that each home occupation application/permit will be individually reviewed. In Mr. Kimmes' case, there was a question as to his trucks being contrary to the public's health and welfare and that is why he was required to submit an application.

Ken Tabor then moved that after review of Conditional Use request #66, the standards of Section 107 (A) and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #66 with the following conditions:

1. That a total of three (3) trucks (of larger than personal vehicle size) may be kept on the site with a not to exceed the size of three trucks he now operates, which are: 1) Van 16,000 GVW 24'; 2) Van 26,000 GVW 30'; and 3) Van 32,000 GVW 36'.

2. That the applicant shall not have any employees that do not reside on the premises.

Mike LaPointe Seconded. Aye 5, Nay 0. Motion approved.

C. Preliminary Site Plan Review – Schaub – Apartment Project on Terrace Street

Bill Sanders said this issue is for discussion only during this evenings meeting.

Mr. Riley indicated with the use of the overhead the location of the proposed apartment project and a “draft” site plan.

Issues addressed during this preliminary review were as follows:

1. That an alley shown on map/plat/paper is only on paper and does not exist of which the process to abandon; currently being worked on.
2. All property owners abutting the proposed alley have “signed off” on its abandonment.
3. There are several issues to be finalized and that the site plan is only a draft.
4. Concerns were raised regarding the proximity of the units to the east property line, removal of snow during the winter months, spring water runoff, landscaping issues, lay-out of each unit and sewer leads, i.e.: what direction will they come from?

Mr. Kinnunen asked if there was a projected date for the buildings. Mr. Schaub stated perhaps next year (2004) the first unit will be built with another to follow.

Mr. Sanders asked if the Fire Department has review it yet? Mr. Riley replied a formal review has not been made yet but is being worked on.

Mr. Schaub stated that he would make any adjustments necessary to coincide with the Fire Department’s recommendations.

D. Discuss – Habitat for Humanity-Request for potential home sites

Mr. Riley stated that he had been approached about adding the request for potential home sites for Habitat for Humanity to the agenda for the Commission to consider and to bring the issue to the residents advising them that lots are sought in Chocolay Township.

IX. PLANNING DIRECTOR’S REPORT

Doug Riley discussed the following items:

- 1) Special Election for Supervisor – October 7, 2003
- 2) Michigan Society of Planning Meeting
- 3) Update on Corridor Plan
- 4) Community Center closure

X. PUBLIC COMMENT

Dick Arnold addressed the Board and asked of the status of the junk vehicle ordinance.

Mr. Riley replied that the survey was completed and information obtained and the police department was going to review and check with other departments regarding potential changes to the ordinance. There has been no time frame set for an answer, however, Mr. Riley did tell Mr. Arnold he would let Chief Zybert know that this topic was raised at this meeting.

No further public comments.

XI. COMMISSIONER COMMENT None

XII. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 9:03 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocoday Planning Commission
Monday, October 13, 2003**

Present: Bill Sanders, Estelle DeVooght, Mike LaPointe, Steve Kinnunen, Tom Shaw, Scott Emerson and Ken Tabor
Absent: None.
Staff: Doug Riley, Director of Planning and Research and Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS CALLED TO ORDER

Chair Sanders opened the Public Hearings at 7:30 p.m.

A. Rezoning #127 – O’Dovero – R-1(Residential) to C-2 (Commercial)

Christine Croschere from O’Dovero Properties introduced herself.

Dan DiLoreto (301 W. Main Street) requested time later in the meeting to address this issue.

B. Conditional Use #67 – Nivison – Home Occupation – No comments

C. Conditional Use #68 – Hirvonen – Dune Overlay District Application
No comments

Public hearings closed.

II. MEETING CALLED TO ORDER/ROLL CALL

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 8, 2003 MEETING

Steve Kinnunen said the Minutes should read Steve Kinnunen Moved (not Bill Sanders) and Estelle DeVooght Seconded with respect to Rezoning #126 – Ward.

Steve Kinnunen moved to approve a motion to correct the August 11, 2002 minutes as indicated, Ken Tabor Seconded. Aye 7, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders Moved, DeVooght Second, that the agenda be approved as presented. Aye 7, Nay 0. Motion approved.

V. PUBLIC COMMENT – no comments.

VI. OLD BUSINESS – no comments.

VII. NEW BUSINESS

A. Rezoning #127 – O’Dovero – R-1 (Residential) to C-2 (Commercial)

Mr. Riley noted that he had received correspondence late and that a copy of the letter was provided to the Commission. Mr. Riley then read a letter from Cindy Barbieri (341 W. Main) that she opposes the rezoning request and provided the opposition in writing as she could not attend this meeting.

Christine Croschere of O’Dovero Properties again introduced herself and provided a short history on the property in question. It was purchased from Mr. Menze and that the intent of O’Dovero Properties is to hold onto the property. They do not intend to sell the property immediately.

Steve Kinnunen asked that the bayou buffer areas be identified.

Estelle DeVooght asked how close are the nearest residents to the property in question?

Discussion ensued on the following issues:

- Verified the property is currently vacant.
- Specifics were discussed regarding the possibility of a driveway for the property, could one be built?
- GIS survey shows that there would be problems with traffic near this intersection.
- That access to the highway from a driveway at that location would be a concern.

Bill Sanders asked about the waterfront set back. Is this property exempt? A 30-foot set back must be preserved.

Estelle DeVooght asked about flooding of the property in the spring.

Bill Sanders noted the bayou is currently buffered by R-1 strip for the neighbors of this property and that if the property were rezoned to commercial, there is still a required 30 foot buffer strip from the edge of the water.

Discussion ensued regarding someone being able to place a home on the residentially zoned portion of the property.

Doug Riley advised of the specifics regarding road frontage and private driveways.

Bill Sanders stated that the Commission cannot deny the application due to the possibility of future development.

Steve Kinnunen stated there should be a site plan review.

Further discussion on the property ensued regarding the following issues:

- Safety aspect – ingress and egress to the property
- There will be interest in this property and development in the future

Scott Emerson asked if this parcel could be made a PUD parcel of which Doug Riley replied it would require variances.

Dan DiLoreto (301 W. Main) then advised the Commission that he had issues with two items on the Rezoning Application provided by O'Dovero Properties.

#9. Are there any negative impacts which will result from the proposed rezoning? Mr. DiLoreto stated there would be as this would create a spot zone. He has lived at his current address since 1985 and feels the wildlife can tolerate neighbors due to the buffer zone. If the property is rezoned, this would expose the river to commercial use and disrupt the wildlife setting.

#7. Are there any alternatives to the rezoning request to accomplish any specific proposal you may have? Mr. DiLoreto states, in his opinion, that there are two options. One would be rezone and grant the application or allow the property to remain residential and grant a variance to allow commercial building away

from the Bayou. The R-1 piece is not a property that could be built on. Mr. DiLoreto advised that he has spoken with Mr. O'Dovero and that Mr. O'Dovero stated he wanted a variance on his property to enhance its "sale ability."

David Thomas (311 W. Main). He and his wife oppose the application. They have two lots and concur with Mr. DiLoreto's objections.

Mike LaPointe asked what type of commercial activities could be developed on this property if it were rezoned. He noted reference had been made to a boat rental, sales and/or service.

Doug Riley then advised the Commission on what permitted uses would be as stated in the zoning ordinance.

Discussion was held regarding rezoning the property with the following topics addressed:

- How much building area would be gained by rezoning?
- If a variance was granted, could it be an open ended variance?
- What could you build specifically?
- Variance limits were questions as to exactly how much building area would be gained
- Would it be possible to build a home if a variance were obtained and a driveway installed?
- What will the restrictions be if this is rezoned commercial?

Steve Kinnunen again stated that the application did not include a development plan and that with the negative response from the residents, he believes the parcel should be left "as is."

Steve Kinnunen remarked that the property has some existing commercial zoning and could be built on now. We do not have a site plan in front of us. There should be a more comprehensive plan. The bayou is zoned to be kept in its natural state. There should be special attention paid to environmental areas.

Scott Emerson remarked that this needs a comprehensive plan regarding a buffer zone. If this area were rezoned, it puts a wedge between residentially zoned areas with a waterfront. He agrees with Steve Kinnunen that this needs a more specific plan and that just rezoning and not knowing a plan is not good.

Christine from O'Dovero Properties stated that she talked with Randy Yelle and that Mr. Yelle advised her that she should file for this rezoning. She reiterated that their plan was not to go commercial. Yes we would like to sell the land at a later date, however, our business interests are primarily in Negaunee Township.

Bill Sanders and Steve Kinnunen debated the issue of rezoning and the potential to build if rezoned or not rezoned.

Bill Sanders stated that the bayou needs to be researched as to what it was initially zoned. Steve Kinnunen stated he believed this was all R-1 and Estelle DeVoght agreed that she believed it was all R-1.

Steve Kinnunen Moved, Tom Shaw Second, that following the review of Rezoning request #127, the Planning Commission recommends denial of Rezoning #127 to the Township Board to rezone said property from R-1 to C-2 for the following reasons:

1. The parcel is buildable without rezoning.

2. The comprehensive plan includes goals to protect the waterways as areas of particular concern.
3. The existing R-1 zoning maintains a buffer between commercial and residential.

Aye 5, Nay 2 (Sanders and Tabor). Motion approved.

B. Conditional Use #67 – Nivison – Home Occupation

Russell and Amy Nivison of 250 Foster Creek Road requested conditional use approval for a home occupation under the terms of the zoning ordinance to have one non-resident employee and to post a sign 6 square feet larger than is allowed.

Doug Riley laid out the site plan and described the property in question. He stated that the Nivisons' home is located in a rural area. He pointed out that there are two driveways to the Nivisons' home; one from Foster Creek and the other from U.S. 41. The Nivisons' propose to erect this sign on U.S. 41. Mr. Riley did not receive any verbal or written opposition to the Nivisons' request.

Russell Nivison advised the Commission what his business is (heating and cooling business). He has difficulty receiving deliveries via semi truck as they can not access Foster Creek Road. Having a sign on US 41 would have directional value for his business, however, he does not receive much business at his home as he works at other homes and/or businesses.

Discussion was had regarding semi truck deliveries and service drives which do not belong in a neighborhood. Tom Shaw volunteered that with the road restrictions as they are, Mr. Nivison has limited time during a year for semi truck deliveries. Mr. Nivison pointed out the safety aspect of having his deliveries routed as he is requesting to avoid children and potential harm in a neighborhood.

Steve Kinnunen asked if the driveway on U.S. 41 was recognized by the Michigan Department of Transportation of which Mr. Nivison replied yes.

Mr. Nivison stated he would post a professional sign; the same being purchased through Signs Unlimited.

Mr. Nivison was asked if he planned on utilizing lighting for his requested sign. He assured the Planning Commission he was not.

The Commission discussed exactly what size the sign requirements are now and the size of the sign that Mr. Nivison is proposing.

Bill Sanders asked what is the area zoned? Doug Riley replied RR-2.

Bill Sanders remarked that the Nivisons' property is five (5) acres and the home occupation intent is not for the property to look commercial in nature.

Mr. Nivison stated that there is 500 feet between he and his next neighbor. He has a buffered tree zone (an individual would not be able to see the sign through the tree line) and that his neighbors consist of his in-laws and family.

Mike LaPointe stated he had no problem with the non-resident employee request but needed clarification of the size of the proposed sign.

Again, Mr. Nivison assured the Commission the sign was intended primarily for deliveries, not as advertising.

Ken Tabor asked what is the size of the sign on your truck? Mr. Nivison replied 2 x 4 feet.

Mr. Nivison stated he would place the sign near his driveway but couldn't respond exactly where until he checked on the required footage necessary from the road.

The Commission discussed in detail the size of the sign and supported a compromise as to the size of the sign going with no larger than 6 square feet.

Tom Shaw Moved, Ken Tabor Second that after review of Conditional Use request #67, the standards of Section 107 (A) and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #67 with the following conditions:

1. That a sign is to be placed on the side of Mr. Nivison's U.S. Highway 41 property and is not to exceed the size of 6 square feet.
2. The applicant is allowed to have one non-resident employee.

The reasons for allowing the size of the sign and its placement on U.S. 41 are as follows and were reiterated for clarification in the event another resident would want to place a sign on their property:

- Safety of neighborhood children with respect to home deliveries
- The Nivisons' own five (5) acres of property
- They are 500 feet from the nearest resident
- There is a buffered tree line

Aye 5, Nay 2 (Sanders and DeVooght). Motion approved.

C. Conditional Use #68 – Hirvonen – Dune overlay District Application.

Mel and Claire Hirvonen have requested conditional use approval (Dune Overlay District Application) in order to construct a new home on a parcel they own.

Doug Riley addressed the issue that the Hirvonens are looking for a decent place to build a house on their parcel. Mr. Riley showed the site plan and stated that the plan meets all the requirements and the side yard set backs are adhered to. Mr. Riley stated he received no objections from residents to this application.

Bill Sanders asked to be shown on the site plan the dune versus erosion hazard line. Mr. Riley explained the slope area and indicated the dune area.

Bill Sanders asked if there would be bulldozing done of which the response was no, only a hole for the foundation was to be dug (response by Kim Young).

Kim Young then addressed the Commission stating the property has been in their family since 1927 and they want to keep the dunes stable.

Steve Kinnunen stated that a root system was needed for stabilization for which Kim Young responded they understood this.

Mike LaPointe Moved, Scott Emerson Second that after review of Conditional Use request #68; the standards of Section 218 and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #68 with the following conditions:

1. That the disturbed areas of the foredune be rehabilitated with dune grass plantings at a rate of 1 culm (clump) per square foot of disturbed area following completion of the home construction.
2. That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

Aye 7, Nay 0. Motion approved.

D. City of Marquette – Notification for comments on the Whetstone Brook and Orianna Creek Watershed Management Plan and the McClellan Avenue South area Land Use Plan

Doug Riley briefed the Commission that the State of Michigan had passed planning amendments, which requires any master plan amendments be sent to adjoining municipalities for comment and/or review. Any comments by the Township are non-binding.

Discussion was had with Doug Riley and the Commissioners as to whether there was anything disturbing in the proposed changes of which he replied no, he liked option #3 of what was proposed and that it follows a development plan yet relates to environmental issues.

Bill Sanders suggested that the Commission put together a letter addressing issues for the Township. Doug Riley believed they had forty (40) days from the date of receipt of the amendments to the City Master Plan.

E. Update to Comprehensive Plan

The memorandum dated 10/09/03 by Greg Seppanen, Supervisor addressed the issue of the need and support to update the Township's Comprehensive Plan.

Doug Riley pointed out that under the new State Planning Act, the plan is to be updated every five (5) years. He discussed hiring an outside consultant to assist us with this and that the Township had earmarked some funds for this. Additional support would be necessary from the Board. It was suggested that the Township address the Board next Monday (10/20/03) to obtain preliminary approval to obtain proposals from consultants.

Ken Tabor asked where the cost would come into play requiring additional funding.

Doug Riley stated man hours, map work/graphics, demographics and meetings.

Scott Emerson remarked that it has been thirteen (13) years since the plan was updated.

Doug Riley volunteered to do most of the "grunt work" in an effort to keep the consultants fees down.

Steve Kinnunen asked where do we obtain a consultant for which Doug Riley responded with advertising.

Discussion was had regarding interviewing prospective consultants before the Commission to obtain a qualified consultant, not just accept a consultant for their

“low bid” and that it would be important to hire the right person. Doug Riley would prepare a draft Request for Proposals (RFP).

Mike LaPointe Moved, Scott Emerson Second that the Planning Commission proceed to the Township Board to look for preliminary approval and funding to hire a consultant for the update to the Township's Comprehensive Plan.

Aye 7, Nay 0. Motion approved.

VIII. PLANNING DIRECTOR’S REPORT

Rezoning #126 – Ward application was reviewed by the County Planning Commission and they also recommended denial of the application. It will be brought before the Board on 10/20/03.

Attendance at the Ivan Fende dinner discussed.

Court of Appeals reviewing the snowmobile trail issue was discussed in detail. End of discussion was Doug Riley’s response that neither side had a feeling which way the ruling would go.

IX. PUBLIC COMMENT – None

X. COMMISSIONER COMMENT

Estelle DeVooght voiced a concern as to why Christine from O’Dovero Properties said Mr. Yelle told her to come to this meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board – September 15, 2003

B. Minutes – Zoning Board of Appeals – September 25, 2003

XII. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 9:29 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, December 8, 2003

7:30 P.M.

Present: Bill Sanders, Estelle DeVooght, Steve Kinnunen, Tom Shaw, Scott Emerson and Ken Tabor.

Absent: Mike LaPointe

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration, Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

III. APPROVAL OF THE MINUTES OF OCTOBER 13, 2003 MEETING

An addition/correction was made to the October 13, 2003 minutes by adding a paragraph to VII New Business, B. Conditional Use #67 Nivison Home Occupation (page 4) that Mr. Nivison was asked if he planned on utilizing lighting for his requested sign and that he assured the Planning Commission he was not.

Steve Kinnunen moved to approve the minutes with above referenced addition/correction, Estelle DeVooght Seconded. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor Moved, Steve Kinnunen Second, that the agenda be approved as presented. Motion approved.

V. PUBLIC COMMENT

Dick Arnold of 312 County Road 545, Marquette, MI asked the Planning Commission as to the status of the junk ordinance revision(s). Doug Riley advised that the Police Department was researching other Ordinances that could be used as a model. Chief Zyburt was in attendance at the meeting and advised that the research, unfortunately, had been put on the back burner due to the recall and election with the Township Board. Mr. Sanders asked if this project could be moved along and can Mr. Arnold be given a time frame in which to anticipate a response

Stan Hubert of 5029 S. U.S. 41, Marquette, MI addressed the Planning Commission stating that some of the Harvey businesses were willing to contribute funds for the required grant match available through the Department of Natural Resources (hereinafter referred to as DNR) for snowmobile enforcement as the business owners are aware that Chocolay Township does not have the funds to match the available grants. Mr. Sanders advised Mr. Hubert that this issue would be addressed later in the meeting.

VI. OLD BUSINESS – None.

Closed – no comments.

VII. NEW BUSINESS

A. Discuss – Snowmobile Trail Opening – Discussion of mitigating measures with the Michigan Department of Natural Resources

Mr. Sanders asked the DNR people in attendance at the meeting to introduce themselves and give a general outline as to what they wished to discuss during this meeting and that discussion could be held between the DNR and the Commission following their presentation.

Michael L. Paluda, U.P. Field Coordinator, Forest, Mineral & Fire Management was the spokesperson for the group. Other DNR staff in attendance at this meeting were introduced as Terry Popour, Debbie Begalle, Bill Brondyke and Ron Yesney.

Mr. Paluda explained that the DNR in the State of Michigan is comprised of seven (7) unit organizations and that the unit located in Gwinn, MI will be responsible for the snowmobile trail in Chocolay Township. Terry Popour is in charge of day to day operations and can be contacted at the Gwinn office. Debbie Begalle is the Western U.P. Supervisor. Ron Yesney is the individual within the Gwinn unit that is the recreational specialist who does the planning, public relations, parks, etc. He is one of the primary contacts for Chocolay Township regarding the snowmobile trail and is the point person.

Mr. Paluda explained to the Commission that funds for the snowmobile trail are generated by a user's fee and a portion of gas tax funds. These funds are protected and the State of Michigan does not have access to the money. He advised that there is money available in the form of grants for enforcement by the police department and for trail construction and development.

Mr. Paluda asked that the Planning Commission assist the DNR in what direction it should take regarding mitigating sound from the trail in a residential area and steps to take to keep Chocolay Township residents safe and happy.

He stated that Hiawatha Trails does the trail grooming through grants and that the DNR are very happy with the services of Don Britton.

Mr. Paluda advised that a discussion was had with Gary Walker, Prosecuting Attorney for Marquette County and that this year, with having a trail in Chocolay Township, snowmobiles will have to abide by the law and travel in the direction of traffic along the highway. Although the rules were different last year, now that there is a trail, he feels he has to vacate his old decision and revert to the law. The Michigan Department of Transportation (hereinafter referred to as MDOT) was not happy with snowmobiles using the bike path as a trail in Chocolay Township.

Debbie Begalle spoke next advising the Commissioners that the DNR has two trail counters to place on the snowmobile trail with their purpose being to collect data, i.e.: speed of sleds, time of day when speed a factor, time of the day when sleds are used, etc. The DNR has selected a site for one of the counters, however, they are looking for an advantageous spot for the other. She advised the Commissioners that the DNR will be gathering complaints and accident information to compile a report. This information will be collected on a weekly basis with the final report being compiled at the end of the season. This will help to assess what is working on the trail and what is not.

Don Britton of 121 Deerview Trail, Marquette, MI advised that they will be logging any complaints through the police department, information the groomers will gather and look for trouble spots on the trail.

Signs have been posted through each segment of the trail which have been paid for by the Convention and Visitors Bureau which advise the snowmobilers to move slowly, respect the residential area they are traveling through and watch for children. These signs are found on each end of the trail.

Ron Yesney will do a weekly trail inspection.

Bill Sanders asked if the Chocolay Township Snowmobile Trail Information Sheet dated December 1, 2003 which is a one page – two sided document- listing five telephone numbers was provided to property owners affected by the trail.

Scott Emerson pointed out that there should be one number that can be called for complaints and that accidents should be reported through the 911 telephone number.

Doug Riley asked if a standard form could be utilized by all agencies so that the information compiled is uniform.

Police Chief Zyburt advised that the police department for the City of Marquette has received a grant for funds regarding policing the snowmobilers and that the Chocolay

Township police department and the City of Marquette police department would be working together to keep an eye on safety issues. Mr. Zyburt explained his intention on policing a particular area in Chocolay Township that he believes will be misused, i.e. speed and noise and, hopefully, this will curb further abuse. He states for enforcement purposes, he must have a restricted area to monitor.

Lee Snooks, Director of Recreation and Grants Administration stated that 100 hours total have been mandated and that the DNR has picked up the tab for 87 hours.

Discussion ensued regarding the fact that grants are available through the DNR and that funds must be made available to match the DNR grants. This funding would go toward purchasing another snowmobile for the police department to use and for man hours.

Steve Kinnunen questioned how long it would take to get this funding and have more police man power.

Steve Kinnunen asked that an expedited order be initiated to have Greg Zyburt able to put in extra man hours to police the snowmobile season. He also noted that there is wildlife in the bayou area of Chocolay Township and that the DNR needs to be aware of this and address this issue. Extra care is needed in that area.

Mike Paluda stated that the issue of wildlife and snowmobilers has been a controversial subject for years for the DNR. Their experience has been that animals are not bothered by snowmobilers unless the animals are chased.

Doug Riley raised the issue of funds collected by Chocolay Township businesses to match the DNR grants being authorized legally. The auditors stated yes, the businesses in the area can donate money to the Township to match the grants.

Mike Paluda pointed out that the Township will have to ask for the grants from the DNR.

Greg Zyburt advised that the grant does not pay for training of police officers to attend a week's long class on policing a snowmobile trail. The fee is \$500.00 and his budget will not allow for said training fee(s).

Debbie Begalle asked if this training was specifically for trails and enforcement of which Mr. Zyburt stated it was. Mr. Paluda stated he would check into this matter with the DNR to see if anything could be done.

Tom Shaw asked Mike Paluda specifics regarding his conversation with Gary Walker and the use/non-use of the bike path. Discussion ensued regarding right of way issues, crossing the highway in downtown Harvey to gain access to restaurants, bars and gas stations.

Steve Kinnunen again asked how quickly funds could be made available to apply to the police force.

Mike Paluda states that once Chocolay Township has its matched funds, the DNR will expedite the request.

Ron Yesney stated he hoped it could be within one week.

Doug Riley asked if the contributing business owners would have signs on the trails to direct snowmobilers to their establishments.

Ron Yesney stated no they could not as the trail is state regulated property. He will, as the Recreational Manager, erect generic signs that state food, lodging and gas but not list a specific entity.

Terry Popour stated that at map stops along the trail, there will be arrows directing the flow of traffic and will lay out access to businesses in Chocolay Township. He suggested an enlargement of the township map to keep the snowmobilers out of what could be problem areas.

Scott Emerson addressed the fact that there are going to be complaints not only from the official trail but from the community as well. The thrust of the conflict within this community has been that the trail is populated with families. He stated if snowmobilers start driving their sleds through Harvey as directed by map stops and signs, there will be problems. He also pointed out that funding should be obtained for an air quality study. He pointed out that carbon monoxide from snowmobiles can be deadly. Data needs to be collected and studied on this subject.

He also pointed out to the DNR that they have been granted a privilege and with authority comes responsibility. They may need to reset their "standards" as a rural trail area has many different issues than a residential area.

Mike Paluda pointed out that the DNR has 6,100 miles of trail and that communities such as Traverse City and Cadillac have not reported problems. Steve Kinnunen pointed out that the two referenced cities do not have major businesses in the thorough fare as Chocolay Township does.

Mike Paluda stated that Chocolay Township will have to decide where traffic enters the Township business corridor and the DNR will follow their directions.

The issue was brought up regarding building a bridge over the Chocolay River. Also addressed was utilizing the trail during the summer months as a bike path and hiking path.

John Smith of 2176 M-28 East, Marquette, MI suggested creating another ad hoc trails committee to look into these questions with the MDOT and DNR coming up with ideas and solutions.

Mike Paluda stated that crossing the Chocolay River to get traffic across it would not fit into the snowmobile trail program. If the plan was for a multi-purpose trail, this might be a possibility under a trust fund grant.

Doug Riley asked the DNR if there is a time frame to follow for funding assistance for next year to utilize the data gathered this year i.e.: how many snowmobilers used the trail, how many were off the trail, etc.

Debbie Begalle stated the application deadline is April 1, 2004.

The issue of the second counter was raised again. Terry Popour stated that the counters are laser and would not work on a public road due to snow, sanders and plows.

Stan Hubert who resides at 104 Ridgewood volunteered his property to place the second counter. His property is located 60 feet off the trail.

Terry Popour pointed out that this year will be a learning experience for the DNR.

Bill Sanders questioned the DNR regarding the construction of the trail. Is there a design in place? Are there ways of designing the trail to cut down on snowmobile speed and the noise generated?

Mike Paluda stated the DNR is in the business of maintaining trails, not designing them. He was not sure that they had the expertise to do design work. He stated the DNR is willing to plant trees, etc. to help reduce the noise level. Again, he stated the DNR is looking to the Township for proposals and direction.

Ron Yesney suggested that the grant sponsor (Hiawatha Snowmobile Club) could work with an architect to build the trail.

Scott Emerson suggested that if the people of the community were asked to become involved in the designing of the trail, perhaps this would soothe ruffled feathers.

Ron Yesney also suggested utilizing college students to become involved in a community project such as designing a snowmobile trail.

Steve Kinnunen asked Don Britton about the size of the trail. Mr. Britton replied that the trail will be solid groomed by 12 feet except for bridges. The sign/map areas are groomed to 20 feet to allow snowmobiles to stop safely. There are posted signs prior to these areas that state "slow down."

The subject of encroachments was brought up and Debbie Begalle stated there are a few encroachments to address. The DNR will alert the homeowners that the DNR owns the grade and they must remove anything in the way.

Scott Emerson questioned what the season deadline is for the use of the trail.

Terry Popour stated the grooming will stop on March 31, 2004.

Scott Emerson requested that the DNR close the trail to the residential area on March 31, 2004. Ron Yesney replied that historically, if the area receives a snowfall at the end of March, they will extend the season by two more weeks. Mike Paluda stated that if the Township wants this deadline to the residential area considered, it should be put in writing to the DNR.

Bill Sanders asked Mike Paluda if he would return to address questions and discuss the trail at another Planning Commission meeting. He responded that contact should be made with Debbie Begalle in the Gwinn office.

Doug Riley advised that a joint Board/Planning Commission meeting would be held on Monday, December 15, 2003 to review the issues raised in the Planning Commission meeting.

B. Discuss – Update to Comprehensive Plan – Review of Draft RFP

The draft of the RFP was reviewed by the Planning Commission and questions/comments were directed to Doug Riley. Doug Riley suggested to the Planning Commission that a score sheet be drafted to utilize when interviewing consultants.

Ken Tabor asked Doug at what point do you think the Township would receive proposals and Doug thought February of 2004 as long as the Board gives its approval to seek proposals.

The Commission agreed that the draft flowed well and that it was approved to present to the Board at the joint meeting.

VIII. PLANNING DIRECTOR'S REPORT

Joint Township Board/Planning Commission Meeting - December 15

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

- Estelle DeVooght stated she was not happy with the snowmobile trail plans.
- Steve Kinnunen reiterated the need to have adequate policing of the snowmobile trail.
- Scott Emerson believes the DEQ should be involved in this issue as it related to air quality control.
- Scott Emerson stated there needs to be one telephone number to lodge a complaint regarding snowmobiles and use the 911 telephone number for accidents/emergencies.
- It was noted that Terry Popoure's telephone number was not reflected on the informational sheet provided by the DNR to homeowners.
- Estelle DeVooght asked if the trail issue would still be presented to the Court of Appeals?
- Doug Riley responded that the first step is to ask for a rehearing by the Court of Appeals, which is most likely going to be denied, however, this possibly sets up the Supreme Court to review the case.

XI. INFORMATION ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board – October 20 and November 20, 2003
- B. Minutes – Zoning Board of Appeals – October 23, 2003
- C. Correspondence – Maki to Board/PC et al. – ZBA Hearing on Waselesky

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 9:55 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, June 7, 2004
7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Scott Emerson, Ken Tabor, Mike LaPointe and Tom Shaw.

Absent: Bill Sanders

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research and Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS

- A. Text Amendment #04-01: a request to change the R-1 District in Sec. 10 T47N-R24W, parcel number 52-02-110-063-00, 3.67 acres, located between Timbercrest Garden Center to the west (C-3) and Residential (R-1) to the east to a Planned Unit Development District for the purpose of constructing a mini-storage complex.

Mike LaPointe open the public hearing advising those in attendance at the June 7, 2004 meeting that they will all have a chance to speak. He reiterated the request outlined in I. A. regarding text amendment. Mr. LaPointe then asked Dennis Stachewicz to provide an overview.

Mr. Stachewicz referred to his memorandum dated June 4, 2004 where he laid out the issues as to whether the Planning Commission should consider whether or not the PUD District will allow enough control over the proposed development to support the standards outlined in Section 508 of the Zoning Ordinance and not have a detrimental affect on the resident neighborhood to the east.

Mr. Stachewicz pointed out the following issues:

- The parcel is currently vacant and serves as a buffer to the residential area.
- The parcel has natural gas and electricity available there now.
- Water would be via private well; however, this is not needed for a mini-storage complex.
- The soil type information has been provided and if the request is granted, landscaping will have to be done to the parcel.
- The Comprehensive plan was cited as the site design is critical to this request.
- Another issue raised was future land use allocation.
- The history of requests for use of this parcel was discussed (more particularly the request by Roger Wotring in 2002) and the point made that the Planning Commission should discuss whether or not conditions have changed from previous denials for use of this property.
- There is not a landscaping or lighting plan outlined in this request of which Mr. Stachewicz believes is important.
- The site plan does not include building elevations, which should be addressed.
- "Spot" zoning was discussed.
- There has been no feedback from the residential area located near the parcel of land in question; nothing positive or negative in writing.
- Winter maintenance should also be considered.

Mr. Darwin Britton then addressed the Commissioners regarding his request. He provided photographs of what the proposed storage buildings would look like. He described the building materials, drainage and proposed landscaping. He outlined the proposed phases of building storage compartments. Mr. Britton is a grade foreman for Lindberg Gravel and, therefore, is knowledgeable of grading easement. He would like to put up an illuminated sign and use 2 lights with 50 watt bulbs per building, which will deflect to the buildings. The summer hours for the proposed mini-storage buildings would be 8:00 a.m. (EST) to 8:00 p.m. (EST). Mr. Britton owns a snow removal business and would take care of the snow removal himself at 8:00 a.m. or shortly thereafter.

Mr. Britton has an architect “standing by” and would provide the Commissioners with a plan within 2 weeks of approval. He stated that the elevation of the proposed mini-storage buildings would be comparable to Timbercrest.

Mr. LaPointe opened discussion to the public at this time.

Charles Hudson – 104 Dana Lane. His home would be located closest to the proposed buildings. His drain field is located close to the property in question. He stated that there is too much activity on Dana Lane as it is now. The jack pine trees to be used as a buffer for noise have very little branches. He is against building commercial on this property and would prefer to see a home built there.

Gordon Uren – 116 Dana Lane. Mr. Uren had several concerns. He quoted from the Zoning Ordinance that an R-1 zone is intended to be used for family housing. He quoted from Section 215 and 505 (Planned Unit Development) that the request does not meet the intent of zoning. He again quoted Section 1, 9 and 11 does not meet the standards for PUD. He referenced ground water contamination from misuse of the storage buildings, i.e.: changing oil on vehicles, etc. He believes this area to be “spot” zoning.

Charles Hudson – 104 Dana Lane. Mr. Hudson pointed out that he does not believe the footage for the parcel in question is correct.

Kim Erickson – 120 Dana Lane. Mr. Erickson also does not believe the footage outlined in this request is correct. He pointed out that he has attempted to purchase this parcel of land, however, it is priced as “commercial” property, thus too expensive.

Bill Beckman - 1719 Woodland in Marquette. Mr. Beckman said this parcel of land has been in the family for 100 years. He and his brother, Glen Beckman, would like to sell the property to Darwin Britton. They understand the concerns of the neighborhood, however, they feel they have the right to sell this property.

Glen Beckman addressed the issue of the footage in question and gave history as to the property lines for this parcel. He stated that they have been trying to sell that parcel for years and that no one wishes to purchase it to build a home next to Timbercrest.

There is 100 feet in question that is owned by Dana Varvil that was discussed with no resolution.

Estelle DeVooght asked if this land has been surveyed. Glen Beckman affirmed.

Mr. LaPointe agreed that there was a discrepancy in the footage of this parcel and this will be addressed. Public comment regarding this item was closed.

- B. Private Road #04-01: a request to construct and maintain a private road in Sec. 9 T47N-R24W off of Jennifer Lane across from Candee Lane, to serve development of 20.1 acres, parcel number 52-02-109-128-00.

Mr. LaPointe reiterated the request outlined in I. B. then requested that Dennis Stachewicz provide an overview.

Mr. Stachewicz pointed out the following issues:

- Eric Keough is the applicant.
- There is an area in the proposed cul-de-sac which is 5 feet lower than the grade of Jennifer Lane.
- Naming the private drive “Pine Cone Trail” has been researched and approved by the State Police Central Dispatch.
- The applicant is responsible for easements.
- This application is purely for the use as a private road and not a subdivision.
- Applicant will attempt to obtain a permit to construct at least one home. Said property would allow for four parcels to be purchased for constructing homes.
- Mr. Keough’s proposal meets the necessary requirements.
- The proposed road does not appear to have an impact on the neighborhood.

- Private roads usually get turned over to the municipality in the long run, which is why the design should be critically reviewed.

Mr. LaPointe asked if the applicant was in attendance and if he would like to address the Commissioners.

Eric Keough advised he owns 20.1 acres of land and provided photographs of the property. He is a licensed builder and realtor. The land is currently used by people for recreational purposes, i.e. dirt bikes, ATV's, etc.

The grade of the proposed road and cul-de-sac will be addressed by Smith Paving.

The Marquette County Sanitation Department has been to his property. The Health Department has approved the well and septic system.

He intends to only cut down ½ acre of trees to build homes. He currently has 2 individuals interested in having a home built on this property which Mr. Keough believes will sell in the \$195,000.00 range and generate revenue for Chocolay Township.

Mike Mileski, Geometric Services and project surveyor, was with Mr. Keough and verified boundary limits.

Public comment regarding this item was closed.

II. MEETING CALLED TO ORDER/ROLL CALL

Mike LaPointe called the meeting to order at 7:30 p.m.

III. APPROVAL OF THE MINUTES OF APRIL 12, 2004 and MAY 18, 2004 MEETINGS

Scott Emerson moved to approve the minutes of the April 12, 2004 meeting, Estelle DeVooght Seconded. Aye 6, Nay 0. Motion Approved.

Steve Kinnunen moved to approve the minutes of the May 18, 2004. Ken Tabor Seconded. Aye 6, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Scott Emerson moved that 1 B. (Private Road #04-01) be moved to be heard first and 1 A. (Text Amendment #04-01) be held second in Public Comment. Ken Tabor supported. Aye 6, Nay 0. Motion Approved.

V. PUBLIC COMMENT

A. Private Road #04-01. Clarification was made regarding the grade concern and size of the cul-de-sac. It was discussed that if this road/cul-de-sac may ever be turned over to the Marquette County Road Commission, it should meet the County standards.

Steve Kinnunen stated he had looked at and measured the property of Mr. Keough and believes that a wider road, i.e. 24 feet would be more appropriate as four houses are proposed to be built on the 20.1 acres of land and consideration should be made for the amount of vehicles that will eventually use this road. Mr. LaPointe questioned whether the cul-de-sac specifications were taken from the Marquette County Road Commission specification booklet.

Mike LaPointe asked that the proposed restrictions be clarified which included grade/drainage, extra width to road, gravel to cul-de-sac (accessibility for emergency vehicles).

Steve Kinnunen Moved _____ Second that after review of Private Road Request #04-01 (Private Road #18); the standards of Section 402, D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) The base of the cul-de-sac area is to be filled to meet the elevation of the road profile where it connects with Jennifer Lane.
- 2) The applicant shall provide access to township vehicles as well as other public/private utility companies to provide services.
- 3) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed.
- 4) The applicant pay for and install a road sign identifying the private road as "Pine Cone Trail" at the intersection with Jennifer Lane and the applicant is to pay for and install a stop sign at the same intersection.
- 5) The applicant comply with the conditions and requirements of all other agency regulations.
- 6) The applicant is required to provide certification from a surveyor/engineer that the private road standards imposed by the Planning Commission indicating a twenty-four foot road width, two foot shoulders, and adjustments to the cul-de-sac entrance radii that will allow for construction of a cul-de-sac in accordance with the Marquette County Road Commission standard detail, have been achieved at the conclusion of construction.
- 7) A zoning compliance permit shall be issued after all of the above conditions are met.
- 8) The applicant is strongly encouraged to obtain Marquette County Health Department review of well and septic considerations for the proposed lots prior to road construction.
- 9) Land Division Approval is required from the Assessor for the creation of individual parcels off from the road and may require the modification of the lots as shown.

Aye 6, Nay 0. Motion approved.

Text Amendment #04-01. After much discussion by the Commissioners, Dennis Stachewicz, the applicants and concerned parties, it was suggested by the Planning Commission that this issue could not be addressed at this time until the question of the property line be resolved.

Mr. Stachewicz pointed out that this issue could be tabled for 45 days to allow the time necessary to research the property lines.

Darwin Britton was concerned with that timetable as this request needs to be presented to the Chocolay Township Board for approval. This would put any construction of the mini-storage buildings into late Fall which would not be conducive to Mr. Britton's plans.

Scott Emerson suggested the site plans be addressed and re-evaluate the lay out of the proposed buildings.

Ken Tabor asked what would happen to the property years down the road. Would this parcel revert back to residential?

Mike LaPointe advised Mr. Britton that the Commissioners do not like to table issues, however, in this case, there are specific questions that need to be addressed.

Dennis Stachewicz stated a special meeting could be held to speed up the process in an effort to help with Mr. Britton's time table concerns.

Scott Emerson would like to see alternatives to PUD.

Dennis Stachewicz stated the preliminary plans are close to final plans so any plans presented in the future must be close to final. This is to be presented to the Planning Commission and then the Chocolay Township Board. Time table of two months.

Darwin Britton quoted Randy Yelle as stating this is a PUD, not a variance, thus this issue does not have to go through both entities.

Dennis Stachewicz suggested he work with the applicants and Randy Yelle, research the property lines and ensure all requirements are met.

Mike LaPointe stated Mr. Stachewicz is to work out the details and a special meeting will be scheduled.

Aye 6. Nay 0. Motion carried.

Meeting break at 9:41 p.m. Resumed at 10:05 p.m.

VI. OLD BUSINESS

A. Discussion – Update of Comprehensive Planning Process.

Estelle DeVooght stated she was not impressed with the planning process. She believes this requires too many meetings, too many people involved and too much time.

Scott Emerson pointed out that multiple people are needed for their input.

Dennis Stachewicz advised the Commissioners that on August 5, 2004, a meeting will be held at the Cherry Creek School beginning at 7:00. This meeting is an attempt to get the community to come together with their ideas and thoughts regarding the Township. He plans on sending out packets and “case” the neighborhood. A list of people was read (leaders of the community, business owners, etc.) that were going to be asked to become involved.

The September 2004 Planning Commission meeting date was discussed. Dates were suggested but nothing verified. This meeting will involve the consultant.

The November 2004 Planning Commission meeting date was discussed.

VII. NEW BUSINESS

A. Annual Election of Officers.

Estelle DeVooght moved that the current status of officers remain. Ken Tabor Seconded. Aye 6. Nay 0. Motion carried.

B. Discussion – US 41 Corridor Access Management Subcommittee.

This will become part of the Comprehensive Plan and will be addressed in the fall. There is no great urgency at this time for adopting the corridor. Steve Kinnunen pointed out that grants are being researched at this time. Mike LaPointe suggested this issue be tabled to be discussed at another time.

VIII. PLANNING DIRECTOR’S REPORT

Mr. Stachewicz has had this position for seven days. He is happy to be involved with the Township.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

The Commissioners welcomed Dennis Stachewicz and complimented him on his thorough presentation of the items on the agenda for this meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board
- B. Minutes – Marquette Township Planning Commission
- C. Publication: *Planning and Zoning News*

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 10:15 p.m.

**Charter Township of Chocolay
Planning Commission**

Monday, August 9, 2004
7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Scott Emerson, Ken Tabor, Mike LaPointe ,Tom Shaw and Bill Sanders

Absent: None

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research and Lori DeShambo, Recording Secretary

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:32 p.m.

III. APPROVAL OF THE MINUTES OF JULY 12, 2004 MEETING

Scott Emerson moved to approve the minutes of the July 12, 2004 meeting, Bill Sanders Seconded with the corrections that follow. Aye 7, Nay 0. Motion Approved.

Date of the submitted minutes should read July 12, 2004 – not June 7, 2004.

Under VIII. Public Comment, page 5, paragraph one; delete sentence “most accidents happened between midnight and 8 a.m.

Under IX. Commissioners Comments, page 6, paragraph four should read “Scott Emerson suggests the Planning Commission recommend to the Board that a letter be sent to our Representatives, Governor, and Michigan Township Associates that the Snowmobile Act be mandate residential areas of certain population density be subject to local zoning

Under IX. Commissioners Comments, page 6, paragraph six should conclude with “which was an oversight in the original law.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Under XI. Informational Items and Correspondence; Add Item F. Results of Comprehensive Plan Survey (which are distributed and to be reviewed by the Planning Commission Members at their leisure).

Bill Sanders discussed the agenda which included the park issue. The Zoning Administrator has made his decision and if Mr. Maki does not agree with this decision, then he can appeal it to the Board of Zoning Appeals.

Estelle DeVooght asked if the new consultant can address the issues of Mr. Maki?

Mike LaPointe stated that the ordinance sub-committee should be assigned these issues.

Steve Kinnunen asked if the issues raised by Mr. Maki are in violation of the ordinances?

Scott Emerson pointed out that some issues can be addressed as an ordinance issue but not a zoning issue with regard to the Zoning Administrator.

Bill Sanders pointed out that there must be a time limit on how far back an individual can point out an error made in making a decision.

Dennis Stachewicz, Jr., stated that the Land Division Ordinance states that an aggrieved person has 30 (thirty) days to file a complaint/appeal and the 30 (thirty) day period has elapsed.

Dennis Stachewicz also stated to the Planning Commission that he did not feel comfortable discussing reprimands or the like without the Township Assessor in attendance at the meeting.

Mr. Maki addressed the Planning Commission regarding the Keough private road application and land division splits. He stated that he got the run around when looking for information/answers and he was not able to file an appeal within the stated 30 days because he was not given the information needed. He had to file a FOIA request and meet with Attorney Mike Summers to get the information he needed. By then, the 30 day limit was up.

Mr. Maki pointed out that, in his interpretation, the assessor had granted more splits for this particular private road than were available.

Bill Sanders asked Dennis Stachewicz who approves the lots? Mr. Stachewicz said the Township Assessor approves land division applications.

Bill Sanders suggested that the other issues be referred to the ordinance sub-committee to address. This can be discussed further under Item X. Commissioner Comment.

Scott Emerson moved to Approve the Agenda with the addition of Item F. Estelle DeVooght supported. Aye 7, Nay 0. Motion Approved.

V. PUBLIC COMMENT

Mark Maki of 370 Karen Road. Discussed the Lakenen sign issue with Randy Yelle. He stated that he had inquired of Mr. Yelle regarding the Lakenen sign in the fall of last year, then again in April of this year. He finally received an answer from Mr. Yelle recently in which he was told that Mr. Lakenen had obtained a permit for the sign in February of 2004. Mr. Maki states that Randy Yelle lied to him.

Mr. Maki advised the Planning Commission that he, Mike Summers, Dennis Stachewicz and Randy Yelle had a meeting recently at Attorney Mike Summers' office.

Mr. Maki states that he believes Randy Yelle has committed intentional fraud with regard to zoning ordinances.

Mr. Maki pointed out that Bill Todd was granted a permit to construct a garage which is in violation of the ordinance.

He stated that the new "café" coming to Chocolay Township is in violation with not enough parking spaces and no building plan.

Mr. Maki stated that Walt's Auto Body has been in violation for years with the Carlson Tree Service trucks.

The restaurant on M-28 is in violation; this is zoned industrial but yet there is a gift shop at that location.

Mr. Maki pointed out to the Planning Commissioners that they are wrong in allowing Mr. Yelle to not give him the requested information he asks for. He stated that no one is following the ordinances.

End Public Comment at 7:56 p.m.

VI. OLD BUSINESS

A. Discussion – Junk Car Ordinance.

Attention was directed to the August 4, 2004 memo by Mr. Stachewicz regarding the revisions to the ordinance being worked on by Kristin Thorrington, NMU student. The suggestion was made in this memo to allow for a work session to amend the ordinance.

This was agreed upon by the Planning Commission. The comment was made that an ad could be placed in the local newspaper advising the public of this upcoming work shop. Another idea was to provide a fact sheet to the public so they are aware of the issues.

Old Business closed at 8:00 p.m.

VII. NEW BUSINESS

A. Consideration – Review and Distribution of 2003 Annual Report

The 2003 Annual Report was provided to the Planning Commission by Dennis Stachewicz, along with a letter which provides a cover for submittal. This cover letter was signed by chair, Bill Sanders.

Ken Tabor Moved, Estelle DeVooght Second, to authorize the Director of Planning and Research to distribute the Year 2003 (Annual) Report to the Township Board.

B. Consideration – Reschedule November 2004 Meeting

After much discussion regarding upcoming meetings and schedules, the following was proposed:

September 8, 2004 @ 5:30 p.m. A joint meeting with the Township Board is scheduled.
November 4, 2004 @ Planning Commission meeting with Planning Consultant.
November 8, 2004 @ 7:30 – regular meeting of the Planning Commission.

Mr. Stachewicz asked that the Planning Commissioners provide to him any critical areas they believe need to be incorporated into the agenda for meetings referenced above. He laid out the proposed route to be taken with the Planning Consultant pointing out that the Community Center property was very important, as is the snowmobile trail, commercial development, natural landscapes and transportation in general.

C. Discussion – Possible Zoning Ordinance Amendments

Mr. Stachewicz recommended to the Planning Commission that a committee be formed to look at the issues and incorporate into the implementation of the Comprehensive Plan Update.

Scott Emerson agreed saying that it is a good idea to wait and have the sub-committee meet to discuss the issues.

Mr. Stachewicz suggested that the sub-committee review one chapter/section at a time, identify the problems, provide guidance and/or solution to fix the problem and then submit a blanket amendment to solve the problems. He stated that the Planning Commission should not cover what the Zoning Administrator did by ordinance.

Estelle DeVooght asked if the Planning Commission can address Mr. Maki's issues so he is being recognized?

Mr. Stachewicz suggested that the sub-committee should do this.

The issues that the Zoning Administrator must address in the short amount of hours mandated to him was discussed at length.

Bill Sanders stated that the Planning Commission should not get involved in the grievances of Mark Maki with Randy Yelle.

The sub-committee will consist of Estelle DeVooght, Scott Emerson and Bill Sanders. This sub-committee will review their schedules and decide on a date to meet in November of 2004. Mike LaPointe volunteered to be a back up for the committee if needed. It was noted that this committee has held meeting at noon in the past.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz advised the Planning Commission of such subjects, including but not limited to the feasibility of land survey applications and looking at limiting costs. The snowmobile trail was a topic of conversation.

Scott Emerson again reiterated his concern of speed violation of snowmobiles and the need to enforce a curfew on when sleds can be on the trails located near residential areas in Chocoday Township. This was discussed in detail between Scott Emerson and Mr. Stachewicz.

Steve Kinnunen pointed out that the City of Ironwood has a decibel ordinance and suggested that the Township put in an ordinance with a decibel restriction to keep the noise level down. If the local police are stopping snowmobiles on a route basis, they can be checked at that time for a noise level.

Mr. Stachewicz stated he would follow up with the City of Ironwood to see what standards they currently have in place regarding the use of snowmobiles and noise levels.

A survey was conducted regarding the property on M-28 that Mr. Britton previously requested a variance for to construct storage units. The original map was correct. A quit claim deed between the property owners and Timbercrest has rectified this problem.

The Community Center being for sale was discussed. Mr. Stachewicz advised the Planning Commission that they should think about how they will address the zoning of the property.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

Mike LaPointe remarked on an erosion issue regarding the Chocoday River near the M-28 public access site location. Mr. LaPointe said he asked Mr. Stachewicz to research the property ownership in the location of the site. He pointed out that there are grants available to fund the restoration of the river bank. Mr. LaPointe asked the Commissioners if he could bring this topic to the Chocoday Township Watershed Partnership on behalf of the Chocoday Township Planning Commission. The Planning Commission agreed to support the efforts of Mr. LaPointe.

Scott Emerson asked if the Planning Commission needed to forward correspondence to the Chocoday Township Watershed Partnership in support of Mr. LaPointe's request.

Scott Emerson moved, Seconded by Steve Kinnunen that the Planning Commission supports addressing concerns regarding erosion occurring along the Chocoday River at the M-28 public access site and seeks assistance from the Chocoday Township Watershed Partnership in obtaining funding to rectify this problem.

Aye 7, Nay 0. Motion Approved.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board
- B. Correspondence – Mark Maki, 370 Karen Road to Planning Commission: Agenda Request
- C. Correspondence – Mark Maki, 370 Karen Road to Planning Commission: Agenda Request
- D. Correspondence – Mark Maki, 370 Karen Road to Planning Commission: Complaint
- E. Correspondence – Mark Maki, 370 Karen Road to Planning Commission: Appeal Request
- F. Review of results of Comprehensive Plan Survey

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 8:56 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, January 12, 2004

7:30 P.M.

Present: Bill Sanders, Estelle DeVooght, Mike LaPointe, Tom Shaw and Scott Emerson

Absent: Steve Kinnunen and Ken Tabor

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration.

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

III. APPROVAL OF THE MINUTES OF THE DECEMBER 8, 2003 MEETING AND DECEMBER 15, 2003 JOINT BOARD/PLANNING COMMISSION MEETING

Shaw moved, Sanders second, to approve the December 8, 2003 minutes as presented. Motion Approved.

DeVooght moved, LaPointe second, to approve the December 15, 2003 Joint Board/Planning Commission minutes as presented. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Sanders moved, LaPointe second, that the agenda be approved as presented. Motion Approved.

V. PUBLIC COMMENT

None

VI. OLD BUSINESS

A. Discuss Update to Comprehensive Plan - Consultant Selection Process

The Planning Commission reviewed the final Request for Proposals (RFP) that was mailed out to 28 different planning consulting firms and the general timetable for the selection of a consultant. The Planning Commission also reviewed a draft proposal evaluation worksheet to be utilized by each Planning Commission member in preparation of the February meeting where the consultants to be interviewed will be selected.

Once all proposals are received, (after the January 30th deadline has passed), they will be immediately delivered to each Planning Commissioner along with the evaluation worksheets for review and evaluation in preparation of the February meeting.

VII. NEW BUSINESS

A. Discuss – Central Lake Superior Watershed Partnership - Request for sites of concern in Chocolay River Watershed

The Central Lake Superior Watershed Partnership requested Township input on sites of concern in the Chocolay River Watershed for possible inclusion in an updated Watershed Plan. The Planning Commission identified the following sites or issues that they would like communicated to the Watershed Partnership:

- Severe erosion of the bank of the Chocolay River just downstream of the DNR fishing access site on M-28.
- Foot traffic erosion on the bank of the Chocolay River just downstream of the Township's fishing access site on the corner of Green Bay Street and Lakewood Lane. Perhaps a need for steps to minimize future erosion.
- Erosion at Green Bay Street bridge. Road integrity impacts.
- Potential erosion from logging activity in the "Big Hole" area.
- Development near Silver Creek in Sands Township. Potential for downstream impacts.

- Need for monitoring of Green Garden Road bridge reconstruction.
- Are the existing sediment traps being maintained?
- Does the education/nature trail or Big Creek at the Beaver Grove Recreation Area need any attention?
- Can the Township provide direct or indirect assistance on any implementation or grant projects (now or in the future)?

These sites/issues will be forwarded to the Board at their next meeting for their input and then a letter will be forwarded to the Watershed Partnership.

VIII. PLANNING DIRECTOR’S REPORT

- 1) A 2003 Comprehensive Zoning Report is being completed by the Zoning Administrator and will be presented to the Planning Commission and Board in February.
- 2) Chair Sanders and staff will be meeting with the Noquemanon Water Trail organizers on Thursday to discuss Chocolay Township's participation in the water trail network.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

- Emerson inquired as to the status of the screening fence at the end of Green Bay street. Upset that it had not been corrected yet. Sanders concurred.
- Emerson suggested that the Township evaluate its legal options under the Snowmobile Act if the Snowmobile Trail does not get closed for the season by March 31st.
- Discussion ensued regarding the City of Marquette's recent decision to charge non-residents higher fees for use of City parks and facilities.

XI. INFORMATION ITEMS AND CORRESPONDENCE

- A. Memorandum – Riley to Planning Commission – Re: Update on Snowmobile Trail/Issues
- B. Correspondence – Maki to Zoning Administrator/PC – Re: Zoning Issues
- C. Information - 2004 Meeting Dates

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 9:15 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, February 9, 2004

7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Tom Shaw, Scott Emerson,
Ken Tabor and Mike LaPointe. (Bill Sanders arrived at 8:15 p.m.)

Absent: None.

Staff: Doug Riley, Director of Planning and Research; Lee Snooks, Director of
Recreation and Grants Administration; Randy Yelle, Zoning Administrator and
Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS

- A. Conditional Use #69 – Kinnunen – 105 Deerview Trail – Home Occupation/Parking
of a 30' Commercial Vehicle.

Doug Riley advised the Commissioners that ten letters had been sent to the
Kinnunen's neighbors within 300 feet of their residence requesting input. There were
no telephone calls or written responses received.

Mike LaPointe asked the Kinnunen's if they had anything they wished to add to their
application of which Mr. Kinnunen stated they did not. Mike LaPointe then opened
discussion to the public.

Frank Ward of 1401, Co. Rd. 545, Skandia, MI and Mitch Lazeren of 2372 U.S. 41
West, Marquette, MI spoke. Mr. Ward pointed out that Mr. Kinnunen is requesting
parking of a 30' commercial vehicle in a residential area. At one time, an issue was
addressed to the Commissioners regarding multi-family dwellings versus single
family dwellings in this area. Others were denied multi-family dwellings in this area.
How is it that this area can now be used as a commercial area? Mr. Lazeren
concurred.

- B. 2004 Recreation Plan Update.

Lee Snooks advised that the last five-year plan had expired (adopted in 1998) and for
the township to be able to apply for MNRTF grants, the plan has to be updated. What
he is proposing is simply an update to the 2003 plan.

Mike LaPointe opened discussion to the public of which there was none.

II. MEETING CALLED TO ORDER/ROLL CALL

III. APPROVAL OF THE MINUTES OF JANUARY 12, 2004 MEETING

Scott Emerson moved to approve the minutes, Estelle DeVooght Seconded.
Aye 6, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

The agenda for the Planning Commission meeting of February 9, 2004 was amended to move Old Business item VIA after the 2 public hearing items under New Business.

Ken Tabor Moved, Estelle DeVoight Second, that the agenda be approved as amended. Aye 6, Nay 0. Motion approved.

V. PUBLIC COMMENT

Mark Maki of 370 Karen Road, Marquette, MI stated that the court order regarding the junk yard issue with Mr. Waselesky is not being followed. Another issue he raised was the fact that Carlson Tree Service commercial vehicles are being stored at Racine's Auto Body shop. He believes they are there under the premise of auto repair. He also pointed out that the ZBA ignored his correspondence and concerns and that was a violation of the Open Meetings Act.

John Trudeau of 216 Cedar Lane, Marquette, MI spoke in support of Mr. Waselesky's junkyard and the approval.

Dick Arnold of 312 County Road 545, Marquette, MI asked the Planning Commission to clarify what the restrictions are for a commercial vehicle. Does it involve a length restriction, a weight restriction or a combination of both? He also pointed out that he submitted a petition months ago requesting an update to the junk vehicle ordinance.

Mark Maki again addressed the Commissioner's wanting to clarify his comments regarding the junk yard.

Randy Yelle advised that the Zoning Board has given Mr. Waselesky until May of 2004 to comply with the ZBA approval.

VI. OLD BUSINESS – Now incorporated into VII. New Business.

VII. NEW BUSINESS

A. Conditional Use #69 – Kinnunen – 105 Deerview Trail – Home Occupation/Parking of a 30' Commercial Vehicle.

Steve Kinnunen pointed out that Chris Kinnunen is his son; Carrie is his daughter-in-law. He asked the Commissioners how they felt about his involvement in this discussion and vote. The Commissioners agreed he could participate in the discussion but it would be prudent if he did not vote.

Doug Riley answered Mr. Arnold's inquiry of what the restrictions are for a commercial vehicle, which includes a length of 25' and not exceeding 16,000 gross vehicle weight. Mr. Kinnunen's commercial vehicle is exceeding the 25' restriction and that is why he is asking for this approval.

Discussion ensued by the Commissioners as to how this application is similar to another granted to Mr. Kimmes previously.

Chris Kinnunen stated that the commercial vehicle must be parked outdoors as of now due to the sudden on-set of his new business. He does not have the ability to park the vehicle on the north side of his garage as this contains a septic field. He is pursuing other options, i.e.: park on the east side of the house, extend fencing and plant vegetation. He also pointed out that his business is new and as it grows, he will house the commercial truck.

Estelle DeVooght asked Chris Kinnunen how often he would be moving this commercial vehicle to which he answered Monday through Friday with his work day starting at approximately 7:30 a.m. and ending by 6:30 p.m.

Estelle DeVooght advised the Commissioners that she did not believe granting the approval was a good idea as Bob LaJanesse was denied.

Steve Kinnunen asked if any negative feedback has been received by the township regarding Mr. Kimmes' activities on his property with three commercial trucks. Doug Riley and Randy Yelle both stated there have not been any negative comments received.

Scott Emerson Moved Ken Tabor Second that after review of Conditional Use request #69, the standards of Section 107 (A) and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #69 with the following conditions:

- 1) That the applicant shall not have any employees that do not reside on the premises.
- 2) That the truck be parked on the **east** side of the garage.

Discussion ensued regarding the conditions to the requested approval. One issue was the planting of screening trees at the Kinnunen residence. Estelle DeVooght stated that these conditions have not been followed up by the Commissioners, thus the motion was amended to read as follows:

Scott Emerson Moved, Ken Tabor Second, that after review of Conditional Use request #69, the standards of Section 107 (A) and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #69 with the following conditions:

- 1) That the commercial truck may be parked until June of 2004 at which time there will be a progress check and that vegetative screening must be planted by this time.
- 2) That the applicant shall not have any employees that do not reside on the premises.
- 3) That the truck be parked on the east side of the garage.

Aye 7, Nay 0. Motion approved.

B. 2004 Recreation Plan Update.

Mike LaPointe asked Lee Snooks if there had been any major changes made to the plan from the plan of five years ago. Mr. Snooks advised that there had been too many projects listed in the old plan to realistically address them all. He stated that the action plan is now shorter and more doable with only two new items added to the plan. All others are a carry-over from the previous plan.

Scott Emerson discussed the marina issue in many respects. One item that was of concern is the dredging of the river. Mr. Snooks pointed out that it is the public that seems to think this needs to be done, however, there isn't an understanding of the cost of such a venture. It was suggested that the word "marina" be changed to "access site."

Steve Kinnunen Moved and Bill Sanders Seconded that the wording be changed. Aye 7, Nay 0. Motion approved.

C. Selection of firms to interview - Comprehensive Plan.

At this time Bill Sanders suggested that he leave the room as he has a conflict of interest as working for one of the firms submitting a proposal, therefore, he should not discuss or vote on this issue. (The Planning Commission briefly discussed and Mr. Sanders left the meeting room).

Mike LaPointe advised the Commissioners that he has worked with some of the firms that have submitted a proposal. The Commissioners discussed the proposals and facts, i.e.: some firms are local and familiar with the area, some firms have prepared comprehensive plans for other townships similar to this townships needs and environmental issues.

The Commissioners at this time individually reported to Doug Riley their top three choices of firms to be interviewed based upon the scoring criteria.

The top three firms selected were the following:

- ✓ Beckett-Raeder
- ✓ Planning & Zoning Center
- ✓ U.P. Engineering

Doug Riley is to contact two of the firms (Beckett-Raeder and U.P. Engineering) and request they interview with the Commissioners at the Planning Commission Meeting of March 8, 2004. Planning & Zoning Center will have to be interviewed at another time as they have a conflict with the March 2004 date.

It was noted that Greg Seppanen should be in attendance at these meetings.

Doug Riley volunteered to the Commissioners that he would be happy to prepare a question format for use during the upcoming interviews. This will keep all questions similar yet allow each Commissioner to initiate questions as the interview progresses.

The Planning Commission will suggest to the Township Board what firm they approve, however, it is up to the Board to make the final decision/approval.

D. MNRTF Grant Application.

Lee Snooks referred to his January 21, 2004 memorandum regarding the Noquemanon Trail Network project and explained how the group is looking for a spot to camp, etc., at the bayou in Chocolay Township. Discussion ensued regarding the placement of lockers, tent platforms and signage.

Steve Kinnunen Moved Mike LaPointe Seconded that the Planning Commission reviewed the above request and recommends that the Chocolay Township Board submit a grant application to the Department of Natural Resources to fund the development of a Hiawatha Water Trail Access Site at the Chocolay Township Marina.

Aye 7, Nay 0. Motion approved

This will go before the Township Board next week.

VIII. PLANNING DIRECTOR'S REPORT

The City of Marquette provided correspondence to Chocolay Township regarding their draft master plan. An error was noted by Mr. Riley and brought to the City's attention. An update on the corridor plan was provided. There will be a meeting held by the Michigan Department of Transportation at the Negaunee Township Hall on March 31, 2004 from 7:00 p.m. to 9:00 p.m. and at the Lakeview Area in Marquette on March 30, 2004 from 7:00 p.m. to 9:00 p.m. to discuss the corridor plan. Of the 13 top crash intersections identified in the corridor; two are found in Chocolay Township (US-41/M-28/Cherry Creek and US-41/Silver Creek).

Steve Kinnunen asked if the Planning Commission can place this boulevard/corridor issue into the comprehensive plan of which Doug Riley stated he would be sure to include the commissioners' comments and concerns. This topic will be on the March 2004 Planning Commission meeting agenda.

IX. PUBLIC COMMENT

Chris Yuill of 158 Riverside, Marquette, MI spoke to the Commissioners regarding the snowmobile trail commenting on the speed of the sleds, the noise, the fume smells and timing of sleds passing.

Scott Emerson commented on the repeated trespassing of snowmobiles onto private property which is clearly marked as such.

Dick Arnold's concerns about the junk yard were discussed by the Commissioners.

Sanders Moved, Kinnunen Seconded, to ask the Board to direct staff to prepare an updated junk vehicle ordinance. Aye 7, Nay 0. Motion approved.

X. COMMISSIONER COMMENT

Scott Emerson believes Mr. Yelle is doing a good job as the Zoning Administrator.

XI. INFORMATION ITEMS AND CORRESPONDENCE

- A. Memorandum – Yelle to Board/PC/ZBA – Zoning Report/Issues
- B. Correspondence – City to Marquette to Riley/PC – City Master Plan
- C. Minutes – Township Board – January 19, 2004

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 9:28 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, March 8, 2004

7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Tom Shaw, Ken Tabor, Mike LaPointe and Scott Emerson (came in during Old Business)

Absent: Bill Sanders

Staff: Doug Riley, Director of Planning and Research and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER

Mike LaPointe called the meeting to order at 7:30 P.M.

II. PUBLIC HEARINGS – None

III. APPROVAL OF THE FEBRUARY 9, 2004 MINUTES

Under New Business-C. Selection of firms to interview – Comprehensive Plan
In the first sentence add “NOT” (he should NOT discuss or vote on this issue.)

Motion by Ken Tabor, Tom Shaw Seconded that the minutes of the February 9, 2004 meeting be approved with the above correction. Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA

Motion by Ken Tabor, Estelle DeVooght Seconded that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT – None

VI. OLD BUSINESS

A. DISCUSS – UPDATE TO COMPREHENSIVE PLAN – Format for interviewing of selected firms.

Mike LaPointe reminded Planning Commission members of the special meeting on March 30th at 3:00 P.M. Each consultant interview will be 45 minutes. There will be three questions asked to the applicants, and then there will be 15 minutes for general questions.

Comments from Planning Commission members:

Doug Riley said he will send the consultants the questions, so they are prepared in advance. The Board has been informed and invited to the special meeting.

Mike LaPointe asked if the Board can ask questions? Will there be public at the meeting?

Doug Riley noted the short time limit for each consultant.

Scott Emerson said this special meeting must be carefully controlled because of the time limit.

Steve Kinnunen said if public is in attendance, can the consultants sit in for the other interviews?

Doug Riley said he would have them wait in another room until their interview time.

Doug Riley said this special meeting is not a public hearing.

Steve Kinnunen said since there is a time limit, the public cannot ask direct questions of the consultants.

VII. NEW BUSINESS

A. Consider Minor Amendment to Chocolay Woods Site Condominium Project

Doug Riley reported that the Chocolay Woods Site Condominium Project was approved by the Planning Commission and Board in 2002. They now would like to make a minor amendment to the project by adding land to Unit #2 and by creating a Unit #13. Randy Yelle and Doug Riley have no concerns with this amendment. If the Planning Commission recommends this amendment, it will then go back to the Board for approval. Doug Riley reported that about half of the lots are sold, and most of the homes are close to the road. He said it is looking nice.

Commissioners Comments:

Ken Tabor asked if lot #13 was included in the project originally?

Doug Riley said that it was not. Someone wanted it at first, but has since changed their mind. Doug Riley said that he told Glen Van Neste that it was not crucial that he be in attendance.

Steve Kinnunen asked if they would build on the backside of this lot?

Doug Riley said they could put a house in the front area. The lot meets the minimum width and it would be purchased by one owner, not split.

Scott Emerson Moved, Ken Tabor Seconded, that the Planning Commission recommends approval of the minor amendments to the Chocoley Woods Site Condominium Project titled "First Amendment" to the Chocoley Township Board. Aye 6, Nay 0. Motion approved.

B. Discuss MDOT Draft Corridor Plan

Doug Riley mentioned there is a public meeting on the draft US 41-M-28 Corridor Plan at the Lakeview Arena on Tuesday, March 30, 2004 at 7:00 P.M. He gave the Planning Commissioners copies of parts of the draft plan relating to Chocoley Township. He noted the one major item not included in the plan is the boulevarding for Chocoley Township. They (the consultant and MDOT) said it was not physically or financially feasible. They are reviewing other possible ideas to address some of the aesthetic issues. The whole plan is huge; from M-28 in Chocoley to Ishpeming. Doug Riley also noted to the Commissioners the crash analysis of 2000 to 2002, showing the top 13 top crash locations. Chocoley Township has 2 of the 13 crash locations; US 41/M-28 at Silver Creek Road and US 41/M-28 Junction and Cherry Creek Road. He also noted the 17 issues identified in Chocoley Township, these projects are classified under one of the following: L = long-term project; O = opportunity; or S = short-term. These projects include a bike path to connect the City of Marquette through Chocoley Township on the west side of the road with a tunnel to cross the road for pedestrians, bikes, and snowmobiles. It also includes closing and combining driveways, constructing a rear service road, improving turning radius on diagonal roads, intersection improvements, and identifying safer left-turns.

Commissioners Comments:

Scott Emerson asked how landscaping can be too expensive, but they can afford to put in a tunnel?

Tom Shaw suggested a foot/bike ramp instead of a tunnel.

Steve Kinnunen noted they should be looking at safety.

Doug Riley said they should coordinate the aesthetic treatment through Chocoley, Marquette, and Marquette Township.

Scott Emerson still believes we need boulevarding. When there is a white-out, you have no idea where you are on the road, it would be better to hit bushes/trees than oncoming traffic. We really need to push for boulevarding and landscaping. Safety should come first. He feels MDOT is wrong in wanting snowmobile trails away from the highways. We need to keep snowmobiles at 10 to 15 mph through residential areas and keep their speed down along highways where they are visible to police and laws can be enforced. Speed kills. Snowmobiles run through subdivisions at 70 mph. He disagrees with MDOT's plan. He thinks their guidelines are out of date. Snowmobiles are safer being along roadways, just look at the crash facts. They have it backwards.

Doug Riley said many projects are mentioned in this draft, they are not real specific. They are still exploring concepts. He noted that the reasons MDOT gave for no boulevarding was right-of-way area and cost.

Steve Kinnunen said Chocoley Township should put that in our Comprehensive Plan. We need to keep the door open for the safety aspects (boulevarding).

Scott Emerson hoped we could at least do partial boulevarding. We need to keep traffic in their specified lanes and eliminate head-on accidents.

Doug Riley noted this is a twenty-year plan, it has major reconstruction. They want to keep traffic free flowing. We are in the B-level, with a 30 crash rate.

Steve Kinnunen highlighted the fact that Chocoley had 2 of the 13 highest crash sites. And they say it is safe and our roads don't need boulevarding?

Scott Emerson said the access road project is great. How can they say a tunnel is cheaper than partial boulevarding?

Tom Shaw said once it was put in, who would maintain the boulevards? They are interested in traffic flow.

Scott Emerson noted that the City of Marquette has so many volunteers to plant the flowers, we could also find volunteers.

Tom Shaw agrees, but states MDOT wants to move traffic.

Steve Kinnunen said there are two groups; safety and MDOT. He feels we should eliminate left turn lanes from the rock cut to the motel.

Scott Emerson said boulevards slow down traffic, they do it in California and Colorado. How can MDOT say it is too expensive? Eliminating accidents is worth the money.

Steve Kinnunen again noted to implement it in our Comprehensive Plan.

Doug Riley said it could be written in the Zoning Ordinance. He said MDOT is starting to plan now. The engineers and planners do not agree. It is a battle for them to look outside of the box.

Steve Kinnunen said that traffic is building all the time. With all this truck traffic, something has to give. With all of the development in Marquette and Marquette Township, let's preserve our intent.

Tom Shaw noted that many cities have working boulevards.

Estelle DeVooght mentioned the boulevarding in Gwinn.

Mike LaPointe said we need to get this in their plan.

Steve Kinnunen suggested we get another name for boulevard. They just don't like that word. Maybe narrow-width boulevards, medians or green space barriers.

Scott Emerson noted that there should be a loop near the Welcome Center, where left-turn there is a safety issue.

Doug Riley said he would make some calls to see what he could come up with.

Scott Emerson said we need to find out what their biggest problems with boulevards are and we can give them solutions. We may have to change our terminology.

Doug Riley noted that the timing is right now.

Scott Emerson said he feels Chocolay Township presented the most organized corridor plan. Scott said he would like to present a proposal to MDOT.

Steve Kinnunen noted that time was limited, it must be point-specific from Chocolay Planning Commission.

Doug Riley said they already know we are passionate about the boulevards.

Steve Kinnunen said the safety aspect of the project must be looked at. He asked what the timeline for adoption was?

Doug Riley said it was early this summer.

Estelle DeVooght asked about the Big Creek Bridge plans?

Doug Riley said it is planned for this summer.

Doug Riley said he would do part of his Planning Director's Report now. He said MDOT is planning to refurbish the M-28 bridge in 2005, widening it by 5 ½ feet, not enough for snowmobiles to really use it safely, at a cost of \$832,000.00. He noted that Greg Seppanen wrote a letter to MDOT to have this bridge widened enough for snowmobile crossing and is also working with Adamini and Prusi in this matter. It could be a win-win situation for all.

Steve Kinnunen asked about the possibility of moving the crosswalk from Silver Creek Road since he feels it is a safety hazard.

Tom Shaw says that he has observed many problems because of the crosswalk.

Steve Kinnunen suggested relocating the crosswalk.

Tom Shaw said MDOT wants Chocolay Township to take the lead, let's get it out now. It is no longer useful as it is. Let's approve the removal and pass it to the Board tonight.

Scott Emerson started to make a motion, and then suggested we move it near Willow Farm/Mr. Movies and rebuild it so it is useful for bike and pedestrian traffic to cross the highway, making it handicap accessible. As it is now, very few people use it. He favors an attractive ramp for use in summer and winter. A tunnel will not work.

Steve Kinnunen said we should make note that it would connect the east side of Harvey to the bike path. At this time there is no safe way for bikers or hikers to cross the highway.

Tom Shaw noted that the crosswalk cannot be positioned near the intersection/stop lights. He wants to move it as soon as possible.

VIII. PLANNING DIRECTOR'S REPORT

Doug Riley reported on the Recreation Plan being state approved and that Dr. English owns land east and north of the Kawbawgam Pocket Park. Dr. English is interested in developing cluster condos and would like railroad grade access. He is looking to pull in second-home buyers. He would also look at integrating a trail to our cross-country trail. They will get a sketch plan for the Planning Commission.

IX. PUBLIC COMMENT - None

X. COMMISSIONER COMMENT

Scott Emerson stated that his neighbors that live along the snowmobile trail have been very frustrated with enforcement. The behavior of some snowmobilers is still bad; driving recklessly and trespassing are the main complaints. The Chocolay Police are also frustrated since there are no rules to enforce. Scott Emerson would like to see more tickets issued instead of warnings. High speeds are a big problem. Eleven tickets have been issued and 36 warnings; he thinks it should be the opposite. There is no speed limit for snowmobiles. They "rev" their engines at 2:00 in the morning, and people along the trail are fed up with it.

Doug Riley said he and Greg Seppanen have discussed the problems. They are looking at a workshop/open house with the DNR in April to get input from the residents. After compiling the complaints/comments, they will recommend to the Board what to report to the DNR. Greg Seppanen wants the residents to know that the Township does care, and are trying to do everything to help the situation. This is the monitoring year for the DNR.

Steve Kinnunen asked how many properties are along the trail, and if it would be possible to do a mailing asking for their input? Doug Riley stated 270 parcels, and said we could do a mailing. Residents could put in writing their concerns so the Township has it all on paper. Residents could come to the meeting in April to drop off their letters and make comments. Now that residents have experience with the trail, they can make objective recommendations. We need all comments in writing for documentation.

Doug Riley asked where should the impact line be (who should be sent the letter)? Scott Emerson said all villagers are actually impacted in some way or another. People adjacent to the trail know how it was before and after and they are the most affected. Compared to residents along County Road 480, for example, they are not really directly affected. Doug Riley suggested using the list the DNR used to send out a mailing.

XI. INFORMATION ITEMS AND CORRESPONDENCE - None

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 9:00 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

Charter Township of Chocolay Planning Commission

Tuesday, March 30, 2004 SPECIAL MEETING
3:00 P.M.

Present: Steve Kinnunen, Tom Shaw, Mike LaPointe, and Scott Emerson
Absent: Estelle DeVooght and Ken Tabor. (Bill Sanders was presenting - UP Engineers)
Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Recreation and Grants and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER

Mike LaPointe called the meeting to order at 3:00 P.M. He explained the Special Meeting was for interviewing three companies for updating the Comprehensive Plan. The Planning and Zoning Center will be at 3:00, Beckett and Raeder at 3:45, and U.P. Engineers at 4:30. This will be a very structured format, with two public comment times.

II. PUBLIC COMMENT

Cathy Peterson had Mike LaPointe read the letter she presented to the Planning Commission and said she also wanted it given to the Board. She thought the Planning Commission should not consider UP Engineers since Bill Sanders is on the Planning Commission and Zoning Board of Appeals. She felt it was a conflict of interest.

III. COMPREHENSIVE PLAN UPDATE – CONSULTANT INTERVIEWS

A. PLANNING AND ZONING CENTER

Mark Wyckoff, President of PZC and editor of Planning and Zoning News, gave a PowerPoint presentation. He gave their qualifications working with transportation/land use, topical experience, design guidelines and community character enhancement, farmland and open space preservation, environmental and natural resources, public facilities and services, group facilitation, special problem solving, and training. He noted they have the largest in-house database of any firm in Michigan. He noted the awards and special services they offer, including his Planning and Zoning News, which is the only state specific monthly magazine on planning and zoning in the country. He described the current planning projects they are now working on all across the state.

He answered the three questions asked of all the consultants:

- 1) **Why we should select PZC?** They do great work, are familiar with the Township, as they are working on the US 41/M-28 corridor project. It is an opportunity to begin implementation of the corridor plan, and they are already working in the area, which spreads the travel costs among several clients.
- 2) **How does PZC plan to involve the public/why will their approach be successful?** They will send out a survey to local leaders (50 maximum), have a two hour public vision meeting, take walking/driving tours of key spots, have town meetings on draft plans, review plan with adjoining jurisdictions, have more public meetings. He feels good project management will make it successful.
- 3) **What is your overall impression of Chocolay Township?** He feels we are missing opportunities (community character, commercial, rock overlook potential). US 41/M-28 corridor is visually uninspiring. It could look much better. There is a need for careful land use planning and an interconnected street pattern (continuing the US 41/M-28 intersection design), and to build on the good framework of the current plan.

Commissioners questions:

Scott Emerson asked what their timeframe was? Mr. Wyckoff said that would depend on the Planning Commission, but it usually is 12 months with 5 or 6 special meetings.

Tom Shaw asked if there were grants to purchase property? Mr. Wyckoff answered no, unless there are some through MDOT to increase jobs (not retail but wholesale or industrial jobs).

Steve Kinnunen stated that he saw they were involved in Leelanau County where congestion control is important, could he bring those concepts to Chocolay? Mr. Wyckoff said they have done lots of transportation planning.

Scott Emerson stated that many residents in Chocolay have not lived anywhere else and have not seen other road patterns. Mr. Wyckoff said it is pay now or pay later! Later is always more expensive. Do the residents want to do it now the right way, or leave it to the future residents to pay more later? He noted the Planning and Zoning News that is going into publication now will have an article on this subject.

B. BECKETT AND RAEDER

John Iacoangeli said he wanted an informal meeting with the Planning Commission. He brought three hard copies of projects they are working on for the commissioners to look at. He explained when Beckett and Raeder was founded, and what they have done locally. He said he has knowledge of the local area from working in Marquette and he knows what balance of quality of life and natural resources the people in the area want. He understands the population base, employment and dynamics of the area. By working with the county he is familiar with the Chocolay Watershed. He figures the timeline would be about six months. He made mention of his website: ourcommunityplan.com for the city of Marquette. He accepts emails from residents from that site. He feels there should be three or four community vision sessions, 2 to 3 hours each to find the critical issues. They would meet with the Planning Commission six or seven times. His bid is within the budgeted amount.

Mike LaPointe asked if he is in the area frequently? Mr. Iacoangeli said lots lately. They have been working with the city of Marquette since 1996 and will be for a couple more years. They also have projects in Petoskey, Alpena, and near the straits, so they can structure time for Chocolay accordingly. Mike LaPointe also asked him about the three questions given prior to the interview.

- 1) **Why should your firm be selected to complete our Comprehensive Plan?** Mr. Iacoangeli said they are familiar with the particulars of the area, and have working knowledge of the area and know of the special interest groups.
- 2) **What is your overall impression of Chocolay Township?** Mr. Iacoangeli said it is a large area, with lots of natural beauty. The eastern side is mostly the Escanaba State Forest which is unbuildable. The western part is buildable, holding the highest concentration of the population. He has knowledge of the Chocolay River /Watershed. The area has seasonal tourists that hunt and fish. It has small villages and public parks, which have to be taken into consideration when planning the priorities in the future. The typical resident is 38 years old, with an income of \$55,000 in allied business. Only 3% of the residents are living in poverty.

The commissioners had no questions.

Mr. Iacoangeli concluded by saying he is very interested in doing the Comprehensive Plan, he knows the other two applicants and has worked with them. The Township has three good firms to choose from. They are equipped to help the Township.

C. U.P. ENGINEERS

Pat Coleman and Bill Sanders made the presentation. Mr. Coleman gave the history of the firm, stating they have been in the U.P for 25 years. They have experience working in the northern Lower Peninsula and the U.P. with small communities whose residents want to know their neighbors, love nature, and do not want to live where there is heavy traffic. They were part of the team developing the Marquette Master Plan. They have been involved with a steering committee, doing traffic studies, and traffic corridors. They were involved with MGH expansion and the Lower Harbor planning. They worked with Calumet Township with their land use plan, zoning ordinance, six-month moratorium on US 41 development, and down zoning of some commercially zoned land, along with their Site Plan Review. In Ontonagon Township they developed a future land use map, made zoning ordinance revisions and Site Plan Review. For the City of Escanaba they defined future residential growth area, worked on highway corridor issues, neighborhood preservation, redevelopment and mapping. They know Chocolay Township concerns of commercial areas, rural land preservation and cluster zoning. He knows that some people think there may be a conflict of interest with Bill Sanders being on the Planning Commission, but they have everything on the table. Bill Sanders will not be voting on this issue. Mr. Coleman described the approach they would take to complete the Comprehensive Plan. They will collect information, get the public

involved, summarize and develop a plan and have workshops with the Planning Commission. Bill Sanders will play a key role, as he is here all the time. This benefits us all. He can give updates at every meeting. They will analyze population characteristics and trends, housing data, commercial and economic development, public facilities and utility plans. Then they will implement what the community wants. Their project fee is \$38,132 total.

Pat Coleman answered the three interview questions:

- 1) **Why should they be hired?** Mr. Coleman said they understand what Chocolay Township wants. Bill Sanders has the insight, and has the background working with the Township. Bill Sanders said this will give Chocolay the opportunity to apply out-of-the-box planning. Mr. Coleman noted that Mr. Sanders has recently received his landscaping certification. U.P. Engineers understands the Chocolay area's winters and their special culture.
- 2) **How will they involve the public and obtain their support?** We have special challenges before us. Bill Sanders is a local resident and Pat Coleman is close (Houghton). They have a multi-disciplinary team of professionals, extensive community planning and design experience along with a track record of creativity and problem solving. They know Chocolay wants to maintain our rural sense of place. They want to have informal neighborhood meetings and break down into focus groups (example: recreation, village, and farmers). They would have some brainstorming sessions, have idea competitions with prizes, using the local media, internet, and getting the youth to participate.
- 3) **Their impression of Chocolay Township?** It is a rural area, close to Marquette City, has lots of open space, close knit neighborhoods with long-time residents who like the small town image and have a sense of belonging. They feel residents want harmony with the environment and development. Bill Sanders said the residents like Harvey the way it is, and we should make an effort to keep things that way.

Commissioners questions:

Steve Kinnunen asked who will be doing the hands-on work? Mr. Coleman said he and Bill Sanders will be doing it, except for the data collection. They will conduct the meetings. Their hours planned may be moved from one area to another as they go through the plan. This planning process has bumps and turns as they work.

Steve Kinnunen also asked what the timeline would be? Mr. Coleman said approximately one year, with 8 public meetings planned.

Mike LaPointe concluded the interview section at 5:12 by asking the Planning Commission members to take time and digest all the information given by the three candidates, and at the next meeting on April 12, they will vote by ballot. If they need more information from any of the candidates, they are to contact Doug Riley. He asked if anyone had any questions now? Steve Kinnunen wanted to know who would implement the work from each firm? Doug Riley said he has that information on the proposals, and would include that in the next packet.

VI. PUBLIC COMMENT

Cathy Peterson feels Scott Emerson should not talk with the other Planning Commission members to influence their vote. She still feels Bill Sanders (U.P. Engineers) should not be given the job, as it is a conflict of interest. He was part of developing the parking lot in Beaver Grove, and that area is a problem. She wants her letter to go to the Board.

VII. COMMISSIONER COMMENT

Mike LaPointe thanked Doug Riley for all the work he put into planning this interview.

VIII. ADJOURNMENT

Mike LaPointe adjourned the meeting at 5:18 P.M.

Charter Township of Chocolay Planning Commission

Monday, April 12, 2004

7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Scott Emerson, Ken Tabor and Mike LaPointe.

Absent: Bill Sanders and Tom Shaw.

Staff: Doug Riley, Director of Planning and Research and Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

Mike LaPointe called the meeting to order at 7:34 p.m.

III. APPROVAL OF THE MINUTES OF MARCH 8, 2004 MEETING AND MARCH 30, 2004 SPECIAL MEETING

Ken Tabor moved to approve the minutes of the March 8, 2004 meeting, Estelle DeVooght Seconded. Aye 5, Nay 0. Motion Approved.

Scott Emerson moved to approve the minutes of the March 30, 2004 meeting, Steve Kinnunen Seconded. Aye 5, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Motion by Steve Kinnunen, Ken Tabor Seconded that the agenda be approved as presented. Aye 5, Nay 0. Motion Approved.

V. PUBLIC COMMENT – None.

VI. OLD BUSINESS

A. Consider – Update to Comprehensive Plan – Recommendation of Consultant to Township Board

Mike LaPointe reiterated to the Commission the previous meeting wherein potential consultants interviewed. The Commissioners were asked to submit to Mike LaPointe their top choices for recommendation to the Township Board. How the voting process was to work was clarified. The Commissioners were asked if they would like to discuss the interviews/potential consultants before voting to which the response was that there was no need.

Doug Riley advised the Commissioners that Tom Shaw had remarked that he was to drop off his choices prior to the meeting as he knew he would not be in attendance, however, he did not provide the Commissioners with that information.

Scott Emerson remarked that the presentation provided by the Planning and Zoning Center indicated confidence and experience. He believes that the process will go smoothly with this group.

Estelle DeVooght was not in attendance at the interviews and, therefore, stated she could only vote according to the paperwork/proposals she had read.

Steve Kinnunen remarked that he liked the Planning and Zoning Center as well as they follow ordinances and will help with the comprehensive plan.

Ken Tabor stated that he also was unable to attend the actual interviews. He favored U.P. Engineers and Architects, however, he was happy with the Planning and Zoning Center as well.

Doug Riley reminded the Commissioners that their first and second selections were merely a recommendation to present to the Township Board.

Scott Emerson Moved, Ken Tabor Seconded, that the Planning Commission recommends that the Township Board hire the firm of Planning and Zoning Center based upon the content of their proposal and interview to complete the update to the Township Comprehensive Plan. The Planning Commission also recommends that the firm of U.P. Engineers and Architects be considered its second choice in the event that the Planning Commission's first choice cannot complete the project for some reason. Aye 5, Nay 0. Motion Approved.

VII. NEW BUSINESS – None.

VIII. PLANNING DIRECTOR'S REPORT

Doug Riley advised that on April 28, 2004 from 4:00 p.m. to 7:00 p.m at the Township Hall, entities such as the Township Board, DNR, local law enforcement, Chocolay Township administration and recreation specialists would be on hand to address the communities concerns and comments regarding the past snowmobile season and the outcome of the newly provided trail. A newsletter has been provided to the residents (joint letter by Township and DNR) inviting people to stop by or drop off a written comment to let these entities know how the season fared.

Scott Emerson asked if these questions/comments/responses were to be recorded of which Mr. Riley responded yes. A standard comment sheet is being devised which will be consistent for reporting purposes.

A meeting has been scheduled for April 14, 2004 at 6:00 p.m. at the Township Hall with the Michigan Department of Transportation to discuss the Little Lake Road detour this summer. Little Lake Road is being upgraded and all property owners on Little Lake Road were invited to this meeting.

Mr. Riley commented on the follow up to the corridor meeting stating that Mark Wyckoff has reviewed this matter and will have a discussion with MDOT. Access management regulations were addressed and Mr. Wyckoff is to look at Chocolay Township in this regard. Mr. Riley thought perhaps a special meeting could be held in May or June of 2004 regarding this matter.

The terms of Mike LaPointe and Scott Emerson as members of the Planning Commission are up in May of 2004. They are to advise Greg Seppanen whether they wish to be reappointed.

Randy Yelle has volunteered to cover the vacancy of the Director of Planning and Research until a Director has been hired to replace Doug Riley. Lee Snooks is to assist Greg Seppanen for the Township Board. The deadline for applying for the Director of Planning and Research is next week and Chocolay Township was in the process of interviewing.

The Planning Commission discussed how fast the past five years have gone by that Doug Riley was the Director of the Planning and Research for the township. He was much appreciated and wished the best of luck. Mr. Riley stated it was a hard decision to make but feels he is making the right move.

IX. PUBLIC COMMENT

Mark Maki addressed Doug Riley with a "good luck" and thank you for all you have done for the township.

X. COMMISSIONER COMMENT

Again, the Commissioners thanked Mr. Riley for a job well done and asked that he "send pictures."

Scott Emerson remarked that ORV's are now using the snowmobile trail(s) and that the local ordinances should be checked regarding usage and fines in that regard.

Mr. Riley stated the stage has been set for that and that Chocoday Township specifically asked to be excluded from the ordinance that allows ORV on streets. This may extend to the use of the snowmobile trail.

Estelle DeVooght asked if this issue could be addressed in the meeting wherein the township discusses with the DNR the past snowmobile season.

Scott Emerson stated he would like to see fines endorsed regarding ORV's on the snowmobile trails and Doug Riley suggested this could be addressed at the April 28th meeting as law enforcement would be in attendance as well.

There has been no word from the Supreme Court as of this date.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Riley to Board/PC – Re: Resignation – Accepted position in Colorado.
- B. Minutes – Township Board March 15,2004
- C. Information – Police Department – Re: Report on Township Snowmobile Patrol and Complaints.

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 8:10 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION
SPECIAL MEETING
Tuesday, May 18, 2004
7:30PM

Present: Bill Sanders, Ken Tabor, Steve Kinnunen, Estelle DeVooght, & John Trudeau

Absent: Mike LaPointe, Scott Emerson & Tom Shaw

Staff: Randy Yelle (Zoning Administrator), Dennis Magadanz (Public Works Director), Dennis Stachewicz (future Director of Planning & Research) & Mary Kratzke (Recording Secretary)

- I. Mark Wyckoff stated that the purpose of this special meeting was two reasons:
- A. Review of the Draft Access Management Regulations
 - B. Start the Updating of the Township's Comprehensive Plan

Draft Access: where you put driveways and/or other means of access on the property and how access is controlled from on the property relative to other public roads. Can be in the form of shared access, frontage roads, rear service roads, parking lot connections, no direct access...there are lots of different ways in which access can be controlled. This is done because scientific evidence shows that crash rates are dramatically higher when you have a large number of driveways in relatively short distances due to the number of conflict points that exist where people want to turn off of the roadway into driveways of interest. In Chocolay Township, we don't have very high crash incidents along the corridor except at the M-28/US-41 intersection and US-41/Silver Creek Rd.

There are two fundamental challenges in going ahead with the plan:

1. MDOT owns/controls only the right-of-way and no one is permitted to make connection to any state highway without MDOT's permission. This works okay where land has not been developed.
2. Local zoning has exclusive jurisdiction up to the right-of-way and this could have a huge impact on the road.

Conflicts were starting to occur along the corridor and based on experience, the Access Management Guidebook explains all this. MDOT realized that the only way to control this was with a coordinated process of decision making between the local government and MDOT along US-41 and a common set of regulations.

Mark Wyckoff reviewed a "draft model ordinance" that is in the Access Management Guidebook...marked up for jurisdictions that have not started the process yet....where zoning ordinances would fit, what section numbers it would be and what parts/pieces may be missing from the ordinances that need to be added.

Chocolay Township has already signed the memorandum of understanding w/MDOT to participate in this process and ultimately adopt an ordinance to implement it.

This is the 2nd to the last step that is identified in that memorandum of understanding. The last step is to participate with a site plan review committee that meets with the 7 other jurisdictions on the corridor and MDOT to go over any projects that are proposed on US-41.

Overview of what's in the document:

Shaded text: standards we may need to look at....need to be particularized to Chocolay Township.

Red text: Adaptation of the "model" to fit our area.

Page 1 – Transmittal of the elements that are included.

Page 2 – Sample paragraphs that could be added to our Master/Comprehensive Plan to adopt by reference the US-41 plan as part of our Master Plan. Since Chocolay Twp. Is at the start of our update plan process, this should make it easier to us. It'll just be a part of the plan; not an amendment.

Draft Access Plan Amendments: 3 categories:

1 – Section 905 Fees in Escrow for professional reviews. Gives the township the authority to require a developer to provide escrow money for professional reviews. Local governments can require a developer to pay costs of analyses (ie, traffic impact) for projects but only if the ordinance requires. Most communities that have this threshold do not use it often, but when they do need it, it's there.

2- Section 906 Access Mgmt. Regulations: Detailed information on how land is used relative to roadways.

Almost all jurisdictions, once they have gotten in to this, have wanted to adapt this to roads other than on the corridor. We have a choice as to whether we want to apply this to anything other than US-41 and this can be done on (Page 4; paragraph 1...)

List of Definitions only apply to *this section* of the ordinance.

Detailed provisions. (driveways, frontage roads, service roads, etc.) These are techniques that have a huge, huge ability to allow traffic to move back and forth between places w/o putting it on the roadway. MDOT cannot require these because it is o/s the scope of their authority; but it's fully w/in our authority.

Pg. 28 – Incentives: (Sec. 2) Some townships have dropped this section completely, re-numbering #3 to #2. Mark wants us to consider doing that when we are doing this one.

Waiver: Mark feels this is much more effective. Variances are purposely drafted so that they are very, very, very hard to get because the Board of Appeals can undermine the integrity of what you are trying to accomplish. But, waivers are not as difficult to get as long as certain circumstances are met.

3 - (last 2 pages): Pretty important for Choc. Twp. – Not so important if you only apply it to US-41 up to M-28. If we choose to include other county primaries, then it becomes very important. Where you have large sections of undeveloped property, the fastest way to “loose the war” is. (Locks in the access as of the date that you adopt this ordinance...it will guarantee one point of access and it will save lives by preventing accidents/injuries.)

- Preserve right of access for number of smaller lots
- Preserve plat process of subdivisions
- ie, Has only one access road vs. 5 frontage lots each w/their own driveway.

Commissioner Comments –

Estelle – How can you talk a property owner into making one d/w – he'd have to have a cul de sac, etc. – when all he would have to do is sell 5 lots – how would you talk a property owner in to going that way? (Would not have to talk him in to that; it would be a regulation and we are just trying to preserve our investment in that road for our use and for future use along with trying to protect lives and property damage & injury). Mark noted that MDOT has a brochure available for commercial development. At present, there is not one available for residential development. MDOT also has a brochure available on Driveway Permits.

Kinnunen – States that proof by example, there isn't anybody in this area that won't admit that the development that they pursued in Marquette Township that causes all those road problems, know of access management problems...are the same typical ones that you are going to be creating with the develop. Along any main artery thru our twp. Or anybody else's, we don't even have to educate them; just tell them what we are trying to prevent.

Mark: Takes an education process. It should be noted that there are a total of 13 high crash intersections on this corridor, two of which are in Choclay Twp.

Kinnunen – Concerned about presenting this to the public; possibility of having something drafted for use by all areas in educating citizens. Also stated that we should stress safety issues, too.

Kinnunen: Suggested that this may be the time to consider including a portion of M-28 in this plan also to make sure that commercial development is done with an access road.
(major commercial development corner)

Mark: US41 – M-28 is **the** lifeline for all 8 jurisdictions along this corridor – this is the trunkline that connects us to everything else and everybody is trying to make that corridor do everything for them instead of building parallel roads/access roads for them.

ACTIVITIES RE: PLAN UPDATE:

Dennis Stachiewicz needs to create a sub-committee from the planning committee, zoning administrator and preferably a board member or two, to focus on this. (Mark does not recommend the entire planning committee, however).

Sanders - Feels that we should include all roads in this plan. Kinnunen agreed, stating that it wouldn't hurt residential development at all. John Trudeau also mentioned that there is a real problem in on US-41 in Beaver Grove at 480.

Included on Dennis's "**to do**" list of activities related to the plan:

1 – **Leadership survey** from up to 30 persons (members of the Planning Commission, Township Board, Zoning Board of Appeals, the Zoning Admin and Public Works Director) Also should include local leaders such as the clergy, parks & rec director, etc.) Mark gave the survey packets to Dennis to be distributed. Mark also noted that these surveys are due back to him by **June 25 and it is critical that he gets them back**. Dennis should maintain record of who these were given out to.

2 – **Conduct Visioning Town Meeting** - Everyone in the township is invited to participate and give feedback. 6-8 people/round table with a recorder (planning commissioner) who will record observations being made by the public on that particular element. First session will be "Prouds/Sorries" exercise. This will probably be the only activity in this planning process that will actually be fun. EVERY idea is recorded; nothing is censored. People will identify people/places/things/events/activities within twp of which they are proud and the same for which they are sorry (wish they were offered, but currently are not).

At end, 3 proudest "prouds" and 3 "sorriest" sorries will be chosen and recorder will present.

After that, a brief trends/conditions report will be given to tell the citizens about sign. Trends that are taking place.

Break: serve refreshments...keeps enthusiasm high.

Main exercise: Visioning – Ask people to go 20years in to the future, ie 2025 – describe people/places/things/events/activities as they want it to be 20 years from now. Record info and vote what they want to become a reality for each group. This is valuable for Mark to give direction as to what they need to look at. However, this is only valuable if you get people to participate.

Package includes techniques that you can use to get people to come to this session:

1 – Pick date that does not have a lot of local conflicts

- Estelle mentioned that July would be better than August due to all the local fairs and fests.

- Sanders suggested that we could possibly piggyback this with the Chocoday Summerfest as people will be out and about anyway.
- Mark stated their preference would be to have it in July, however Mark will be on vacation the first two weeks in July.
- Kinnunen suggested holding it at the Cherry Creek School for this “new” beginning rather than holding it at the old Silver Creek School, which has caused a lot of contention in the past.
-
- 2 – “Talk it up” big time to neighbors, friends and ask them to bring a friend and/or enemy. (Cross-section is most valuable); it would be ideal to get 150 people in attendance. Phone tree network would work best.

“Help Plan Chocoday for 2025”...you have a chance to make a difference.

Same day we do JOINT VISIONING TOWN MEETING, Mark would like to do a co-ordinating walking/driving tour of key places in Chocoday Township.

Need to secure a photographer to take ***digital*** photos of great views, fall pictures, winter pictures before & after plows; need to include all four seasons. Sanders mentioned Jim Carter, former Choc. Twp. Resident.

Sanders asked about the possibility of using the webpage for the public to submit their pictures and suggestions. Mark reminded us that when photos are submitted, the submitter should be identified so that credit can be given.

John Trudeau and Bill Sanders both mentioned that they want to be involved when Dennis makes plans on this project.

Next Planning Committee meeting is scheduled for June 7.

Randy Yelle, Zoning Administrator

Mary Kratzke, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, June 7, 2004
7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Scott Emerson, Ken Tabor, Mike LaPointe and Tom Shaw.

Absent: Bill Sanders

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research and Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS

- A. Text Amendment #04-01: a request to change the R-1 District in Sec. 10 T47N-R24W, parcel number 52-02-110-063-00, 3.67 acres, located between Timbercrest Garden Center to the west (C-3) and Residential (R-1) to the east to a Planned Unit Development District for the purpose of constructing a mini-storage complex.

Mike LaPointe open the public hearing advising those in attendance at the June 7, 2004 meeting that they will all have a chance to speak. He reiterated the request outlined in I. A. regarding text amendment. Mr. LaPointe then asked Dennis Stachewicz to provide an overview.

Mr. Stachewicz referred to his memorandum dated June 4, 2004 where he laid out the issues to the Planning Commission and advised them to consider whether or not the PUD District will allow enough control over the proposed development to support the standards outlined in Section 508 of the Zoning Ordinance and not have a detrimental affect on the resident neighborhood to the east.

Mr. Stachewicz pointed out the following issues:

- The parcel is currently vacant and serves as a buffer to the residential area.
- The parcel has natural gas and electricity available there now.
- Water would be via private well; however, this is not needed for a mini-storage complex.
- The soil type information has been provided and if the request is granted, landscaping will have to be done to the parcel.
- The Comprehensive Plan was cited as the site design is critical to this request.
- Another issue raised was future land use allocation per the Comprehensive Plan.
- The history of requests for use of this parcel was discussed (more particularly the request by Roger Wotring in 2002) and the point made that the Planning Commission should discuss whether or not conditions have changed from previous denials for use of this property.
- There is not a landscaping or lighting plan outlined in this request of which Mr. Stachewicz believes is important.
- The site plan does not include building elevations, which should be addressed.
- "Spot" zoning was discussed.
- There has been no feedback from the residential area located near the parcel of land in question; nothing positive or negative in writing.
- Winter maintenance should also be considered.

Mr. Darwin Britton then addressed the Commissioners regarding his request. He provided photographs of what the proposed storage buildings would look like. He described the building materials, drainage and proposed landscaping. He outlined the proposed phases of building storage compartments. Mr. Britton is a grade foreman for Lindberg Gravel and, therefore, is knowledgeable of the requirements for a grading easement. He would like to put up an illuminated sign and use 2 lights with 50 watt bulbs per building, which will deflect to the buildings. The summer hours for the proposed mini-storage buildings would be 8:00 a.m. to 8:00 p.m. Mr. Britton owns a snow removal business and would take care of the snow removal himself at 8:00 a.m. or shortly thereafter.

Mr. Britton has an architect “standing by” and would provide the Commissioners with a plan within 2 weeks of approval. He stated that the elevation of the proposed mini-storage buildings would be comparable to Timbercrest.

Mr. LaPointe opened discussion to the public at this time.

Charles Hudson – 104 Dana Lane. His home would be located closest to the proposed buildings. His drain field is located close to the property in question. He stated that there is too much activity on Dana Lane as it is now. The jack pine trees to be used as a buffer for noise have very little branches. He is against building commercial on this property and would prefer to see a home built there.

Gordon Uren – 116 Dana Lane. Mr. Uren had several concerns. He quoted from the Zoning Ordinance that an R-1 zone is intended to be used for family housing. He quoted from Sections 215 and 505 of the Zoning Ordinance and said the request does not meet the intent of zoning. He said standards 1, 9 and 11 are not being met. He referenced potential ground water contamination from misuse of the storage buildings, i.e.: changing oil on vehicles, etc. He believes this area to be “spot” zoning.

Charles Hudson – 104 Dana Lane. Mr. Hudson pointed out that he does not believe the square footage for the parcel in question is correct.

Kim Erickson – 120 Dana Lane. Mr. Erickson also does not believe the square footage outlined in this request is correct. He pointed out that he has attempted to purchase this parcel of land, however, it is priced as “commercial” property, thus too expensive.

Bill Beckman - 1719 Woodland. Mr. Beckman said this parcel of land has been in the family for 100 years. He and his brother, Glen Beckman, would like to sell the property to Darwin Britton. They understand the concerns of the neighborhood, however, they feel they have the right to sell this property.

Glen Beckman addressed the issue of the footage in question and gave history as to the property lines for this parcel. He stated that they have been trying to sell that parcel for years and that no one wishes to purchase it to build a home next to Timbercrest.

There is 100 feet in question that is owned by Dana Varvil that was discussed with no resolution.

Estelle DeVoght asked if this land has been surveyed. Glen Beckman affirmed.

Mr. LaPointe agreed that there was a discrepancy in the footage of this parcel and this will be addressed. Public comment regarding this item was closed.

- B. Private Road #04-01: a request to construct and maintain a private road in Sec. 9 T47N-R24W off of Jennifer Lane across from Candee Lane, to serve development of 20.1 acres, parcel number 52-02-109-128-00.

Mr. LaPointe reiterated the request outlined in I. B. then requested that Dennis Stachewicz provide an overview.

Mr. Stachewicz pointed out the following issues:

- Eric Keough is the applicant.
- There is an area in the proposed cul-de-sac which is 5 feet lower than the grade of Jennifer Lane.
- Naming the private drive “Pine Cone Trail” has been researched and approved by the State Police Central Dispatch.
- The applicant is responsible for easements.
- This application is purely for the use as a private road and not a subdivision.
- Applicant will attempt to obtain a permit to construct at least one home. Said property would allow for four parcels to be purchased for constructing homes.
- Mr. Keough’s proposal meets the necessary requirements.
- The proposed road does not appear to have an impact on the existing neighborhood.

- Private roads usually get turned over to the municipality in the long run, which is why the design should be critically reviewed.

Mr. LaPointe asked if the applicant was in attendance and if he would like to address the Commissioners.

Eric Keough advised he owns 20.1 acres of land and provided photographs of the property. He is a licensed builder and realtor. The land is currently used by people for recreational purposes, i.e. dirt bikes, ATV's, etc.

The grade of the proposed road and cul-de-sac will be addressed by Smith Paving.

The Marquette County Sanitation Department has been to his property. The Health Department has approved the well and septic system.

He intends to only cut down ½ acre of trees to build homes. He currently has 2 individuals interested in having a home built on this property which Mr. Keough believes will sell in the \$195,000.00 range and generate revenue for Chocolay Township.

Mike Mileski, project surveyor, was with Mr. Keough and verified boundary limits.

Public comment regarding this item was closed.

II. MEETING CALLED TO ORDER/ROLL CALL

Mike LaPointe called the meeting to order at 7:30 p.m.

III. APPROVAL OF THE MINUTES OF APRIL 12, 2004 and MAY 18, 2004 MEETINGS

Scott Emerson moved to approve the minutes of the April 12, 2004 meeting, Estelle DeVooght Seconded. Aye 6, Nay 0. Motion Approved.

Steve Kinnunen moved to approve the minutes of the May 18, 2004. Ken Tabor Seconded. Aye 6, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Scott Emerson moved that I. B. (Private Road #04-01) be moved to be heard first and 1 A. (Text Amendment #04-01) be held second in Public Comment. Ken Tabor supported. Aye 6, Nay 0. Motion Approved.

V. PUBLIC COMMENT

A. Private Road #04-01. Clarification was made regarding the grade concern and size of the cul-de-sac. It was discussed that if this road/cul-de-sac may ever be turned over to the Marquette County Road Commission, it should meet the County standards.

Steve Kinnunen stated he had looked at and measured the property of Mr. Keough and believes that a wider road, i.e. 24 feet would be more appropriate as four houses are proposed to be built on the 20.1 acres of land and consideration should be made for the amount of vehicles that will eventually use this road. Mr. LaPointe questioned whether the cul-de-sac specifications were taken from the Marquette County Road Commission specification booklet.

Mike LaPointe asked that the proposed restrictions be clarified which included grade/drainage, extra width to road, and accessibility for emergency vehicles.

Steve Kinnunen moved, Scott Emerson second, that after review of Private Road Request #04-01 (Private Road #18); the standards of Section 402, D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) The base of the cul-de-sac area is to be filled to meet the elevation of the road profile where it connects with Jennifer Lane.
- 2) The applicant shall provide access to township vehicles as well as other public/private utility companies to provide services.
- 3) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed.
- 4) The applicant pay for and install a road sign identifying the private road as "Pine Cone Trail" at the intersection with Jennifer Lane and the applicant is to pay for and install a stop sign at the same intersection.
- 5) The applicant comply with the conditions and requirements of all other agency regulations.
- 6) The applicant is required to provide certification from a surveyor/engineer that the private road standards imposed by the Planning Commission indicating a twenty-four foot road width, two foot shoulders, and adjustments to the cul-de-sac entrance radii that will allow for construction of a cul-de-sac in accordance with the Marquette County Road Commission standard detail, have been achieved at the conclusion of construction.
- 7) A zoning compliance permit shall be issued after all of the above conditions are met.
- 8) The applicant is strongly encouraged to obtain Marquette County Health Department review of well and septic considerations for the proposed lots prior to road construction.
- 9) Land Division Approval is required from the Assessor for the creation of individual parcels off from the road and may require the modification of the lots as shown.

Aye 6, Nay 0. Motion approved.

Text Amendment #04-01. After much discussion by the Commissioners, Dennis Stachewicz, the applicants and concerned parties, it was suggested by the Planning Commission that this issue could not be addressed at this time until the question of the property line be resolved.

Mr. Stachewicz pointed out that this issue could be tabled for 45 days to allow the time necessary to research the property lines.

Darwin Britton was concerned with that timetable as this request needs to be presented to the Chocolay Township Board for approval. This would put any construction of the mini-storage buildings into late Fall which would not be conducive to Mr. Britton's plans.

Scott Emerson suggested the site plans be addressed and re-evaluate the lay out of the proposed buildings.

Ken Tabor asked what would happen to the property years down the road. Would this parcel revert back to residential?

Mike LaPointe advised Mr. Britton that the Commissioners do not like to table issues, however, in this case, there are specific questions that need to be addressed.

Dennis Stachewicz stated a special meeting could be held to speed up the process in an effort to help with Mr. Britton's time table concerns.

Scott Emerson would like to see alternatives to PUD.

Dennis Stachewicz stated the preliminary plans should be somewhat detailed in order to meet the requirements of the ordinance. Mr. Stachewicz also said the process includes the Planning Commission, the County Planning Commission, and then the Chocolay Township Board. He said this is a minimum time table of two months.

Darwin Britton quoted Randy Yelle as stating this is a PUD, not a rezoning, thus this issue does not have to go through both entities.

Dennis Stachewicz referenced the Zoning Ordinance and advised the Planning Commission that the request is a rezoning and must be reviewed by the County Planning Commission. Mr. Stachewicz suggested he work with the applicants and Randy Yelle, research the property lines and ensure all requirements are met.

Mike LaPointe stated Mr. Stachewicz is to work out the details and a special meeting will be scheduled.

Aye 6. Nay 0. Motion carried.

Meeting break at 9:41 p.m. Resumed at 10:05 p.m.

VI. OLD BUSINESS

A. Discussion – Update of Comprehensive Planning Process.

Estelle DeVooght stated she was not impressed with the planning process. She believes this requires too many meetings, too many people involved and too much time.

Scott Emerson pointed out that multiple people are needed for their input.

Dennis Stachewicz advised the Commissioners that on August 5, 2004, a meeting will be held at the Cherry Creek School beginning at 7:00 p.m. This meeting is an attempt to get the community to come together with their ideas and thoughts regarding the Township. He plans on sending out packets and canvassing the area businesses. Mr. Stachewicz read a list of people that were going to be asked to complete the background survey.

Dates were suggested and a meeting with the consultant and Township Board was tentatively scheduled for September 8, 2004, 5:30 p.m. at the Township Hall. A second date for a meeting with the consultant and the Planning Commission was tentatively set for November 4, 2004 @ 7:30 p.m. at the Township Hall.

VII. NEW BUSINESS

A. Annual Election of Officers.

Estelle DeVooght moved that the current status of officers remain. Ken Tabor Seconded. Aye 6. Nay 0. Motion carried.

B. Discussion – US 41 Corridor Access Management Subcommittee.

This will become part of the Comprehensive Plan and will be addressed in the fall. There is no great urgency at this time for adopting the corridor. Steve Kinnunen pointed out that grants are being researched at this time. Mike LaPointe suggested this issue be tabled to be discussed at another time.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz has had this position for several days. He is happy to be involved with the Township.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

The Commissioners welcomed Dennis Stachewicz and complimented him on his thorough presentation of the items on the agenda for this meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board
- B. Minutes – Marquette Township Planning Commission
- C. Publication: *Planning and Zoning News*

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 10:15 p.m.

**Charter Township of Chocolay
Planning Commission**

Monday, July 12, 2004

7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Scott Emerson, Ken Tabor, Mike LaPointe and Bill Sanders.

Absent: Tom Shaw

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research, Denny Magadanz, DPW Supervisor, and Cathy Phelps, Recording Secretary.

I. PUBLIC HEARINGS

A. Rezoning #129 – A Request to Rezone Parcel 52-02-007-014-00 from OS (Open Space) to R-1 (Residential)

Dennis Stachewicz gave a quick overview and said the staff recommends denial of the request.

Mark Maki of 370 Karen Road said he was Zoning Administrator from 1977 to 2002. He gave a history of that area when he was at the Township.

Janet Amundson of 2029 M-28 East said some people did not get notification because their addresses were not updated with the Township. Can the Township send letters return receipt or registered mail?

Gale Manosky of 2025 M-28 East bought this house to retire in, it is a tiny house. They just want to improve the house, which would increase the attraction of the neighborhood.

Public Hearing was closed at 7:45.

II. MEETING CALLED TO ORDER AT 7:47 P.M.

Approval of Minutes. Estelle DeVooght Motioned, Scott Emerson Seconded to approve the June 7, 2004 Minutes. Aye 6, Nay 0. Motion passed.

III. APPROVAL OF AGENDA

Steve Kinnunen Motioned, Ken Tabor Seconded that the Agenda be approved as presented. Aye 6, Nay 0. Motion passed.

IV. PUBLIC COMMENT

Mark Maki of 370 Karen Road. Mr. Maki asked the Commissioners if they received a copy of his letters. Bill Sanders said he has the copies. Mark Maki

then passed out other correspondence. He said he has a complaint to file against Randy Yelle regarding information he asked for regarding the permit for a sign in a RP district he believes was issued in violation to the Zoning Ordinance along M-28 East last fall. He has received no response from Randy Yelle. In March/April a permit was issued by Randy Yelle for a park in violation of the Zoning Ordinance. Mr. Maki requested to be put on the June 25, 2004 Agenda, but was not. He said Randy Yelle violated the site plan review section also. Mr. Maki said he talked to Dennis Stachewicz today informing him that Randy Yelle is not following the Zoning Ordinance.

Public Comment closed at 7:50 p.m.

V. OLD BUSINESS

A. Text Amendment #04-01 (Rezoning #128)

The previous meeting identified a property line dispute, and a certified survey must be done.

Mr. Britton was asked to withdraw until the lot lines were cleared up. At this time Dennis Stachewicz will recommend to the Planning Commission to deny the application.

Estelle DeVooght asked if there were steel posts found at the property corners. Mr. Beckman said there were posts on the corners and he has hired a surveyor to make a drawing.

Dennis Stachewicz explained the 200' parcel on a map shown and the 100' buffer. He said if a certified survey was not produced, the Township could be sued if they proceeded because they could be held liable for knowingly allowing the applicants to build on property they may not own. He stated that it would invalidate the application if the parcel lines are different than the original application.

Bill Sanders asked if it moved 40' east, it would make the lot line closer to Dana Lane, and then it could be that more property owners on the other side of Dana Lane would need to be notified by law.

Darwin Britton showed a change in the site plan to the Commissioners. He wants to continue the process and handle the questionable issues as they come up.

Scott Emerson said the buffer would then be moved to the east if the 100' parcel in question was different. He agrees with Dennis Stachewicz that we need a certified survey. If it includes more parcels, the owners have to be notified by law.

Gordon Uren said the circumstances of the application have changed. People within 300' must be notified. Those people on the other side of Dana Lane care about what is happening in their neighborhood.

Dennis Stachewicz said the applicant has paid \$250.00 to be heard. If they withdraw, there may be no charge for re-opening it. If they want to move forward, the Planning Commission must make a recommendation.

Bill Sanders does not feel the site plan is detailed enough. It should be denied.

Darwin Britton said he had an architect draw up the site plan and it shows all the details.

Bill Sanders said the Zoning Ordinance is clear as to what is needed for a PUD. Bill Sanders explained that Dennis Stachewicz was not yet hired by the Township at that time. If they do not have a certified survey, the Planning Commission cannot approve it.

Darwin Britton said Randy Yelle told him he did not need a detailed site plan.

Darwin Britton felt that the site plan was complete, and the lighting was discussed at the last meeting. They would have down-lighting or whatever the Township suggests and plant whatever kinds of trees the Township wants. They are open for discussion, and will work with the Board. He said he moved the buildings on the site plan, has parking and signs drawn in along with the berms with trees and shrubs. He wants to go over everything as a group.

Scott Emerson said the site plan has been tweaked and they had a general discussion at the last meeting. He feels the cart is before the horse at this point.

Darwin Britton said they can make changes, but he needs input from the Commissioners.

Gordon Uren feels that generally the public was objecting to the warehouse coming into that area. If it does go forward, he feels the public wants input in the planning. He wants to know exactly how close it is to his property.

Bill Sanders said Darwin Britton can withdraw his application or he would be denied tonight.

Darwin Britton said he would withdraw his application at this time.

Dennis Stachewicz said he would speak to the Supervisor regarding the application fee. He suggested that Darwin Britton come into the office on Tuesday and that the Beckmans bring him a certified survey.

VI. NEW BUSINESS

A. REZONING #129 –Requested Rezoning from OS to R-1

George Manosky said OS (Open Space) must have 20 acres. He thinks this was an oversight by the Planning Commission. He wants to enlarge his house, and already is 6 to 7 months behind in his plans. His neighbor to the east at first said they did not want to be involved, and then wrote letters of protest. His house is now 864 square feet; he just wants to build a decent house.

Janet Amundson said if they build a house as planned, the Manoskys will see right into their windows and that the sand dunes are very fragile.

Gale Manosky showed the Commissioners pictures of their present house and the Amundson's A-frame house in relation to theirs and said the east and west roof had no windows for them to look into. She argued the distance to the lot lines, explaining that there is a well in between the houses.

Dennis Stachewicz explained that there is one vacant lot left in that area, and most of the houses are nonconforming.

Bill Sanders feels this would be spot zoning. If they change this lot, all of the lots should be changed. Maybe they should ask for a variance instead.

Dennis Stachewicz explained that in the Comprehensive Plan this area was identified as an area with development limitations. Based on his interpretation, the Planning Commission, at the time the property was zoned, was hoping the area would eventually revert back to Open Space.

Scott Emerson said this area is prime real estate due to the lake views. He feels the best thing would be to rezone it all. As a developed area, it should be considered for rezoning. He asked the Manoskys if they could design something compatible with the neighbor's wants/needs. He would hope they could negotiate and find something mutually compatible.

Mike LaPointe said he would not approve spot zoning for the one lot.

Scott Emerson questioned the rezoning of the whole area to R-1, as half of the property owners do not want to have it rezoned.

Estelle DeVooght said there were just camps when the Planning Commission first zoned that area open space. The Planning Commission hoped the camps would just deteriorate and not be improved. People passed the property to children and now they want larger houses. This area could be destroyed with a bad storm and there would be nothing left.

Mike LaPointe Moved Sanders Seconded, that following the review of Rezoning Request #129, and the Staff/File Review, the Planning Commission recommends DENIAL of Rezoning #129 to the Township Board to rezone parcel 52-02-007-014-00 from OS to R-1 due to:

- 1) The rezoning would grant a special privilege to a single property owner that is not available to others in the surrounding area.
- 2) The property can be reasonably utilized under the current zoning designation.

Aye 6, Nay 0. Motion passed.

B. Junk Car Ordinance Update

Dennis Stachewicz reported that this is one of the top ten projects the Township is working on. A junk car survey was done along with the Community Center survey. The Township needs to have clear language because this is a big issue. Greg Seppanen has obtained an intern to do a study on junk cars. Dennis introduced Kristin Thorrington, who is doing the study.

Kristin Thorrington gave an update. She has done some research on other area junk car ordinances. Clear language and enforcement is very important.

Bill Sanders said he looks at it logically, and can see a health side to collecting junk cars.

Kristin wanted to know what the Commissioner's felt was the Township's primary reason for a junk car ordinance. Was it aesthetic or health issues?

Dennis Stachewicz felt both issues were important to residents.

Estelle DeVooght asked why vehicles need to be licensed if they were sitting in someone's yard and not being used.

Kristin Thorrington asked about trucks used only in the winter months for plowing. Should they be licensed, as they are driven on the road?

Dennis Stachewicz asked about stock cars on trailers? Is this an aesthetic or health issue? We need to get feedback from the Planning Commission.

Steve Kinnunen felt they are both important.

Estelle DeVooght felt that aesthetics were more important.

Bill Sanders feels that environmental issues were a no-brainer. He does not want to see Chocoley Township to become too strict, where we cannot even have a

clothesline in your yard. He feels residents should be able to have a couple cars (fix-up cars) on their property, but not 40 cars.

Ken Tabor agrees.

Scott Emerson agrees with the health issue and does not want this Township to become too strict.

Steve Kinnunen said he does not want to have too complex language where we lose focus.

Dennis Stachewicz suggested tightening up outdoor storage to allow requirements by district.

Bill Sanders feels health and environmental issues covers outdoor storage. He does not want to see Chocolay Township heavily regulated, zoning is for land use.

Kristin Thorrington said she wanted to finish in September, and will keep the Planning Commission updated.

Bill Sanders thanked Kristin for all the work and appreciates the time she has put into it.

C. Lake Superior Watershed Partnership

They will come at a later date.

D. Joint Meeting with Township Board

Ken Tabor Motioned, Bill Sanders Seconded, to invite the Township Board to attend a joint meeting with the Planning Commission to be held on September 8, 2004, 5:30 p.m. at the Township Hall, facilitated by Planning and Zoning Center, Inc. to discuss the results of the Town Meeting /Visioning Session and go on a tour of key areas identified in the Township. Aye 6, Nay 0. Motion passed.

E. Access Management Training

Dennis Stachewicz reported that it will be on September 9, 2004, no time or place decided upon at this time. It will last 2 to 3 hours, and you will get a manual, which is great reference material. Mark Wyckoff will present the training.

Bill Sanders noted he went to a training session in Escanaba, which lasted all day.

Dennis Stachewicz said this is a condensed version. It will probably be either at the Lakeview Arena or the Negaunee Township Hall. Dennis said he would

contact all the Commissioners to possibly car pool together. Dennis also noted that he needs an updated e-mail address from all the Commissioners.

VII. PLANNING DIRECTOR'S REPORT

Comprehensive Plan- Dennis Stachewicz will get the Commissioners copies of the background information if they want it. Needs more recorders for the Town Meeting on August 5th, Thursday, at 7:00 p.m. at the Cherry Creek School. Mike LaPointe will not be there. The Township staff has been handing out fliers to residents coming in to pay taxes or pick up absentee ballots. Dennis Stachewicz said he plans to get fliers out to businesses this week.

Planning meeting requested by the consultant has been scheduled for November 4th 7:30 p.m., at the Township Hall to review draft materials related to the plan. Dennis Stachewicz said the Planning Commission may reschedule their regular to November 4th. Scott Emerson will be gone for the September and November meetings. Dennis Stachewicz said he would keep him informed.

The County Health Department asked us to look at our land use applications and to notify applicants of County requirements.

The Zoning Administrator has given a Dennis a list of violations as of June 2004, a letter to Tom Waselesky, and the Waselesky lab report regarding water testing.

Meeting with Attorney Summers, Mark Maki, Randy Yelle and Dennis Stachewicz on July 14th regarding Maki's complaints.

Snowmobile Trail – The Township is trying to set up a meeting with the DNR regarding speed, and hours of use, and a business route.

VIII. Public Comment

Mark Maki stated he is suspicious of the Waselesky water testing results. He wants more information. He feels the Waselesky junkyard has not been cleaned up as per the court order and feels this must be enforced. He also feels that the Keough private road request doesn't have 5 splits. The he thinks the assessor gave 6 splits. He believes she is not following the State Land Division Act. Mark Maki said the Township tried to give away some land to Habitat for Humanity. He believes they cannot do that. Bill Sanders said the Planning Commission was involved in the early stages of identifying potential sites for the Habitat for Humanity project. Regarding the memo on campgrounds and parks, Maki requests that the Planning Commission appeal the Zoning Administrator's decision to the Zoning Board of Appeals. He has requested copies of meetings. He feels the Board must deal with these issues.

IX. Commissioners Comments

Scott Emerson thinks the Planning Commission should get a letter written regarding the Snowmobile Act. He feels the DNR is not pushing the ORV's because they do not have the backing that the snowmobiles had. He wants the Planning Commission to address issues for the trail in a letter. A curfew should be in place from midnight to 8:00 a.m. and a speed limit of 30 mph through residential areas. These are based on the complaints received during the winter of 2003- 2004. Noise and speed complaints made up 70% of the complaints. Also he would like to see improvements of the trail itself so it can be used as a bike and hiking trail spring through fall. He would like to see blacktop put on the trail.

Bill Sanders asked if there are any grants available. He would like to see more interesting trails (curves), which would require slower speeds. He suggests a limestone trail.

Scott Emerson said the majority of the year it is not used for snowmobiles, but instead could be a non-motorized trail. He would like to see speed limits posted and enforced. He believes the noise all night long, keeping people from getting good sleep, is a health issue to the residents who live along the trail. He would like to see the DNR working with Chocolay Township to reduce the negative impacts of the snowmobiles, enhance the non-motorized use on the trails, and lessen the impacts snowmobiles have on neighborhoods and wildlife. We need to tell the DNR what we as a Township want.

Scott Emerson suggests the Planning Commission recommend to the Board that a letter be sent to our Representatives, Governor, and Michigan Township Association that the Snowmobile Act be amended to mandate that residential areas of a certain population density be subject to local zoning. Snowmobiles are hazardous in residential areas. These two letters need to be written and sent out.

Bill Sanders, Mike LaPointe and Ken Tabor noted their support. Mike LaPointe questioned who would do the enforcing of the laws? There must be adequate enforcement for speed limits and curfews in order for this to do any good. Right now there are no rules or regulations along the snowmobile trail through Chocolay Township. All of the Planning Commissioners supported that these letters be written.

Bill Sanders Motioned Steve Kinnunen Seconded, that the Planning Commission authorize Scott Emerson to write a letter to submit to the Township Board, the DNR, Michigan Townships Association, and the Governor that includes a suggested speed limit and curfew limits on the snowmobile trail through Chocolay Township and promotes a change in legislation regarding the Snowmobile Act to include establishment of local government zoning authority, which was an oversight in the original law.

Aye 6, Nay 0. Motion passed.

Bill Sanders gave information about sound decibels relating to the snowmobiles.

Scott Emerson noted that snowmobiles in packs had even higher decibels. The DNR needs to work with the Township.

Steve Kinnunen suggested we remind the DNR that they would give the Township a copy of the data they gathered regarding the trail. Dennis Stachewicz said he would check into getting that information.

Steve Kinnunen suggested we add a requirement for a certified survey to be part of the Township Rezoning and PUD applications. The boards need this information before making decisions so problems like this current one do not happen again.

Dennis Stachewicz feels that this should be taken care of in the Township office before coming to the boards. This incident caused Darwin Britton to be backed up all summer and a certified survey should have been requested right away. He will research this issue.

Steve Kinnunen wondered what would have happened if this PUD would have gone through? Could the Township be sued? He feels the certified survey requirement should be on the application. He does not want to go through this situation again. It makes the Township look bad.

Dennis Stachewicz noted that the City of Marquette requires a survey for Zoning Board of Appeals applications.

Steve Kinnunen suggests putting the requirement of a certified survey on the PUD at least to start with. The Township would be more professional with that information.

Mark Maki stated the Planning Commission makes rules, and a PUD gives a way to go around the rules. He said a PUD is spot zoning.

Bill Sanders adjourned the meeting at 9:55 p.m.

Respectfully submitted by:

Estelle DeVooght, Secretary

Cathy Phelps, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, September 13, 2004
7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Ken Tabor, Mike LaPointe, Bill Sanders (Tom Shaw arrived at V. Public Comment)

Absent: Scott Emerson

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research, Lori DeShambo, Recording Secretary and Kristen Thorrington.

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:30 p.m.

III. APPROVAL OF THE MINUTES OF August 9, 2004 MEETING

Ken Tabor moved to approve the minutes of the August 9, 2004 meeting, Estelle DeVooght Seconded. Aye 5, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved to Approve the Agenda. Mike LaPointe supported. Aye 5, Nay 0. Motion Approved.

V. PUBLIC COMMENT – None.

End Public Comment at 7:32 p.m.

VI. OLD BUSINESS

A. Work Session – Review and Comment on Draft Junk Car Ordinance

Open for discussion. Dennis Stachewicz began overview, introduced Kristen Thorrington, NMU student involved in the draft junk car ordinance.

Topics covered by Mr. Stachewicz:

- ✓ Met with Zoning Administrator and Greg Zybert of the Chocolay Township Police Department to review who is responsible for enforcement of the ordinance.
- ✓ A draft of the Junk Car Ordinance was provided to the Township attorney, Mike Summers, who has approved the same.
- ✓ The community survey that was sent out included the junk car ordinance and a large response was received in that regard.
- ✓ Section III of the draft junk car ordinance was referenced and Mr. Stachewicz laid out the definition of motor vehicles and how they pertain to the ordinance.

Goals covered by Mr. Stachewicz:

- Review ordinance
- Ensure language is correct
- Define the number of vehicles allowed per location
- Residential R1, R2 or R3
- Provisions, variances and the like

Dick Arnold of 312 Co. Rd. 545, Marquette, MI addressed the Commissioners stating that the draft does not address farming equipment, i.e.: tractors. Also referenced the term “in-operable vehicle”, does this mean non-drivable vehicles? He stated he believed it will be difficult to enforce this draft ordinance. There were 115 signatures turned in by Mr. Arnold.

Reference was made to relegating the enforcement of the ordinance to the Zoning Administrator. Mr. Stachewicz advised that Mr. Yelle is willing to become the enforcement officer of the junk car ordinance.

Mr. Stachewicz asked Dick Arnold if his question regarding “in-operable vehicles” was in regard to licensed vehicles.

Bill Sanders asked Mr. Stachewicz about paragraph one which lists property sections. Mr. Stachewicz stated starting with residential homes, a certain amount of vehicles are permitted unless parked in a covered structure – see Section IV for exceptions.

Mike LaPointe asked about the residential homes and what this all entails.

Mr. Stachewicz stated that starting with R1, that section would be allowed X amount of vehicles with certain rules applying. Then R2 would be allowed X amount of vehicles with certain rules applying and soon.

Steve Kinnunen stated that this issue has been discussed regarding those residents with more property have room to “screen” their vehicles.

Ken Tabor agreed that there must be some flexibility to the ordinance and allow screening of vehicles.

Bill Sanders asked if the draft junk car ordinance included variances.

Mr. Stachewicz pointed out that this will be a very difficult ordinance.

Frank Thomas of 2995 M-28 East asked the Commissioners with respect to vehicles, “if you can hide it, can you have it”

Bill Sanders stated that if you go over the vehicle limit, it must be in a closed structure, i.e.: garage.

Frank Thomas asked what an appropriate screen is; trees, snow?

Mr. Stachewicz stated that the junk car ordinance is in a “draft” form at this time and the proper language is being addressed during this “draft” stage. However, the draft now states if not visible from the right of way.

Bill Sanders pointed out that there are two important issues that this ordinance will address; environmental hazards (leaking oil from a non-used vehicle, etc.) and how your property will look with the clean up.

Frank Thomas asked if an ugly private fence is an adequate screen.

Dick Arnold asked if an enclosure for a vehicle should be a permanent building, not a “super plastic” enclosure.

Estelle DeVooght pointed out that the ordinance can not dictate to a home owner what they can do with/on their property, i.e.: hobby of restoring old cars, painting tractors, etc.

Ken Tabor agreed that the ordinance needs to be adhered to but be flexible.

Bill Sanders pointed out that the draft has merits but need a threshold.

Frank Thomas asked if a vehicle is not licensed with the State of Michigan, is it determined to be “in-operable?” Mr. Stachewicz responded affirmatively stating that currently, the ordinance does not allow for vehicles that are not licensed. He states that the community survey response showed 70% of the community favors such an ordinance limiting vehicles. He stated that 2,700 survey forms were sent out with 1,500 forms returned.

Mr. Stachewicz advised that an ad had been run in the local newspaper stating that information regarding the draft junk car ordinance is available at the Chocolay Township Hall and that the meeting would be taking place inviting the public to join in the discussion.

Steve Kinnunen stated that he thought there must be discretion/variances to the ordinance allowing Mr. Yelle to monitor residents who have a hobby such as painting/restoring old vehicles, tractors, etc.

Mr. Stachewicz asked “how do you define a hobby?”

Mike LaPointe asked if there are conditional uses for a vehicle such as a snow plow?

Randy Yelle, Zoning Administrator for Chocolay Township, stated that some of the terminology used in the draft would cause problems.

Steve Kinnunen thought that fines/civil infractions would be warranted to those that do not adhere to the ordinance.

Mr. Stachewicz states that currently, the draft does not contain a section of administrative standards allowing the Zoning Administrator the discretion to monitor issues such as noise and dust.

Steve Kinnunen asked if the law enforcement agency for the township is not going to enforce this, then who will.

Tom Shaw pointed out that those residents in a R1 district with an allowance of X amount of vehicles can not be permitted to use a friend/relatives property to park excess vehicles.

Mr. Stachewicz addressed the Commissioners at this point stating that they had contributed many issues/topics to be followed up on and that more insight would be put into the draft with this information. He asked that should any member have further input, questions or concerns, to please contact him via telephone or e-mail.

B. Consideration – Schedule Ordinance Subcommittee Meetings

Estelle DeVooght and Bill Sanders are in agreement to hold the subcommittee meetings on the first Tuesday of each month at noon at the Chocolay Township Hall. There will be no agenda, just a working/organization meeting. The first meeting will take place on Tuesday, October 5, 2004 at 12:00 noon. Subject to change should Scott Emerson not be able to attend.

VII. NEW BUSINESS

A. Consideration – Letter supporting additional hours for Zoning Administrator

A request has been made that the Zoning Administrator (Randy Yelle) have his hours increased. Bill Sanders asked how many hours is Mr. Yelle working now. Mr. Yelle responded with 18 hours per week. Mr. Stachewicz advised that the requested increase is to 25 hours per week from 18 hours per week. The hours used will fluctuate during the year, i.e.: less time needed to supervise during the winter months as versus the summer months. All in all, the average hours worked during a week (yearly) would be 25 hours per week.

Mike LaPointe Motioned for an increase of working hours for the Zoning Administrator with Ken Tabor in Support. Aye 6, Nay 0. Motion approved.

B. Consideration – 2005 Planning Commission Budget Recommendation

Mr. Stachewicz advised that he has until September 30, 2004 to submit the budget. He is looking for input and/or suggestions from the Planning Commission in this respect.

Steve Kinnunen stated he supports continuing to receive the publications the Commissioners currently receive. They are informative.

Mr. Stachewicz advised the Commissioners that he is looking into a web site and do the Commissioners feel this is feasible?

Bill Sanders pointed out that with a web site in use, the zoning ordinance could be available and those seeking a variance could apply on-line. Mr. Sanders asked if other entities would be using the web site, i.e.: Zoning Board of Appeals, would they contribute to funding this web site?

Mr. Stachewicz stated this is also part of the comprehensive plan that is being worked on at this time.

C. Consideration – US-41 Corridor Plan

Mr. Stachewicz stated that he thinks it is time to put the corridor plan back in motion and that by December of 2004, the Commissioners could adopt the corridor.

Steve Kinnunen pointed out that this issue was discussed during the recent tour with the new consultant, Mark Wyckoff.

Estelle DeVooght asked if a public hearing was needed first to begin adopting the corridor plan. Mr. Stachewicz stated a plan would have to be adopted first before a public hearing.

Steve Kinnunen Moved, Ken Tabor Supported, to authorize the Director of Planning and Research to begin the process of preparing the Comprehensive Plan amendment language for the adoption of the US-42/M-28 Comprehensive Corridor & Access Management Plan in accordance with the Township Planning Act. Aye 6, Nay 0. Motion approved.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz stated he thought the meeting held recently with the consultant wherein a site visit was undertaken had a good result. There is another meeting with Mr. Wyckoff scheduled for November 4, 2004 at the Township Hall. They will be looking at scheduling a meeting to be held in January-March of 2005.

The Minoski rezoning issue was discussed – the denial was supported.

The bulletin board at the Township Hall has many postings keeping the public advised.

Mr. Stachewicz stated that an amendment is being looked at for private roads, in more particular, the Wintergreen Trail.

IX. PUBLIC COMMENT

Dick Arnold asked if any discussion has been made regarding farming lots that are now residential. Is there a set limit as to farming acreage in Chocolay Township?

Mr. Stachewicz stated this would be addressed as part of the comprehensive plan.

Public comment closed at 8:35

X. COMMISSIONER COMMENT

Steve Kinnunen talked about the insert to this agenda regarding the City of Ironwood's Noise Ordinance.

Mike LaPointe asked how long has this program been in place.

Mr. Stachewicz stated it has not been enforced for political reasons.

Steve Kinnunen seems to think that if the rule is out there (in Chocolay Township), this will give the snowmobilers something to think about.

Steve Kinnunen suggested to Bill Sanders that Mr. Stachewicz research this topic and adopt it to the township's ordinance.

Mr. Stachewicz agrees that this should be researched, however, at this point in time, the junk car ordinance should take priority.

Tom Shaw pointed out that there is a barrel in Big Creek.

Mr. Yelle stated he was aware of that and the problem is being taken care of.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board
- B. Correspondence – Marquette Township Planning Commission
- C. Correspondence – Stachewicz to Planning Commission re: City of Ironwood Noise Ordinance
- D. Publication – Planning and Zoning News
- E. Publication – Establishing Realistic Speed Limits

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 8:46 p.m.

Estelle DeVoght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay
Planning Commission
Monday, October 11, 2004
7:30PM

Present: Estelle DeVooght, Steve Kinnunen, Mike LaPointe, Ken Tabor, Bill Sanders and Tom Shaw

Absent: Scott Emerson

Staff: Dennis M. Stachewicz, Jr., Director of Planning & Research, Dennis Magadan, Director of Public Works, Greg Zyburt, Chief of Police and Mary Kratzke, Recording Secretary

I. PUBLIC HEARING

Bill Sanders stated that there would be a public hearing on Private Road #19 and asked Dennis Stachewicz to give a briefing.

Dennis Stachewicz received a request submitted by Glenn Van Neste, on behalf of Hubbard Properties, to construct and maintain a private road off Wintergreen Trail that would serve an amended lot #13 of the Chocolay Woods Site Condominium Project. He said that all lots must have frontage on a public or private road, therefore we have asked the developer to construct a private road in order to provide access to this parcel. Dennis states that there is a conflict using the same name as Wintergreen Trail for the prefix of this proposed road and there is the issue of a turnaround on this road also. Dennis recommends nine conditions that should be considered when approving this.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:30PM.

III. APPROVAL OF THE MINUTES OF SEPTEMBER 13, 2004 MEETING

Estelle DeVooght moved to approve the minutes of the September 13, 2004 meeting; Ken Tabor seconded. Aye 6; Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders said that he would like to add Item D under New Business for a CABA presentation.

Bill Sanders moved to approve the Agenda; Mike LaPointe seconded. Aye 6, Nay 0. Motion approved.

V. PUBLIC COMMENT

Don Britton stated he was there on behalf of the Hiawatha Snowmobile Club.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

A. Consideration – Minor Amendment to Chocolay Woods Site Condominium Project

Mike LaPointe asked why the change is needed.

Applicant Scott Hubbard stated that the lot line got too close to the houses.

Ken Tabor moved that the Planning Commission recommends approval of the minor amendment to the Chocolay Woods Site Condominium Project titled "Superceding Marquette County Condominium Subdivision Plan #12, Exhibit "B" to the Superceding Master Deed of Chocolay

Woods Condominium, Chocolay Township, Marquette County, Michigan, “dated September 27, 2004 with the condition that the developer must obtain private road approval for access to Unit #13. Bill Sanders seconded. Aye 6, Nay 0. Motion Approved.

B. Consideration – Private Road #19

Dennis Stachewicz said that the zoning ordinance does require an easement. The land could be further subdivided. There must be a turn-around for emergency vehicles.

Steve Kinnunen thinks that it makes good sense to make the road accessible through the property and stated that there’s no requirement in the ordinance to provide for future development.

Dennis Stachewicz says this is an excellent idea. With the way traffic patterns are laid out in Chocolay Township, this proposal gives people other alternatives as well as safety issues.

Bill Sanders agreed it’s more convenient for the people.

Dennis Stachewicz said that the board could approve this tonight and Scott Hubbard could meet with Staff to work out the details.

Bill Sanders moved that after review of Private Road Request #19, the standards of Section 402.D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions (in this case the word “developers” means Hubbard Properties):

- 1) The developers shall provide an easement at the end of the private road that meets the Marquette County Road Commission standards for a cul-de-sac.
- 2) The developers shall select an alternate name for the private road and that name shall be reviewed by the Michigan State Police Central Dispatch and the Chocolay Township Fire Department before being approved. The approval of the road name shall be the responsibility of the Chocolay Township Director of Planning and Research.
- 3) The developers shall allow access to township vehicles as well as other public/private utility companies to provide services.
- 4) A covenant shall be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed.
- 5) The developers pay for and install a road sign identifying the approved name of the private road at the intersection with Wintergreen Trail.
- 6) The developers shall comply with the conditions and requirements of all other agency regulations.
- 7) The developers are required to provide certification from a surveyor/engineer that the private road standards of the Zoning Ordinance have been achieved at the conclusion of construction.
- 8) A zoning compliance permit shall be issued after all of the above conditions are met.
- 9) The developers are strongly encouraged to obtain Marquette County Health Department review of well and septic considerations for the proposed Unit #13 prior to road construction.

Ken Tabor seconded. Aye 6, Nay 0. Motion Approved.

C. Consideration – Annual Road Rankings

Dennis Stachewicz presented a listing of individual road evaluations/rankings throughout Chocolay Township that need work. He asked that the Planning Commission members look at these roads and make a recommendation to the Township Board.

Bill Sanders commented that #3 Riverside Road should be taken in to consideration in dealing with the snowmobile trail issue. He feels it would be nice to move the trail to the north as where it presently crosses Riverside Road at Lakewood Lane. He said it would be good to get some distance between the trail and the houses. He says if the snowmobile group could come up with the money to move the trail, the township/county could take care of the road.

Dennis Stachewicz said that all property north of Riverside Road is State property. He asked about moving the intersection to the east – it would have to be a couple hundred yards as there's a pump station at that intersection. Thought maybe something could be worked out with the DNR.

Don Britton (representing the Hiawatha Snowmobile Club) said the club is presently working on Phase I in construction of the snowmobile trail. He said Phase III isn't too far down the road.

Bill Sanders asked if it's possible to rearrange the ranking on these roads.

Dennis Magadanz said that it's been done in the past depending on monies in the budget. He stated that there's a pump station at the intersection in question.

Tom Shaw feels that we need time to do research on this issue of possibly relocating the intersection of Lakewood Lane and Riverside Road. Dennis Stachewicz said the best way to address the road was to leave it in the top three and allow staff to contact the County Road Commission.

Ken Tabor moved that the Planning Commission recommend the recommendation (ranking) as presented by Dennis Stachewicz to the Board. Tom Shaw seconded. Aye 6, Nay 0. Motion Carried.

D. Consideration – CABA Proposal on Snowmobile Signs

Jim Manyen presents that CABA would like to organize the way snowmobiles come through Harvey. Their system will make it safer and more organized. They would like to designate a route using "diamond" shaped signs that snowmobilers would recognize as a route.

The route would be from the trail to Green Bay St to Wright Place to Corning over to the light; then on to the bike path to the Welcome Center where they'd meet up with the DNR trail.

He states that snowmobilers would only be going through a residential area once.

He said that the business district will raise monies for patrols but only if the township is willing to direct snowmobiles to the business area.

Don Britton says the signs are well known to snowmobilers and that the green "diamonds" indicate an ungroomed trail (trail to bike path). He says that these would keep people moving in one-way travel and deter people from going back. They would also be using decals indicating lodging, food and gas.

Greg Zyburt feels this would be a good idea as snowmobilers coming from Munising will be in need of gas and would be directed to the business area. He says this would be cutting down on traffic and people would know where they were going. He says it's not a solution but it's the best working route now. He also stated that the major concern was near Walt's.

Jim Manyen said that some control is better than no control.

Mike LaPointe asked if a conditional use permit would be required if they are designating trails and this comes under an ordinance.

Tom Shaw said that many snowmobilers are confused. They don't know where they're going. He thinks this idea will be better all the way around and that there will be a less amount of disturbance for homeowners.

Steve Kinnunen Motioned that the Chocolay Township Planning Commission suggests to the Township Board that they review the CABA plan for non-groomed business route for snowmobiles as outlined pending staff review. Mike LaPointe Seconded. Aye 6; Nay 0. Motion Carried.

Stan Hubert added that the least impact on residents is best.

Steve Kinnunen said that law enforcement personnel will now be able to do their job rather than directing people.

VIII. PLANNING DIRECTOR'S REPORT

Dennis Stachewicz said that he will have the revised draft on the car ordinance update at the next meeting.

He also said that the Comprehensive Planning Meeting will be held on November 4 at 7:00 PM.

The Ordinance Subcommittee Meetings are held on the 1st Tuesday of each month at noon at the Chocoley Township Hall.

Meetings scheduled with Mark Wyckoff are temporarily set for Jan. 6, March 3 and May 10, 2004. If anyone has a problem with these dates, please advise Dennis Stachewicz within the next week.

Dennis will be recommending spending \$750 for updated GIS parcel layers.

There is money available in the budget for Training for Planning Commission members. Contact Dennis if interested.

Dennis said Greg S. submitted a request to the County Board that Chocoley Township be included in any plans regarding the development at the old Honor Camp in Sands Township if it ties in to Silver Creek because it could have an impact on the Township.

Dennis has received an application for rezoning a 200-acre parcel from RP to R1 for development of a subdivision

IX. PUBLIC COMMENT

None.

X. COMMISSIONER COMMENT

Tom Shaw said that he appreciates CABA doing what they're trying to do.

Bill Sanders mentioned that at the last Board of Appeals Meeting the issue of a race track/ORV trail on residential property came up and a ZBA member asked if the Planning Commission should look at it.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board – September 20, 2004
- B. Minutes – Zoning Board of Appeals – August 26, 2004 & September 23, 2004
- C. Publication – Planning and Zoning News
- D. Publication – “What is a Taking?”

XII. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:29PM.

Estelle DeVoght, Commission Secretary

Mary Kratzke, Recording Secretary

Charter Township of Chocolay
Planning Commission
Monday, November 1, 2004
7:30PM

Present: Scott Emerson, Estelle DeVooght, Steve Kinnunen, Mike LaPointe, Ken Tabor, Bill Sanders, and Tom Shaw

Absent: None

Staff: Dennis M. Stachewicz, Jr., Director of Planning & Research and Dennis Magadanz, Director of Public Works

I. PUBLIC HEARING

Mike LaPointe stated that there would be a public hearing on Conditional Use #70 and asked Dennis Stachewicz to give a briefing. Bill Sanders arrived.

Dennis Stachewicz said that CABA has pulled their request for a Conditional Use Permit because of the correspondence from the Marquette County Road Commission that indicated CABA would not be able to place signs in the requested road right of ways.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:30PM.

III. APPROVAL OF THE MINUTES OF OCTOBER 11, 2004 MEETING

Ken Tabor moved to approve the minutes of the October 11, 2004 meeting; Tom Shaw seconded. Aye 7; Nay 0. Motion Carried.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved to approve the Agenda; Steve Kinnunen seconded. Aye 7; Nay 0. Motion Carried.

V. PUBLIC COMMENT

Elwin Leach of 425 Green Bay Street asked if there will still be snowmobiles on Green Bay Street even though the request has been cancelled. Dennis Stachewicz said that snowmobiles are allowed on County road right of ways.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

A. Consideration – Conditional Use #70 – CABA Traffic Control Signs

Bill Sanders said that the Planning Commission should still use this time as a planning session even though the request was cancelled. Scott Emerson spoke about the CABA proposal and said it was not a good idea because of the residential density in the area. He said the traditional route was along M-28 and less people would be affected there. Scott Emerson said the previous proposal presented to the DNR was for M-28 and he believes CABA should be directed to pursue that route again. He said the problem lies between Walt's and the Visitor Center and that the couple of house there could eventually be rezoned at some point in the future.

Scott Emerson said there are technical difficulties with the proposed route including the narrowness of the bridge on Green Bay Street. He said that people on M-28 bought their houses with the understanding that snowmobiles could travel in front of their houses. He said it is unfair to people

who bought homes not expecting snowmobile traffic to suffer. He also said he is surprised that the Police Chief is buying into this proposal. Scott Emerson said he believes that CABA should understand that people living here support the businesses also. He asked the Planning Commission to consider directing CABA to pursue an alternate route along M-28.

Bill Sanders asked Dennis Stachewicz what he thought about the proposal being offered by Scott Emerson. Dennis Stachewicz spoke about the history of the current trail proposal and the steps being taken by the Township Supervisor to work towards a true business route. He recommended that the Planning Commission consider that any recommendation to CABA be as an “option” rather than cornering them with only one proposal. Scott Emerson said he agreed.

Steve Kinnunen said the M-28 proposal has been looked at before and he believes it is time to move forward with pursuing the bridge across the Chocolay River. He recommended sending a letter to CABA as previously discussed. Bill Sanders asked if it would be appropriate for the Planning Commission to ask Dennis Stachewicz to write a letter to CABA and the Planning Commission concurred.

Scott Emerson asked the Planning Commission if they should also approach the Marquette County Road Commission and ask them to place a curfew on Green Bay Street and thus place a curfew on the snowmobile trail. He referenced a conversation with Dennis Stachewicz regarding how Ironwood handles their snowmobile trail. Bill Sanders said he was concerned that a curfew would cut-off snowmobilers or send them to M-28. Tom Shaw said he felt it was inappropriate to send all snowmobile traffic to M-28. Scott Emerson said he believes a curfew should protect the highest density residential areas.

Bill Sanders said he agrees but feels it would be better to let the Township Supervisor and Staff continue to work with other groups and agencies before moving forward and possibly derailing any of their efforts. The Planning Commission agreed and asked Dennis Stachewicz to continue keeping them informed of the situation.

B. Consideration – Marquette County Housing Plan

Dennis Stachewicz said the Planning Commission has been asked to review the County Housing Plan. He said this was being done in accordance with the new Coordinated Planning Act. He asked Commissioners if they had any comments.

Steve Kinnunen said it was very interesting to notice how the demographics show that people are moving all around the County. He also said it was interesting to see how K.I. Sawyer was growing. Dennis Stachewicz noted the comments regarding construction codes and local zoning. He said the current situation at the County level could have a major impact on the Townships also.

Ken Tabor moved to concur with the draft Marquette County Housing Plan and allow the Director of Planning and Research to prepare correspondence to the Marquette County Planning Commission that reflects the discussion regarding the Marquette County Housing Plan held by the Chocolay Township Planning Commission at their November 1, 2004 meeting. Scott Emerson seconded. Aye 7; Nay 0. Motion Carried.

C. Consideration – Marquette County Forestry Plan

Dennis Stachewicz said the Planning Commission has also been asked to review the County Forestry Plan. Mike LaPointe said he knows that several local foresters have reviewed and concurred with this plan.

Scott Emerson moved to concur with the draft Marquette County Forestry Plan as presented. Bill Sanders seconded. Aye 7; Nay 0. Motion Carried.

VIII. PLANNING DIRECTOR’S REPORT

Dennis Stachewicz reminded the Planning Commission that there is a meeting with Mark Wyckoff on Thursday November 4th at 7:00 PM. He asked if all Planning Commissioners had received their packets from Mr. Wyckoff. All Planning Commissioners had received their packets.

He also said that he has been working with the intern and she has finished making the changes to the draft Junk Car Ordinance. He said they were planning on bringing it to this meeting but he had to leave town due to a death in the family. He said the draft will be given to the Planning Commission for the next meeting.

Dennis Stachewicz said the proposed Township Budget for fiscal year 2005 is available for public viewing at the Township Offices.

He handed out a letter from the Township Supervisor and said that he will be filling in for Randy Yelle until January 1, 2005.

Dennis Stachewicz informed the Planning Commission that they will hear an appeal of a Land Division Application at their next meeting. Bill Sanders asked what the procedure for the appeal was. Dennis Stachewicz said there is no formal procedure for the appeal, however he believes that the review of the appeal is purely technical with regards to the Assessor following the Land Division Ordinance and the Land Division Act.

IX. PUBLIC COMMENT

None.

X. COMMISSIONER COMMENT

None.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Marquette Township Planning Commission Minutes – 8/25/04 to 9/29/04
- B. Publication – Planning and Zoning News

XII. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:30 PM.

Estelle DeVooght, Commission Secretary

Dennis Stachewicz, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, December 6, 2004
7:30 P.M.

Present: Steve Kinnunen, Mike LaPointe, Bill Sanders, Scott Emerson and Ken Tabor (arrived late)

Absent: Estelle DeVooght and Tom Shaw

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo (Recording Secretary), Tina Fuller (Township Assessor) and Denny Magadanz (DPW Supervisor).

I. PUBLIC HEARINGS

A. Rezoning #130 – A request by Paul Smith to rezone 199.7 acres in Sec. 14, T47N-R24W, from RP to RR-2.

Public comments regarding rezoning request #130 included the following:

Kathy Peterson, 6341 U.S. 41 South, Marquette stated that this request has a right of way issue involved.

Paul Smith who requested the rezoning is not in attendance; however, Larry and Frances Wilson of 600 Cherry Creek Road attended *not representing Paul Smith* but for informational purposes.

Susan Ballreid, 447 Mangum Road, Marquette stated that her property abuts the proposed rezoned property and she had questions regarding roadways and the involvement of subdivisions to this property.

Bill Sanders advised that these issues would be addressed according to the forum.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:36 p.m.

III. APPROVAL OF THE MINUTES OF NOVEMBER 1, 2004 MEETING

Steve Kinnunen moved to approve the minutes of the November 1, 2004 meeting, Mike LaPointe Seconded. Aye 4, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved to Approve the Agenda, Steve Kinnunen supported. Aye 4, Nay 0. Motion Approved.

V. PUBLIC COMMENT

Kathy Peterson, 6341 U.S. 41 South, Marquette stated there is a rail road grade issue regarding Paul Smith's rezoning request; coupled with her earlier remark regarding a right of way problem.

Mark Maki of 370 Karen Road requested that his appeal be tabled until all Planning Commission Board Members were in attendance.

Ken Tabor arrived.

End Public Comment at 7:40 p.m.

VI. OLD BUSINESS – None.

VII. NEW BUSINESS

A. Consideration – Rezoning #130

Bill Sanders turned the meeting over to Dennis Stachewicz at this point for his comments.

Mr. Stachewicz reiterated from his December 1, 2004 memo which advised that Rezoning #130 is a request from Paul Smith for the rezoning of an approximately 199.7 acre size parcel from RP (Resource Production) to RR-2 (Rural Residential Number Two). This property is located south of the Chocolay Downs Golf Course and is bisected by the Chocolay River.

The property is located in a 100 year flood plain and contains soils that are not very suitable for residential development. A check with the Marquette County Health Department and MDEQ was discussed. Also, there is an access issue with this parcel that would require property purchase or an easement to develop a private road.

Paul Smith is current in Texas and will be not in attendance for the PC meeting. Bill Sanders was concerned that Mr. Smith was not given the information/memo and maps detailing the suggested outcome of his rezoning request. Mr. Stachewicz advised that he had called Mr. Smith's cellular phone and left a message; however, he had not heard back from him.

Discussion was had between the PC Board Members, Mr. Stachewicz and Larry Wilson who would be in contact with Mr. Smith. It was emphasized to Mr. Wilson that it was important that Mr. Smith receive the information that the Director of Planning and Research had compiled. Bill Sanders asked that Larry Wilson please be sure to give Mr. Paul Smith the staff review notes.

Mike LaPointe Moved, Bill Sanders Seconded that following the review of Rezoning request #130, and the Staff/File Review, the Planning Commission recommends DENIAL of Rezoning #130 to the Township Board to rezone parcels 52-02-114-001-00 and 52-02-114-003-00 from RP to RR-2 due to:

1. The Comprehensive Plan recommends that major flood areas remain zoned for Open Space or Resource Production;
2. The rezoning would allow a higher density of development in a flood area which is discouraged in the Comprehensive Plan;
3. The rezoning would allow a higher density of development in an "Area of Particular Concern" which is discouraged in the Comprehensive Plan;
4. The property can be reasonably utilized under the current zoning designation.

Aye 5, Nay 0. Motion Approved.

B. Consideration – Land Division Act Appeal #04-01

Bill Sanders asked Mr. Stachewicz if there is a protocol to follow regarding Mr. Maki's earlier request to table Land Division Act Appeal #04-01. Mr. Stachewicz outlined Mr. Maki's request to appeal the decision of the Township Assessor to approve a land division for Parcel 52-02-007-049099, specifically appealing the lot "depth to width ratio" and verification of well and septic approval.

Mr. Stachewicz referred to his November 30, 2004 memo regarding Ordinance #52 and the State Land Division Act which provide guidelines for the division of land in Chocolay Township and the State of Michigan respectively. Specifically, Ordinance #52 provides for "any aggrieved person" to file an appeal with the Chocolay Township Planning Commission, however, no protocol for such an appeal exists.

The Township Assessor had provided a detailed response to Mr. Maki.

Given that no protocol for an appeal exists, it is the belief of Mr. Stachewicz that the Planning Commission should make a decision whether or not the Township Assessor's decision correctly followed the State Land Division Act and Ordinance #52 with respect to the appeal written by Mr. Maki.

Tina Fuller, Township Assessor, is in attendance at this meeting to answer questions and address the issues raised by Mr. Maki.

Bill Sanders asked Mr. Maki if he wanted to address the Board. He responded again that he wished the appeal to be tabled until a full board was present. Mr. Sanders asked the Planning Commission Board how they felt about this. Mr. Stachewicz asked that the appeal proceed as the assessor is in attendance and may not be available at the next PC meeting.

Mr. Sanders acknowledged that Mr. Maki would prefer to table the appeal, however, the Planning Commission has decided to proceed with the appeal during this meeting. The PC members felt there were enough members in attendance to make a decision. Mr. Maki was asked to give his presentation.

Mr. Maki stated that this was the first time in 29 years that a Board would not allow an individual to table a decision.

Bill Sanders pointed out that there were enough members present who volunteer their time to participate in the meetings and that there were no guarantees that all members would be present at the next scheduled PC meeting.

Kathy Peterson remarked that it shouldn't matter when the issue was heard as the members get paid to be at the meetings.

Mr. Maki asked if the Planning Commission made a decision and the vote was, for instance, 3 to 2, could he come back to the Planning Commission when all board members were in attendance and have this appeal reheard?

Mr. Sanders pointed out that five board members in attendance is a sufficient amount of members to make a decision. Scott Emerson advised Mr. Maki that the PC is not being discriminatory. After further discussion, it was decided that the appeal would be heard.

Mr. Maki provided information to the PC members and discussed the Land Division Act and the Township Zoning Ordinance Law with respect to lot width and depth.

Following Mr. Maki's presentation to the PC members, Mr. Sanders asked if Tina Fuller had any comments, remarks or questions regarding Mr. Maki's presentation. She stated that she had already given Mr. Maki her response to his appeal and she reiterated paragraph two from her 10/29/04 letter.

Mr. Maki is stating that the Township is proposing to sell a parcel of land that fails to comply with the depth to width ratio which is contained in the State Land Division Act and the Township Land Division Ordinance.

Much discussion was had between the PC members, Mr. Maki, Mr. Stachewicz and Ms. Fuller regarding this issue.

Steve Kinnunen suggested that this matter be referred to the Township attorney for his review as the PC members are not comfortable with making a decision at this time as both parties are stating what they believe to be valid issues.

Mr. Stachewicz stated he was concerned with "what if" the Township is selling a lot that fails to comply with the depth to width ration which is contained in the State Land Division Act and the Township Land Division Ordinance.

Steve Kinnunen again pointed out that this was his basis as to why he felt legal counsel should be consulted for a determination.

Steve Kinnunen Motioned, Scott Emerson Seconded that the Planning Commission submit this appeal language to the Township attorney for review and obtain a report so the Planning Commission would be more informed to make a decision.

Bill Sanders noted that language needed to be added to this Motion regarding the actual appeal, therefore, Steve Kinnunen Motioned, Ken Tabor Seconded that Land Division Act Appeal #04-01 is to be tabled at this time.

Aye 5, Nay 0. Motion Approved.

C. Consideration – Joint Meeting with Township Board

The Planning Commission consultant has requested that both the Planning Commission and Township Board attend a meeting on January 6, 2005 to seek consensus and input on the preferred future land use alternative and key recommendations and strategies. In the past, it has been proper protocol for the Planning Commission to invite the Township Board to attend.

Mike LaPointe Moved, Bill Sanders Second, to invite the Township Board to attend a joint meeting with the Planning Commission to be held on January 6, 2005 at 7:00 p.m. at the Township Hall, facilitated by Planning and Zoning Center, Inc., to discuss future land use alternatives and key recommendations and strategies.

Aye 5. Nay 0. Motion Approved.

D. Consideration – Onota Township Policy Plan Comments

The Planning Commission has been provided an opportunity to comment on the Onota Township Policy Plan and copies of the plan were mailed out to Planning Commissioners in November of 2004.

Steve Kinnunen remarked on how Onota Township should focus more attention on recycling. He remarked that they are having difficulties with the garbage/refuse drop off site. Onota Township is also dealing with private road issues. He also commented on the amount of discussion had regarding land preservation. The population of the Township is growing.

Kathy Peterson questioned why the Planning Commission was discussing Onota Township and she was advised that Chocolay Township is required to under the Coordinated Planning Act which is a state law in conjunction with a comprehensive plan. Onota Township has asked Chocolay Township to review their policy plan.

Steve Kinnunen Moved, Ken Tabor Second, to allow the Chocolay Township Director of Planning and Research to prepare correspondence to the Onota Township Planning Commission that reflects the discussion held by the Chocolay Township Planning Commission regarding the Onota Township Policy Plan during their December 6, 2004 meeting.

Aye 5, Nay 0. Motion Approved.

E. Consideration – US 41 Corridor Project Rankings

MDOT has asked that the Planning Commission rank the recommended improvements outlined in the US-41/M-28 US 41 Corridor Project Rankings. The ranking will be used to assist MDOT in applying for project funding and for the development of their future plans.

There were 17 issues identified within Chocolay Township. Chocolay Township currently has two intersections within the top ten crash locations in the corridor study area, Silver Creek Road and Cherry Creek Road. Several access management recommendations were presented.

Bill Sanders pointed out to the members that they could re-rank or concur with staff ranking regarding the recommendations that were listed and provided to the Planning Commission members. He then went on to read the first four recommendations for a change.

Kathy Peterson remarked that the four recommendations listed all sound pretty expensive and she wanted to know who was going to pay for this?

John Trudeau of 216 Cedar Lane, Marquette remarked to the members regarding the intersection of U.S. 41 and M-28 and what a hazard it is to drive here during the morning hours. This prompted detailed discussion regarding possible changes and how this issue could be addressed to MDOT prior to approving the US 41 Corridor Project Rankings, thus covering one of the most expensive avenues to be corrected within Chocolay Township at this time.

Mr. Stachewicz volunteered to bring this issue up at the next meeting.

No motion was required; concurred with staff ranking.

F. Work Session – Review of Comprehensive Plan Draft Chapters 1-6

Review of Comprehensive Plan Draft Chapters 1-6. The Planning Commission reviewed draft chapters one through six and took comment from the staff and citizens present. A few minor changes were recommended and Mr. Stachewicz will forward the same to Mr. Wyckoff.

VIII. PLANNING DIRECTOR’S REPORT

There are Northern Michigan University students involved in a planning project regarding Chocoday Township. Mr. Stachewicz has assisted the students with submitting a proposal to present the project at the 2005 American Planning Association Annual Conference this spring.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT – None.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Information – Township 2005 Meeting Dates
- B. Information – Township Board Minutes – 11/08/04
- C. Information – Marquette Township Planning Commission Minutes 08/25/04 to 10/27/04
- D. Correspondence – Stachewicz to CABA
- E. Publication – Planning and Zoning News

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 10:15 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION MINUTES
FEBRUARY 14, 2005**

Present: Bill Sanders, Tom Shaw, Estelle DeVooght, Mike LaPointe, Ken Tabor
Steve Kinnunen and Scott Emerson
Absent: None
Others: Dennis Stachewicz, Director of Planning and Research

I. MEETING CALLED TO ORDER

Chairperson Bill Sanders called the meeting to order and noted that Scott Emerson will arrive shortly.

II. APPROVAL OF THE MINUTES OF DECEMBER 6, 2004

The Minutes of the December 6, 2004 regular meeting were presented for approval.

Moved by Bill Sanders, Supported by Estelle DeVooght, that the December 6, 2004 Minutes be approved as presented. Aye 6 Nay 0. **Motion carried.**

III. APPROVAL OF AGENDA

Moved by Bill Sanders, Supported by Estelle DeVooght, that the Agenda be approved as presented. Aye 6, Nay 0. **Motion carried.**

IV. PUBLIC COMMENT

Bill Sanders noted the person making comment must give their name and address and they are limited to 5 minutes.

- A. Mark Maki, 370 Karen Road.** Mr. Maki noted that facts were left out from his presentation in the minutes. He reserved time to clarify his presentation to the commissioners absent. He says the Assessor is not aware of the Zoning Ordinance. He also stated that there was not a quorum present at the January meeting and he was not told who was absent. He feels the Township is ignoring the Waselesky issue. He thinks the Township has struck a deal with Mr. Waselesky to cut up cars. Continued questions of zoning permits that have not been answered.
- B. Cathy Peterson, 6341 US 41 South.** Reserved time to speak for whatever.
- C. Dick Arnold, 312 West Branch Road.** Reserved time to speak on Junk Vehicle Ordinance.

V. OLD BUSINESS

A. Consideration – Land Division Appeal #04-01

Bill Sanders introduced Mr. Stachewicz. Mr. Stachewicz had nothing to add.

Mark Maki said the Assessor approved a land division and the Township Board made motion that was against the law. He said the Assessor made up a new term “average width.” Mr. Maki said he read the attorney’s opinion and he took the side of the Township. Mr. Maki said he posed the question to other professionals; Joe Lavey and Dick Graybill and they said depth and width ratio is 9 to 1.

Mr. Maki said he wrote a letter to the Department of Commerce and they said depth to width is 9 to 1. Mr. Maki said the Township Attorney is wrong and Mark Maki said he wants a written letter from the Assessor before the Planning Commission takes action.

Bill Sanders Moved, Scott Emerson Second, after reviewing the documentation provided by the Township Staff, Township Attorney, and Mark Maki, the Planning Commission accepts the opinion of the Township Attorney and the rescinding of the Application by the Township Assessor, which voids Land Division Appeal 04-01.
Aye 7, Nay 0. **Motion carried.**

B. Discussion – Junk Vehicle Ordinance

Dick Arnold asked about Section 4 regarding canvas (temporary) garages. Mr. Stachewicz said accessory structures should be addressed in the Zoning Ordinance.

Dick Arnold asked about Section 3 and why do we have it in there. He spoke about front end loaders. He said old ordinance in Section 46.4 allowed vehicles to be repaired. There are 19 unlicensed vehicles sitting in Beaver Grove for two years now. He thanked the Planning Commissioners for doing a good job.

John Dawydko, 109 Alderbrook, asked about the definition of “house trailers”, said we need to clarify many other things. He started speaking about freedom, camp vehicles and time it takes to order parts for vehicles. His definition of junk cars is a car on blocks. He said if you can move a vehicle and it starts it should not be a junk vehicle.

Cathy Peterson asked if someone had to have a garage for repairing a vehicle? She said the Township is getting too involved in people’s lives. She said some junk or antique cars are a form of art. She said that Kinnunen’s tool truck is always in front of the house, not on the east side where he is supposed to have it parked.

They discussed camp and snow removal vehicles that may be licensed only for a part of the year and parking vehicles in garages or screened areas.

Tom Shaw said he is concerned about the uncontrolled accumulation of iron that will not be used. Scott Emerson said environmental threats (battery acid and leaking oil contaminating the neighbors’ wells) are also a problem.

Other comments were made unrelated to junk vehicles. Bill Sanders had to calm the public down at this point as they were arguing among themselves and with the commissioners.

Mark Maki said the problem is ground water contamination. He said if there is no limit on how many vehicles can be screened, the Township is right back where they were with the old ordinance. Bill Sanders responded saying if there is no limit it devalues property and can be a pollution problem. Richard Arnold wants to protect of property and limit the vehicles allowed outside.

Bill Sanders answered questions that were asked during public comment. The person who would enforce the Junk Vehicle Ordinance would be the Zoning Administrator and the truck repair in Beaver Grove is zoned commercial. He said we have to fix the old Junk Vehicle Ordinance.

The commissioners then went through the problem portions of the ordinance and made changes they thought appropriate as they discussed it.

Ken Tabor suggested that large lots should have different rules than small lots in subdivisions. Bill Sanders said it has to be the same across the board. Mike LaPointe feels there needs to be a number to limit vehicles. Estelle DeVooght questioned agricultural vehicles. Ken Tabor said if the vehicles are screened, he thinks it is alright to have them unlimited. Steve Kinnunen recommends limiting junk vehicles, saying that 70% of the residents on the survey wanted a junk car ordinance with very small number of vehicles allowed, if any. Scott Emerson said there should be an agricultural exemption. Bill Sanders said this draft will go to the Board to the March or April meeting. Bill Sanders said it was all about being good neighbors to one another.

Steve Kinnunen Moved, Scott Emerson Second, that the Planning Commission advise the Director of Planning and Research to present the Draft Inoperable Vehicle Ordinance to the Township Board for adoption as presented with changes discussed at the 2-14-05 Planning Commission Meeting.

Aye 7, Nay 0. **Motion carried.**

VI. NEW BUSINESS

A. CONSIDERATION – JOINT WORK SESSION INVITATION TO TOWNSHIP BOARD

Ken Tabor Moved, Bill Sanders Second, to invite the Township Board to attend a joint meeting with the Planning Commission to be held on March 3, 2005 at 6:00 p.m. at the Township Hall, facilitated by the Planning and Zoning Center, Inc., to discuss the draft Chapters 10 through 12 regarding Future Land Use, Zoning Recommendations, and Implementation of the Plan.

Aye 7, Nay 0. **Motion carried.**

B. DISCUSSION – PLAN ADOPTION PROCEDURE

Planning Director to write letter.

C. DISCUSSION – FUTURE LAND USE AND ZONING OF SILVER CREEK SCHOOL

Planning Director to write letter.

VII. PLANNING DIRECTOR'S REPORT

VIII. PUBLIC COMMENT

Mark Maki complained that he did not get an answer from Dennis Stachewicz regarding who was not going to be present at the January meeting. Members of the Planning Commission responded and asked why is he so concerned where they are at? Mr. Maki also spoke about Waselesky, Togo's, sign in Beaver Grove, mini-warehouses being used for commercial. Mr. Stachewicz advised Mr. Maki that all of these issues have been answered in a meeting with the Township Attorney. Mark Maki continued to make numerous complaints and raised his voice. Bill Sanders asked him to finish. Mr. Maki continued. Bill Sanders again asked Mr. Maki to finish.

Dick Arnold said he is not completely satisfied with the ordinance language. He said he was disappointed at the length of time that it took to work on the ordinance. If he was a member of the Board he would quit.

Bill Sanders spoke in support of the Board and is not ashamed of the Planning Commission and is proud of them.

John Dawydko thanked the Board for their professional handling of the controversial meeting and people.

Chief Zyburt spoke about TV6 coverage of the snowmobile trail and invited the Planning Commission members to view it after the meeting.

IX. COMMISSIONER COMMENT

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

XI. ADJOURNMENT

Estelle DeVooght, Commission Secretary

Dennis Stachewicz, Recording Secretary

**CHOCOLAY TOWNSHIP
SPECIAL PLANNING COMMISSION MEETING MINUTES
MARCH 3, 2005**

Present: Bill Sanders, Estelle DeVooght, Mike LaPointe, and Steve Kinnunen **Absent:**
Tom Shaw, Scott Emerson and Ken Tabor
Others: Dennis Stachewicz, Director of Planning and Research

I. MEETING CALLED TO ORDER

Chairperson Bill Sanders called the meeting to order at 6:10 P.M.

II. APPROVAL OF THE MINUTES OF FEBRUARY 14, 2005

Moved by Estelle DeVooght, Supported by Steve Kinnunen, that the February 14, 2005 Minutes be approved as presented.
Aye 4 Nay 0. **Motion carried.**

III. PUBLIC COMMENT No public comments.

IV. NEW BUSINESS

A. Consideration – Amendment to 2005 Planning Commission Meeting Schedule

Bill Sanders Moved, Mike LaPointe Second, to cancel the March 14, 2005 regular Planning Commission meeting and to ask the Director of Planning and Research to notice the change to the meeting schedule.
Aye 4, Nay 0. **Motion carried.**

B. Work Session – Comprehensive Plan

Mark Wyckoff led the discussion regarding the Comprehensive Plan.

Cathy Peterson does not want 1 house per 20 acres. She is also opposed to the entire Comprehensive Plan; it is a fraud and a joke.

V. PUBLIC COMMENT

Cathy Peterson asked why Mark Wyckoff sent surveys to all Township affiliated people and none to anyone else? Mark Wyckoff said the survey was a local leaders' survey so the consulting firm would have an initial set of issues to bring to the Town Meeting. Cathy Peterson asked what law is open space law? Mark Wyckoff said amendment to Township Zoning Act. Cathy Peterson said smart growth is a copy cat. Mark Wyckoff said it is a professional planning tool.

Dan Hockin asked if the new streets may go through wetlands? Bill Sanders said it is just a broad overview.

VI. COMMISSIONER COMMENT

Steve Kinnunen said visual handouts would be good to have on hand. Mark Wyckoff said he would try to put it in the plan.

VII. ADJOURNMENT

Bill Sanders closed the Special Meeting at 8:50 P.M.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, April 11, 2005
7:30 P.M.

Present: Steve Kinnunen, Mike LaPointe, Bill Sanders, Scott Emerson, Ken Tabor, Estelle DeVooght and Tom Shaw

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF MARCH 3, 2005 MEETING

Estelle DeVooght moved to approve the minutes of March 3, 2005 meeting, Bill Sanders Seconded. Aye 7 Nay 0. Motion Approved.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor moved to Approve the Agenda, Scott Emerson supported. Aye 7, Nay 0. Motion Approved.

IV. PUBLIC COMMENT

Mark Maki of 370 Karen Road brought up the issue of the land division appeal on Kawbawgam Road, his appeal of the Planning Commission's decision, and the involvement of correspondence from the State Land Division. He asked that this correspondence be reviewed.

End Public Comment at 7:35 p.m.

V. OLD BUSINESS

A. Future Land Use at Silver Creek School

Dennis Stachewicz repeated the main points from the previous discussion last month. He said it would be appropriate to decide on a land use and zoning prior to receiving a purchase offer on the school and property. Bill Sanders discussed some zoning issues. Estelle DeVooght asked about the playground. Mr. Stachewicz said the playground could be included in any sale of the building.

The PC Board members discussed zoning pro's and con's, types of businesses, etc. that could utilize the building, the uses allowed by PUD and R-3 zoning designations and what direction they would like to see the township take regarding the usage of this building and land that is for sale.

Bill Sanders asked Dennis Stachewicz for his input as to what steps the Planning Commission should take regarding the review/change of the zoning.

Bill Sanders moved to send a letter to the Township Board asking the Township Supervisor to begin the rezoning process to change Silver Creek School from PL to R3, Ken Tabor supported. Aye 7, Nay 0. Motion Approved.

VI. NEW BUSINESS

A. Consideration – Recommendation to Township Board – Distribution of Comprehensive Plan Draft

Dennis Stachewicz said a recommendation is needed for the Township Board to approve the draft plan for distribution to adjoining jurisdictions.

Ken Tabor Moved, Scott Emerson Seconded, that after review of the draft Plan, the Chocolay Township Planning Commission submits the draft Comprehensive Plan Update to the Chocolay

Township Board for review and Comment and recommends that the Chocloy Township Board authorize the distribution of the draft plan to adjoining jurisdictions and schedule a public hearing for August 4, 2005. Aye 7, Nay 0. Motion Approved.

B. Consideration – Chocloy River Watershed Sites of Concern

Dennis Stachewicz said the Chocloy River Watershed Council's is requesting the Township's recommendations for locations of concern in the watershed. The Planning Commission discussed the status of the list from last year, the effect of snow melt, current sedimentation in the river, and any upcoming plans for development. The Planning Commission asked Mr. Stachewicz to add the Voce Creek sediment trap to last years list and present it to the Township Board for their input and comments. Mike LaPointe also asked that the Watershed Council provide an annual report and presentation to the Planning Commission.

C. Consideration – Possible Relocation of Playground Equipment at Kawbawgam Pocket Park

Dennis Stachewicz said the Township Supervisor had asked him to get the Planning Commission's thoughts regarding the possible relocation of the Kawbawgam Pocket Park playground equipment. After discussion, the Planning Commissioners suggested that a letter be sent to the Township Supervisor identifying the property south of the KBIC Community Center as the preferred area for relocation.

VII. PLANNING DIRECTOR'S REPORT

Dennis Magadanz is retiring. The position is currently open and it is hoped to be filled soon.

Estelle DeVooght's term is expiring soon. She was asked if she would like to remain on the Planning Commission Board of which she stated she did.

There is a Township meeting coming up on May 12th, 2005 at 7:00 p.m. at the Cherry Creek School. The Planning Commission will still meet on May 9th, 2005 at the regular time as the meeting on the 12th is a township meeting, not a PC meeting.

There will be a public hearing on April 18th, 2005 regarding land division ordinances and junk yard issues.

VIII. PUBLIC COMMENT – None.

IX. COMMISSION COMMENT

The Planning Commission discussed the status of the junk vehicle issues with Mike LaPointe asking if the number of junk vehicles a person may have was determined. Another issue brought up was the new "tent-like" parking structures that are being used to house boats, motor homes and such. These structures can be moved, eye sores and their ecological impact.

The Commissions would like a letter to be sent to Dennis Magadanz to thank him for doing a great job as Department of Public Works Supervisor.

Scott Emerson asked if the Commissioners should address the issue brought up earlier by Mark Maki. Bill Sanders recommended that the Dennis Stachewicz ask the Township Supervisor to review land division correspondence with attorney Mike Summers.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Zoning Administrator to Jeffery Glass
- B. Correspondence - Zoning Administrator to Larry Huebner
- C. Correspondence – West Branch Township; Notice of Intent to Plan
- D. Correspondence – CUPPAD; Onota Township Policy Plan
- E. Correspondence – Supervisor to Planning Commission Chairman
- F. Correspondence – Planning Director to Township Board
- G. Correspondence – Planning Director to Township Board
- H. Information – Sands Plan Aquifer Review

- I. Information – Marquette Township Planning Commission Minutes – 01/12/05 and 02/09/05
- J. Publication – Planning and Zoning News.

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 8:22 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, April 11, 2005
7:30 P.M.

Present: Steve Kinnunen, Mike LaPointe, Bill Sanders, Scott Emerson, Ken Tabor, Estelle DeVooght and Tom Shaw

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF MARCH 3, 2005 MEETING

Estelle DeVooght moved to approve the minutes of March 3, 2005 meeting, Bill Sanders Seconded. Aye 7 Nay 0. Motion Approved.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor moved to Approve the Agenda, Scott Emerson supported. Aye 7, Nay 0. Motion Approved.

IV. PUBLIC COMMENT

Mark Maki of 370 Karen Road brought up the issue of the land division appeal on Kawbawgam Road, his appeal of the Planning Commission's decision, and the involvement of correspondence from the State Land Division. He asked that this correspondence be reviewed.

End Public Comment at 7:35 p.m.

V. OLD BUSINESS

A. Future Land Use at Silver Creek School

Dennis Stachewicz repeated the main points from the previous discussion last month. He said it would be appropriate to decide on a land use and zoning prior to receiving a purchase offer on the school and property. Bill Sanders discussed some zoning issues. Estelle DeVooght asked about the playground. Mr. Stachewicz said the playground could be included in any sale of the building.

The PC Board members discussed zoning pro's and con's, types of businesses, etc. that could utilize the building, the uses allowed by PUD and R-3 zoning designations and what direction they would like to see the township take regarding the usage of this building and land that is for sale.

Bill Sanders asked Dennis Stachewicz for his input as to what steps the Planning Commission should take regarding the review/change of the zoning.

Bill Sanders moved to send a letter to the Township Board asking the Township Supervisor to begin the rezoning process to change Silver Creek School from PL to R3, Ken Tabor supported. Aye 7, Nay 0. Motion Approved.

VI. NEW BUSINESS

A. Consideration – Recommendation to Township Board – Distribution of Comprehensive Plan Draft

Dennis Stachewicz said a recommendation is needed for the Township Board to approve the draft plan for distribution to adjoining jurisdictions.

Ken Tabor Moved, Scott Emerson Seconded, that after review of the draft Plan, the Chocloy Township Planning Commission submits the draft Comprehensive Plan Update to the Chocloy Township Board for review and Comment and recommends that the Chocloy Township Board authorize the distribution of the draft plan to adjoining jurisdictions and schedule a public hearing for August 4, 2005. Aye 7, Nay 0. Motion Approved.

B. Consideration – Chocloy River Watershed Sites of Concern

Dennis Stachewicz said the Chocloy River Watershed Council's is requesting the Township's recommendations for locations of concern in the watershed. The Planning Commission discussed the status of the list from last year, the effect of snow melt, current sedimentation in the river, and any upcoming plans for development. The Planning Commission asked Mr. Stachewicz to add the Voce Creek sediment trap to last years list and present it to the Township Board for their input and comments. Mike LaPointe also asked that the Watershed Council provide an annual report and presentation to the Planning Commission.

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There will be a public hearing on April 18th, 2005 regarding land division ordinances and junk yard issues.

VIII. PUBLIC COMMENT – None.

IX. COMMISSION COMMENT

The Planning Commission discussed the status of the junk vehicle issues with Mike LaPointe asking if the number of junk vehicles a person may have was determined. Another issue brought up was the new "tent-like" parking structures that are being used to house boats, motor homes and such. These structures can be moved, eye sores and their ecological impact.

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- G. Correspondence – Planning Director to Township Board
- H. Information – Sands Plan Aquifer Review
- I. Information – Marquette Township Planning Commission Minutes – 01/12/05 and 02/09/05
- J. Publication – Planning and Zoning News.

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 8:22 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, May 9, 2005
7:30 P.M.

Present: Steve Kinnunen, Mike LaPointe, Bill Sanders, Scott Emerson, Ken Tabor, Estelle DeVooght and Tom Shaw

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research)

I. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE APRIL 11, 2005 MEETING

Estelle DeVooght moved to approve the minutes of the April 11, 2005 meeting, Bill Sanders Seconded. Aye 7 Nay 0. Motion Approved.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Tom Shaw moved to approve the agenda, Estelle DeVooght supported. Aye 7, Nay 0. Motion Approved.

IV. PUBLIC COMMENT

Bill Sanders read a letter submitted to the Planning Commission by Mark Maki of 370 Karen Road. In his letter Mr. Maki said that the Zoning Administrator has not given him a response regarding the well testing at the golf courses, structures have been put up by Don Anderson at the corner of M-28 and Superior Street, someone changed the requirements of the Junk Ordinance before it was presented to the Township Board, and he inquired as to what the status was regarding the review of correspondence from the State Land Division Office.

End Public Comment at 7:35 p.m.

V. OLD BUSINESS

A. Discussion – Junk Car Ordinance

Dennis Stachewicz presented a memorandum and a marked-up copy of the proposed ordinance that showed comparisons with the old ordinance (Ordinance #46) to the Planning Commission. Ken Tabor spoke about what concerns the Township Board had with the proposed ordinance language and said the Board was split over the idea of the Township regulating how many vehicles a person could have on their property.

There was a lengthy discussion by the Planning Commission regarding whether or not it would be appropriate to try and regulate the number of inoperable vehicles a person could have. A majority of the Planning Commission felt that as long as the vehicles were inside a building, the Township should not place a number on how many a person could have.

Dick Arnold, 312 West Branch Road, said that he didn't like the idea that someone could have an unlimited number of vehicles even if they were inside. He also said the Township would have a hard time enforcing the provision for a hobby car because the Township would be unable to determine if it is being worked on. He said the proposed ordinance should be for the health of all of the Township Residents and a majority of them do not want an accumulation of junk. Several Planning Commissioners reminded Mr. Arnold that there have been very few other residents that have attended any of the publicly noticed work sessions regarding this ordinance and that the Planning Commission is looking out for the good of the entire Township rather than a few residents.

There was further discussion by the Planning Commission about how to balance the environmental protection and aesthetic expectations of Township Residents versus the

expectations of residents that moved here to be able to have a number of vehicles and live a more rural lifestyle.

Mr. Stachewicz proposed a couple of alternatives to the Planning Commission and the Planning Commission discussed those options which included the possibility of a joint meeting and presentation with the Township Board or sending the proposed ordinance back to the Township Board with the changes discussed at this meeting.

Bill Sanders moved, Ken Tabor Supported, that the Planning Commission recommend that the Director of Planning and Community Development present the draft Inoperable Vehicle Ordinance to the Township Board for consideration and adoption as presented with the following changes:

1. The title be changed to "Vehicle and Trailer Parking and Storage Ordinance;"
2. Move the language requiring vehicles to be "wholly contained" from section 4.A.7 to section 4.A;
3. Revise section 4.A.7 to provide an allowance of 3 inoperable vehicles provided they are completely screened using the screening language currently in section 4.A.7.

Aye 7, Nay 0. Motion Approved.

VI. NEW BUSINESS

A. Discussion – Firearms Ordinance

Dennis Stachewicz said the Township had received a letter from Judd Johnston, 1943 M-28 East, requesting an expansion of the Firearms Restriction Zone that is outlined in the Charter Township of Chocoy Firearms Ordinance. Mr. Stachewicz recommended that the Planning Commission consider the Comprehensive Plan Update and the possibility of future changes to the Zoning Districts per the recommendations in the Plan.

There was discussion by the Planning Commission regarding the current ordinance and the correspondence from the Zoning Administrator that identified the need to either rezone a number of properties or make considerable amendments to the Firearms Ordinance.

There was a consensus by the Planning Commission to allow the Director of Planning and Community Development draft a letter to the Township Board asking them for direction based upon a set of proposed solutions.

VII. PLANNING DIRECTOR'S REPORT

Dennis Stachewicz said the Township has entered into an agreement with Faith Assembly of God for the sale of the old Silver Creek School and property. He also said that the Township Board authorized the submission of a rezoning application prior to the purchase agreement.

Mr. Stachewicz said the Planning Commission will be reviewing a site plan for the Marquette Motor Lodge at their next meeting.

He also reminded the Planning Commission that there is a Town Hall meeting coming up on May 12th, 2005 at 7:00 p.m. at the Cherry Creek School.

VIII. PUBLIC COMMENT

Denny Magadanz, 158 West Main Street, said that the water testing at the golf course has been done by the Township every year as required.

IX. COMMISSION COMMENT

Estelle DeVooght inquired about whether or not the potential owners of the school would have to pay taxes. Dennis Stachewicz said he believes that they are tax exempt for both real and personal property and he would confirm with the Township Assessor.

INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Planning Commission to Denny Magadanz
- B. Correspondence – Planning Commission to Township Supervisor
- C. Information – Marquette Township Planning Commission Minutes – 03/09/05
- D. Publication – Planning and Zoning News

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 8:45 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, June 13 2005
7:30 P.M.

Present: Mike LaPointe, Bill Sanders, Ken Tabor, Estelle DeVooght

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo
(Recording Secretary)

I. PUBLIC HEARINGS

1. Rezoning #131 – Chocolay Township – Public Lands to R-3

II. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:30 p.m. Missing from the Planning Commission meeting were Scott Emerson, Steven Kinnuen and Tom Shaw

III. APPROVAL OF THE MINUTES OF MAY 9, 2005

Ken Tabor moved to Approve the Minutes of May 9, 2005 meeting with Estelle DeVooght supporting. Aye 4, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor moved to Approve the Agenda for the June 13, 2005 meeting with Bill Sanders Seconding. Aye 4, Nay 0. Motion approved.

Bill Sanders noted that he accidentally missed the Public Hearing and opened the Public Hearing for Rezoning #131.

Dennis Stachewicz reiterated his memo dated June 1, 2005 with his recommendations regarding the rezoning of an approximately 10 acre size parcel of PL (Public Lands) to R-3 Residential Three having to do with what is commonly known at the Silver Creek School.

It was discussed that the township would have access to some areas of the parcel.

At this time, Bill Sanders directed questions/input for public comment.

Mark Maki of 370 Karen Road asked if the new Comprehensive Plan included this building as a community center?

The Public Hearing was closed at 7:37 p.m.

V. PUBLIC COMMENT

Mark Maki lodged a complaint against the Planning Commission and said he was not provided an agenda to review prior to arriving at this meeting. He states this is against the law. He remarked that it was nice to see that water testing was being administered as he has asked for this to be completed for 3 years now.

Mr. Maki also commented on the agenda, Item X. C. Information – Township Attorney Opinion re: Parcel Split. It is his contention that Attorney Michael Summers did not have opportunity to review the correspondence (2 letters) that Mr. Maki had received from the State in response to his inquiry/complaints. He also added that he believes the land division issue is in violation of the law.

Public Comment closed.

VI. OLD BUSINESS - None

VII. NEW BUSINESS

A. Consideration – Rezoning #131

After discussion, the Planning Commission agreed that it make good sense to rezone #131 to R-3 for further use. The Planning Commission agreed that the outcome of their previous work sessions concluded a rezoning to R-3 would be appropriate given the proximity to residential areas.

Bill Sanders Moved, Ken Tabor Second, that following the review of Rezoning request #131, and Staff/File Review, the Planning Commission recommends APPROVAL of Rezoning #131 to the Township Board to rezone parcel 52-02-106-040-00 from PL to R-3 to recognize that the property will no longer meet the requirements of the PL zoning district and that a zoning designation of R-3 is more appropriate given the close proximity to residential land uses.

Bill Sanders asked if there were parcels available to the public of which Dennis Stachewicz stated yes.

Motion carried. Dennis Stachewicz said that this will be presented to the County Planning Commission, then to the Township Board in July of 2005.

B. Consideration – Site Plan Review #05-01

Dennis Stachewicz remarked that this plan had already been put in front of the ZBA and the ZBA granted a “Class A” designation and approval to expand a Class “A” non-conforming use. Now the plan must be presented to the Planning Commission for approval for the site renovation.

The developer and owner, using sketches and diagrams, showed the Planning Commission the façade appearance they propose to build, explained plans regarding a courtyard, an enclosed patio, and adding landscaping. There had been changes from the original site plan regarding parking change this to angle parking. There has been an adjustment made to the bike path making it narrower which has been approved by the MDOT Corridor Management Team. The sign will remain the same.

Bill Sanders asked about the carriage lights and the potential glare onto the highway.

Estelle DeVooght asked about the cabins that are located in the back of the motel property and was told they were the property of Wahlstrom’s.

Mike LaPointe Moved and Bill Sanders Seconded that after review of the standards of Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Site Plan Review Request #05-01 with the following conditions:

- 1) That the applicant obtain a permit from the Michigan Department of Transportation for the right of way improvements in front of the parcel along US-41; and
- 2) The above condition is subject to review and approval of the Zoning Administrator, prior to the application obtaining a Zoning Compliance permit.

Aye 4, Nay 0. Motion approved.

C. Discussion – Township Welcome Signs

Mark Wyckoff suggested that the Township should consider Welcome signs to create an identity. Greg Seppanen asked if the Planning Commission would look at this issue.

An example was shown to the Planning Commission which is the same layout that is seen at the soccer field and the township buildings. Mr. Stachewicz suggested that the Planning Commission take their time and brain storm of idea’s and lay-outs and come back with some information at a later time. After much discussion on whether to hold a contest for a logo or have an informal township meeting to get the community involved it was thought

that the current layout/design works well for the Township. Night lights and landscaping could be added.

Estelle DeVooght asked where the money would come from to pay for the new Welcome signs with lights and landscaping. Mr. Stachewicz said money was budgeted for Comprehensive Plan implementation.

Dennis Stachewicz will draft a letter to the Township Supervisor and let the Planning Commission review the letter.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz stated that he has received one written comment regarding the Comprehensive Plan. A Public Hearing will be held on August 4, 2005.

It was questioned whether the August 4th meeting would supersede the planned August 8, 2005 Planning Commission meeting. The PC will still meet on August 8, 2005.

The Chocoday River Watershed Council meeting was discussed.

IX. PUBLIC COMMENT – None

IX. COMMISSION COMMENT – None

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Supervisor to Chocoday river Watershed Council
- B. Correspondence – Yelle to Stachewicz re: Water Testing
- C. Information – Township Attorney Opinion Re: Parcel Split Complaint
- D. Information – Marquette City Planning Commission Minutes – 4/19/05 and 5/03/05
- E. Information – Marquette Township Planning Commission Minutes – 4/13/05

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 8:34 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, July 11 2005
7:30 P.M.

Present: Mike LaPointe, Estelle DeVooght, TomShaw and Scott Emerson

Absent: Ken Tabor, Bill Sanders and Steve Kinnunen

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo (Recording Secretary)

I. PUBLIC HEARINGS (begun at 7:36 p.m.)

1. Conditional Use #71 – Magadanz – Home Occupation
2. Conditional use #72 – Hockin – Recreational Structure in RP District

Dennis Stachewicz gave a quick overview regarding the requests listed above under public hearings. Conditional Use #71 involves the application for a day care center to be utilized from a home located on Lakewood Lane. Per Mr. Stachewicz, here are four conditions cited to be adhered to before the Planning Commission should consider approval of this request which in essence was building a fence, hours of operation, permit will be reviewed in one year and the applicant must obtain a permit from the Zoning Administrator.

Mr. Stachewicz pointed out the potential concern regarding increased traffic using M-28 to obtain access to Lakewood Lane. He checked with MDOT who gave their approval.

Mike LaPointe asked the applicant if she had anything to add to the discussion of which she did not.

Dennis Stachewicz went on to review Conditional Use #72 which involves building a recreational structure/camp on a 40 acre parcel located near Shot Pointe off of M-28. Mr. Stachewicz provided site data and analysis and the gist of the overview involved the fire department having access to this structure should a fire occur. In other words, the applicant must be aware that there is the possibility that the department could not gain access to his structure should there be a fire. The Chocolay Fire Department had no problem with the building of this structure as long as the applicant was fully aware of the limitation. Mr. Hockin indicated he understood. Dennis Stachewicz went on to state that the key to conditional use is that the structure was to be used only as recreational and not a permanent residence. The health department must also okay the structure which involves obtaining a permit. The applicant must go to the Zoning Administrator for a permit as well.

Mike LaPointe asked the applicant if he had anything to add of which he did not.

II. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Mike LaPointe at 7:45 p.m.

III. APPROVAL OF THE MINUTES OF JUNE 13, 2005 MEETING

Estelle DeVooght moved to Approve the Minutes of June 13, 2005 with Tom Shaw supporting. Aye 4, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

For the convenience of those listed under public hearings that were waiting for their applications to be heard, the agenda was changed slightly in that VII New Business superseded VI Old Business.

Scott Emerson moved to Approve the Agenda with the aforementioned change for the July 11, 2005 with Tom Shaw Seconding. Aye 4, Nay 0. Motion approved.

V. PUBLIC COMMENT

Lee Blondeau of 30 N. Traci Lane, Marquette, MI asked that he, at some point, be given time to address the Planning Commission.

Public Comment is closed.

VI. NEW BUSINESS (AGENDA CHANGE AS APPROVED ABOVE)

- A. Consideration – Conditional Use #71
 - B. Consideration – Conditional Use #72
 - C. Discussion – Jurisdictional Transfer of County Road 480 from MCRC to MDOT
 - D. Discussion – Relocation of Tot Lot at Silver Creek Recreation Area
- Discussion – Comprehensive Plan Comments

A. Conditional Use #71. Tom Shaw directed a question to Mr. Stachewicz regarding the neighbors’ response to the request. Mr. Stachewicz advised that 25 notices were sent within 800 feet. Mr. Stachewicz pointed out to the applicant that her daycare facility would be reviewed on a yearly basis and should it prove to be a nuisance, then the conditional use would be withdrawn.

Scott Emerson Moved, Tom Shaw Second, that after review of Conditional use request #71, the STAFF.FILE REVIEW – SITE DATA and ANALYSIS, Section 107 (A) of the Zoning Ordinance, the site plan and application provided and subsequently finding compliance with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission approves Conditional Use Request #71 with the following conditions:

- 1. The applicant shall construct a fence as indicated on the site plan, a minimum of 4 feet in height and constructed of materials that will provide a visual screen of the rear yard activity from the view of the surrounding property and
 - 2. The operation of outdoor day care activity shall be limited to the hours of 7:30 a.m. to 10:00 p.m.; and
 - 3. the permit shall be subject to review one year from the date of approval and
 - 4. the applicant shall obtain a Zoning Compliance permit from the Zoning Administrator which indicates the above conditions.
- Aye 4, Nay 0. Motion Approved

B. Conditional Use #72. Estelle DeVooght asked if this was the same road that had problems with wetlands in years past? Mr. Stachewicz advised that it doesn’t matter if the road is gravel, it is a private road. Scott Emerson advised that the wetland/road problem was years ago and has been resolved. Mr. Stachewicz stated that Randy Yelle from the Zoning Board of Appeals had traveled to this site to check on access. Scott Emerson asked the applicant if he was totally aware that the fire department may not be able to get to his structure in case of a fire of which the applicant stated he did.

Scott Emerson Moved, Tom Shaw Second, that after review of the Conditional Use request #72 the STAFF.FILE REVIEW – SITE DATA AND ANALYSIS, Section 212 of the Zoning Ordinance, and subsequently finding compliance with the standards for approval of the request found in section 702 of the Zoning Ordinance, the Planning Commission approves Conditional Use Request #72 with the following conditions:

- 1. The applicant shall obtain a permit from the Marquette County Health Department for waste disposal/septic system; and
- 2. The permit is granted with the understanding that the recreational structure shall at no time be utilized, or ever converted to a permanent home without the permission of the Charter Township of Chocolay; and
- 3. The applicant shall obtain a Zoning Compliance permit from the Zoning Administrator once the first condition is met, which also indicated the second condition of approval.

Aye 4, Nay 0. Motion Approved

- C. Transfer of County Road 480 from MCC to MDOT. Jim Iwanicki of the Marquette County Road Commission (hereinafter referred to as MCRC) handed out paperwork to the Planning Commission members for review. A request was made to the Planning Commission of Chocolay Township by MCRC regarding the possibility of a jurisdictional transfer of County Road 80 to the Michigan Department of Transportation (hereinafter referred to as MDOT). Mr. Stachewicz stated there were six areas of concern regarding this transfer. They may be found in the agenda packet. Of main concern was access to a fire hydrant of which does not appear to be a conflict.

Mr. Iwanicki pointed out that they would like to make county road 480 a state road and that several meetings have taken place regarding this issue. This would all the communities of Negaunee and Ishpeming to be included. MDOT would write to all of the boards concerned. Mr. Iwanicki read a power point sheet he created which addressed the potential increase in traffic, improvements that will be made to 480 at the cost of MCRC and the fact that the state would be picking up the tab for fixing the road, not Chocolay Township.

This subject was brought up at this meeting for the first time and there are many meetings to be had. Mr. Stachewicz asked Mr. Iwanicki what route should the Chocolay Township PC be taking?

Scott Emerson brought up the subject of increased traffic on Cherry Creek Road. He also pointed out that there is a lot of truck traffic on this road. Could this be stopped with a truck through road?

Dennis Stachewicz pointed out that this issue should remain in the comprehensive plan now and MDOT can be addressed later.

Estelle DeVooght was concerned about the amount of truck traffic this would generate.

There were several ideas bounced around regarding new routes for traffic/trucks and such. Mr. Iwanicki again pointed out that this is the first time this is being addressed and there will be many kinks and issues to work out.

Scott Emerson stated that good things could come from this proposed change as there is a need to divert truck traffic.

Dennis Stachewicz stated he would attend the next corridor management meeting to see what other counties are looking at.

After several comments were made, Mike LaPointe thanked Mr. Iwanicki for his time and information regarding this request

- D. Relocation of the tot lot. The soccer field located in Beaver Grove was decided to be the best option of relocating playground equipment. Some of the equipment will be destroyed as they are old. Tom Shaw suggested that Dennis Stachewicz address a letter requesting the play ground equipment be relocated. Estelle DeVooght thought the Lions Club could come and move the equipment.
- E. Comprehensive Plan Comments. Lee Blondeau of 30 N. Traci Lane asked the Planning Commission about the non-conditional uses in Harvey under Chapter 10. If it includes terminology that businesses must be set back, does that mean all businesses on the highway must fit the same standard?

Tom Shaw suggested that this topic be addressed to Mr. Wycoff as he was the individual who drafted this plan. After discussions regarding this issue, it was decided that this would be addressed at the August 4th, 2005 meeting regarding the Comprehensive Plan. It was stated that the plan could be amended.

Dennis Stachewicz advised the Planning Commission that he has received e-mails, U.S. mail and conversations with individuals who are mostly positive about the proposed plan.

Mike LaPointe stated that Mr. Wycoff should take the lead during the August 4th meeting.

VII. OLD BUSINESS

- A. Discussion – Township Owned Signs
- B. Discussion – Firearms Ordinance

A. Dennis Stachewicz and Bill Sanders had discussed the options on coming up with a new logo and thought the best way to go would be to keep the logo as it is. Changes may create conflict, money would be spent and it would be best to keep logo as is.

B. The Firearms Ordinance will be worked on, however, it is best to wait for the comprehensive plan to be approved prior to making any changes to this ordinance.

VIII. PLANNING DIRECTOR’S REPORT

August 4th is the comprehensive plan meeting

August 9th is the normally scheduled Planning Commission meeting

The County has supported the rezoning of the school property use/permit to be used as a church.

A request has been made for a potential fire arm range near the Gitchee Gumee Campground located on M-28.

IX. PUBLIC COMMENT – None.

X. COMMISSION COMMENT – None.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Stachewicz to Racine
- B. Correspondence – Yelle to Wietek
- C. Correspondence – Maki to Planning commission
- D. Information – Zoning Board of Appeals Minutes – 06/23/05
- E. Information – Marquette Township Planning Commission Minutes – 05/11/05
- F. Publication – *The Impact of PA577 on Rezoning*s
- G. Publication – *Planning and Zoning News*

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 9:24 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay
Planning Commission
Thursday, August 4, 2005
7:00 P.M.

- Present:** Mike LaPointe, Estelle DeVooght, Tom Shaw, Bill Sanders and Scott Emerson
- Absent:** Ken Tabor and Steve Kinnunen
- Staff:** Dennis Stachewicz, Jr. Director of Planning and Community Development
- Others:** Mark Wyckoff, Consultant; Debra Heinzelman, Recorder

I. PUBLIC HEARINGS

A. Comprehensive Plan Update

Bill Sanders called the public hearing to order at 7:03 p.m.. Sanders stated the purpose of the meeting was to consider revisions to the Comprehensive Plan. Sanders states they have been working on the Comprehensive Plan for 14 months, and have had 9 public meetings seeking public input. He asked if anybody at the meeting wished to make comment upon the proposed revisions and said that their questions would be addressed under “New Business” all at one time.

Dennis Stachewicz stated that draft chapters have been available for review at the Township Hall and on the Township web page.

Christine Burris of 108 Cindy Lane had concerns about Number 29 on the revision plan reference to new roads. She had concerns about roads going through private property and said that she did not want her property fronting a highway.

Lee Blondeau of 30 N. Traci Lane said he had concerns about zoning status for commercial properties within the Township.

John Smith of 2176 M28 stated he had several concerns about the proposed Comprehensive Plan, including that he felt it did not address rural commercial zoning, which he described as a situation where an individual has a large parcel of property that, through controlled development, could use a portion of that property for commercial usage. He felt that this could act as an “industrial incubator” for private enterprise.

Smith feels that the new contract zoning, passed by the State of Michigan, should be included in this Plan. He stated he was disturbed by the fact that the document appears to have been produced by .06 percent of the population and that this has the look of “the minority dictating to the majority again”.

Smith also feels that the Plan does not encourage business very much and it does not address existing problems for the businessman and believes this should be considered.

Additionally, Smith had concerns about certain terminology, i.e., “Bigfoot” and “View Shed”. Stated his biggest “bone of contention” was that we seem to lack any vision of how to better communicate in this Township. States bare minimum being done to publish these meetings and feels much greater effort should be made to communicate with the public on these issues.

Smith stated that the Plan failed to address a lot of important concerns and suggests that the Commission not rush into passing this Plan.

Cathy Peterson of 6341 US 41 S read her concerns for the Comprehensive Plan from a prepared statement and presented a copy to Bill Sanders, Planning Commission Chairman.

Ms. Peterson opposed the entire Plan and was concerned about its potential violation of property rights.

At 7:29 p.m., Bill Sanders closed the Public Hearing. States letters and phone calls will be made part of public record.

II. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order at 7:29 p.m.. Ken Tabor and Steve Kinnunen are not present.

III. APPROVAL OF THE MINUTES OF JULY 11, 2005 MEETING

Estelle DeVooght moved to approve the Minutes of the July 11, 2005 meeting with Scott Emerson supporting.

Aye: 5. Opposed: 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved to approve the Agenda for August 4, 2005 meeting with support from Scott Emerson.

Aye: 5. Opposed: 0. Agenda Approved.

V. PUBLIC COMMENT

Brian Muladore of 108 Cindy Lane expressed concerns over the proposed potential road in proximity to his property. He wished clarification on this road.

John Smith of 2176 M28 questioned the inactivity of the Planning Commission's Ordinance Review Committee. He further suggested that it add three at-large public members to its committee. Also, expressed concern regarding longevity with current serving Planning Commission members, stating that he would like to see a rotation of members on a more regular basis. Did not want his suggestion to be construed as being directed at any one commission member. Would like to see "new blood" on Planning Committee.

Cathy Peterson of 6341 US 41 S agreed with statements by John Smith concerning the longevity of current serving Planning Commissioners. She mentioned the longevity of Estelle DeVooght and that Bill Sanders has been serving since replacing his mother-in-law on the Committee. She referred to this process as a "Good Old Boy's Club", indicating it was time to end that practice.

Jude Catello spoke and offered her support for the Planning Commission, stating that they have been doing a fine job.

Cathy Peterson then stated she did not believe appointments to the Planning Commission were to be a life-long appointment.

No further comments being received, Bill Sanders closed the first public comment section.

VI. NEW BUSINESS

Dennis Stachewicz read into the record comments received, in writing, reference to the Comprehensive Plan and suggested revisions. Letter received

from the City of Marquette indicating the Plan was not in conflict with their Plan. Received correspondence from Senior Planner from the City of Marquette pointing out certain spelling and grammatical errors. Letter received from Chairman of the Marquette County Planning Commission stating they have reviewed the Plan and found it consistent with the County and surrounding municipality plans. Have letter from Central Lake Superior Watershed Partnership endorsing the Plan. Also, a letter from resident Dan Smith addressing three items in the Plan pertaining to transportation. A letter from CABA asking a question about the nonconforming use. A letter from MDOT, Supervisor Andy Sikkema, commenting on the transportation portion of the Plan.

Bill Sanders moved the discussion to the questions raised by citizens during public hearing and public comment. First items discussed were road issues.

Road issues were discussed in generality by Bill Sanders and Mark Wyckoff with an explanation for the need to plan for the Township's future road needs. Mark Wyckoff stated that this would serve as an important information source for potential investors and property purchases.

Mark Wyckoff proceeded to discuss questions related to nonconforming use status of businesses along US 41 and M28. He explained the difference between "nonconforming use" and "dimensional characteristics". Indicates the Plan addresses those differences and that there was no desire to propose a change in uses as permitted in the zoning ordinance along US 41 and M28.

Wyckoff addressed the comments referring to "rural commercial" areas, stating that this would not require a change to the zoning ordinance. Discussion offered on "home occupation", "home based businesses", and "conditional rezoning".

Wyckoff responded to the comment that the Plan was not "anti-business" and agreed it was not an "anti-business" plan. He responded to comments regarding unclear language in the Plan, i.e., "Bigfoot" and "View Shed", stating that these are common phrases in this arena of work.

Wyckoff responded to the statement from Cathy Peterson expressing his respect for her input to this process. He stated that most of her comments were philosophical in nature and difficult to address, but respects her right to exercise her rights as a citizen to express her points of view. He then stated that there is no statutory nor legal basis with respect to most of the observations that she made.

Wyckoff addressed Cathy Peterson's comments about roads following abandoned railroad grades, stating there were many factors to consider, including ownership need and acquisition. He addressed Cathy Peterson's observation about the density of one house per 20 acres and the impact it may have on 5 acre parcels. The Plan acknowledges that there would be a potential problem, but proposes that a solution exists through the zoning ordinance.

Wyckoff discussed the public comment regarding a specific road near Cindy Lane. He indicated this was a generalized location and that it may or may not actually be near Cindy Lane. He reported the importance of listing potential road sites in the proposed Plan to assist in decision making.

Wyckoff addressed comments regarding rotation of membership on the Planning Commission. He stated that membership on Planning Commission is by appointment of the Township Supervisor with the concurrence of the Township Board. There is no statutory obligation for rotation of membership.

Greg Seppanen stated that John made the observation that we did the least possible to inform the public of the process. Asked if that was true. Wyckoff

responded that the only requirement is one public hearing prior to adoption. There was town meeting prior and a town meeting after. Bill Sanders states there were several articles in The Mining Journal and local television exposure. Request for citizen input was also put into the Chocolay Quarterly; on the radio; and was on the website.

Additional comment on the road additions was made by Bill Sanders and Mark Wyckoff indicating that the idea was to create a better inter-connecting road system within the Harvey area and to address fire and safety access concerns.

Cathy Peterson had concern about the private roads in the Township meeting conformity with public roads. Bill Sanders responded that there is a thorough discussion about public/private roads within the Plan.

Sanders acknowledged that the Ordinance Review Committee had been purposely inactive, stating that they felt it best to wait until the Comprehensive Plan was completed and adopted.

Mike LaPointe stated there was a letter in their packet from CABA stating concerns over area businesses being listed as nonconforming use. Mark Wyckoff responded that the question being raised is a “use nonconformity”, but that the Plan not proposing anything to deal with or address those in terms of future zoning changes. There is a mechanism under the law to deal with this, i.e., Class A and Class B system classification of nonconforming uses.

Lee Blondeau commented regarding the definition of “nonconforming”. Felt that it was a burden upon the property owner to have to pursue a Class A designation for their property and that a more reasonable way should be found. Mark Wyckoff addressed the Plan and indicated that it addresses both commercial and residential properties. Bill Sanders commented that he felt the Planning Commission had been more than fair in the past with these issues and that with this Comprehensive Plan they now have a mechanism to deal with it.

Estelle DeVooght asked for an example of “conditional rezoning”. Mark Wyckoff responded that if an applicant agrees to a specific single use of that property and that the Township agrees no other permissible uses of the property would be pursued by the applicant. Estelle DeVooght asked, “How can you make that stand?” Mark Wyckoff responded that you can make it stand because the Michigan Legislature authorizes it. However, it’s unknown at this time whether the courts will accept it. Estelle DeVooght stated she believes that is unconstitutional.

Scott Emerson asked if there is a distinction between “nonconforming lot” and “nonconforming use”? Mark Wyckoff responded that the term “nonconforming use” pertains to both “use” and “dimensional” aspects. The problem with using the term “nonconforming lots” is that there is no court defined definition. It is considered a subcategory under “nonconforming use”.

Cathy Peterson commented on the Township’s actions against Tom Waslesky and his business as being nonconforming use. She disagreed with those actions. Bill Sanders stated that particular reference is a good example of the Township working with business owners to expand nonconforming uses. States we worked pretty good with the residents on that.

Bill Sanders commented upon the Plan believing it to be an excellent work and complimented all those who had a hand in this drafting. Scott Emerson also spoke in support of the Plan, indicating that it was a golden opportunity to get ahead of things and to learn from the mistakes of the past. Bill Sanders added that he believes this not a perfect document, but a fair and adequate compromise upon the issues.

Mark Wyckoff and Dennis Stachewicz proposed changes to the wording of the amendments.

1. Item Number 2. “Director of Planning and Research”. “Research” needs to be crossed out.
2. Item 34. It was recommended that “nonresidential” be deleted from the paragraph.
3. Item 35. The proposed spelling change for the word “compliments” with an “e” to an “i”. Actually, “e” is correct. So cross 35 off with no change.
4. Item 39. Language states, “...with regard to the ‘residential lot dimensions’”, that it’s referring to the entire Harvey corridor. Recommends “residential” be deleted.
5. Item 49. Because we deleted Amendment 35, there are actually only 48 Amendments to the Plan.

Bill Sanders makes Motion in the form of a Resolution for the Adoption of The Charter Township of Chocoday Comprehensive Plan.

“**Whereas** the Charter Township of Chocoday Planning Commission has supervised an update to the Charter Township of Chocoday **Comprehensive Plan** to replace the Plan adopted on June 18, 1990, and

Whereas the public provided input to development of the Plan via Town meetings on August 5, 2004 and May 12, 2005, and

Whereas the Charter Township of Chocoday Planning Commission has reviewed the draft Plan and provided comments for its refinement which have been incorporated into the Plan, and

Whereas the Charter Township of Chocoday Planning Commission has duly reviewed the joint plan and accepts it as a basic plan for the development of the Township pursuant to the authority of Act 168 of 1959 (known as the Township Planning Act), and

Whereas the Charter Township of Chocoday Planning Commission had conducted a duly advertised public hearing on August 4, 2005 to receive public comment on this Plan, and

Whereas a set of Plan amendments were presented at the hearing as a result of public comment, planning commission and governing body review over the last four months,

Now, therefore, be it resolved that Charter Township of Chocoday Planning Commission does hereby adopt, on the date listed below, the **Charter Township of Chocoday Comprehensive Plan** along with the amendments attached to the Minutes of the August 4th public hearing and does direct the Chairperson of the Township Planning Commission to deliver a copy of the adopted Plan to the Township Board and following their adoption, to the County Planning Commission along with this Resolution as certification of the adoption of the Plan,

Be it also resolved that this Resolution be published inside the back cover of each copy of the **Charter Township of Chocoday Comprehensive Plan** to certify that all maps, charts and descriptive and explanatory matter therein are a part of the Plan as so signified by the

signature of the Chairperson of the Charter Township of Chocolay Planning Commission on this Resolution.”

Bill Sanders asks if there is support. Supported by Estelle DeVooght. Mark Wyckoff notes there is some mistake on the fourth paragraph, second line. Should say “draft plan”.

Bill Sanders called a Roll Call Vote. Estelle DeVooght, “I vote for it. Yes.”. Bill Sanders, “Is an aye.” Mike LaPointe, “It’s an aye.” Scott Emerson, “Aye.” Tom Shaw, “Aye.”

Vote for Plan: Aye: 5. Opposed: 0.

VII. PUBLIC COMMENT

Cathy Peterson stated that this was a “cut and dry” situation and that nothing had changed.

John Smith clarified his statements that he in no way implied a “clean sweep” of the Board was needed. His suggestion was that rotation of positions in the future should be considered. He wanted to make it “crystal clear” his comments were not directed at any Board member in particular. It was a general observation only. He additionally wanted to make “crystal clear” that while the legal requirements for publicizing the meetings had been met, he felt there should be a greater effort to get the word out and get people involved.

VIII. COMMISSIONER COMMENT

Tom Shaw wanted to encourage more people to become more involved in the process and to attend meetings.

Bill Sanders wanted to clarify that it has been 14 years since on this Board. Thanked other Planning Commissioners here and ones not here. He appreciates being able to serve.

Mike LaPointe thanked the services of Mark Wyckoff in assisting in development of this Plan.

IX. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:47 p.m.

Estelle DeVooght,
Commission Secretary

Debra Heinzelman, Recorder

Charter Township of Chocolay Planning Commission

Monday, August 8, 2005

7:30 P.M.

Present: Mike LaPointe, Estelle DeVooght, Scott Emerson, Ken Tabor, Bill Sanders and Steve Kinnunen

Absent: Tom Shaw

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo (Recording Secretary)

I. PUBLIC HEARINGS

1. Private Road #20- River Mist Trail

Meeting began at 7:30 p.m. wherein Bill Sanders explained what the public hearings all entail and asked Dennis Stachewicz to explain the request regarding private road #20. Mr. Sanders stated to the public gathered that anyone may speak and please state their name and address for the record.

Don Balmer of 101 Forest Road stated that his property abuts the property where the proposed road would be. Mr. Balmer explained that it was his understanding that this property was flood land and would not be granted a permit for septic system by the health department. He went on to say that if this flood land were land filled, what would happen to the homes downstream?

John Renfrew of 234 Riverside Road asked if variances would be granted to the flood plane and would there be set backs from the river bank.

It was at this time that Bill Sanders pointed out that he should have allowed the applicant to begin the public hearings with his own statement regarding his request and apologized for the inconvenience.

Stu Bennett of 1860 Altamont Street, Marquette stated that an architect had developed the four proposed lots and they had to have set back from the river. Stu agreed with Mr. Balmer that he was correct in his statement regarding building on these lots but he is not asking for a variance to build homes, he is asking for permission to create a private road. He pointed out that a cul-de-sac will adhere to the county requirements.

John Carlson of 274 Riverside Road commented on the fact that a survey was just conducted in July of 2005 wherein footage was changed to 66 feet.

Rod Smith of 286 Riverside Road stated that he had been assured by the real estate agent that he bought his home from that no one would build on these proposed lots because the health department would not allow any building there as they must have approval for septic fields and this is a flood area.

Gerald Waite of 278 Riverside Road stated that he and his wife have been in contact with Mr. Bennett and Mr. Buzzo and have been happy with the results of their conversations and the ability to resolve any confusion. However, he went on to ask why this would be a private road versus a public road, does the township master plan stipulate any particular use for this area? He pointed out dust and dirt generated from the road, many homes have bedrooms that face what would be the road thus the nuisance of lights and the fact that these lots are in low land and they flood.

Mary (name and address not recorded) Riverside Road built her home in 1964. She states that the road is a race track as it is now and adding more homes to the area would make it even busier. She doesn't want the white pines destroyed. Applicants are putting the "cart before the horse."

Joel McLaughlin of 282 Riverside addressed the Planning Commission by reading a citation, and then went on to say that some of the affected homes would now have three roads

surrounding their homes. If this private road is permitted, it will have a negative impact on Riverside Road. He asked if the Township were willing to provide compensation for the intrusion into their privacy and decreasing the value of their homes.

Don Hurst of 100 Forest Road asked if a private road requires ingress and egress for the fire department to have access to any proposed homes built. Another thought is why not sell the parcels of land to the people who have their back yards adjacent to the property to protect their homes and privacy.

Brian (name and address not recorded) Riverside, lot 14 – speed limit issue, adding traffic, more dogs barking in the neighborhood

2. Conditional Use #73 – Silver Creek School

Bill Sanders asked Dennis Stachewicz to address this issue. Dennis advised that the Faith Assembly of God has requested the Planning Commission to review a conditional use to operate a church, school and day care in an R-3 District under the terms of the zoning ordinance.

Bill Sanders advised those in attendance at this Planning Commission meeting that they may address the members about anything at this time as Public Hearings was still open. There were no questions or comments, thus Public Hearings was closed.

II. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order – Tom Shaw listed as absent.

III. APPROVAL OF THE MINUTES OF AUGUST 4, 2005 MEETING

These minutes were inadvertently placed on the Agenda when not available. Will be made available for the next meeting.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Mike LaPointe Motioned and Scott Emerson Seconded to adjust the evening agenda to move the private road request to continue to be heard. Aye 6, any 0. Amendment to agenda approved.

V. PUBLIC COMMENT

VI. NEW BUSINESS

A. Consideration – Private Road #20

Stu Bennett advised that this road is the size it is because they are following the township ordinance. They have cut as few trees as possible and are trying to leave buffers. Property owners may purchase the lots behind their property. It is impossible to price a lot at this time because they need the private road first. The question has been asked why this road is not a public road versus a private road. It is his impression that the County does not want another public road to maintain, i.e.: plowing, sanding, etc.

The question regarding fire protection – this will be a cul-de-sac, therefore, allowing clearance for the fire department.

Larry Buzzo of P.O. Box 114, Big Bay, MI advised that with the initial survey of the property, they were careful to ensure 2500 feet to make allowances for septic fields, etc. They had the lots lined up with the existing lots and made it a priority to offer these lots to those who already own property abutting these lots. He stated this is a residential area and that he and Mr. Bennett are trying to accommodate the neighbors.

Bill Sanders now addressed the Planning Commission members and asked them if they had any comments, questions or concerns. Mr. Stachewicz stated that people were getting a head of themselves and that this request was *only* for a private road at this time. Potential builders on these lots would have to apply for a septic field, etc., later.

Mike LaPointe asked Dennis Stachewicz exactly where is the flood plane on the map which demonstrated the property in question. An existing building within the flood plane was identified.

Estelle DeVooght asked if there was a colored map available for review making it easier to mark the flood plane.

Bill Sanders stated that this is a private road request but it is for the purpose of building and that the requirements for a floodplain according to the DEQ and health department have not changed.

At this time there was discussion between members and the public regarding easements, stakes, monuments, markers that have been moved due to flood waters, set backs, lighting issues, question whether there actually is room per lot to build a home. Stu Bennett stated that the cul-de-sac has to be in the easement to be a Marquette County Road of which Bill Sanders asked Dennis Stachewicz asked is there is a construction requirement for a cul-de-sac. Mr. Stachewicz advised the Planning Commission that they may waive the construction requirement for a cul-de-sac but an easement must be provided. He also stated they have waived the requirement to construct before.

After much discussion, it was decided that there were many obstacles to overcome before homes could be built and that the Planning Commission should vote on the private road matter as that is what is being presented at this time, not what could happen in the future.

Dennis Stachewicz asked the chair, Bill Sanders, if he could lay out what conditions would have to be met which Mr. Sanders agreed should be read:

- 1) The applicants shall allow access to township vehicles as well as other public/private utility companies to provide services; and
- 2) A covenant shall be established on the deeds for any parcels created off from the private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed; and
- 3) The applicants shall pay for and install a road sign identifying the approved name of the private road at the intersection with Riverside Road. The name of the road shall be subject to approval by the Director of Planning And Community Development pending review by the Marquette County Central Dispatch; and
- 4) The applicants shall construct the southern curve on the private road in accordance with the comments provided by the Marquette County Road Commission; and
- 5) The applicants shall obtain a driveway permit from the Marquette County Road Commission; and
- 6) The applicants are required to provide certification from a surveyor/engineer that the private road standards of the Zoning ordinance have been achieved at the conclusion of construction; and
- 7) A zoning compliance permit shall not be issued until all of the above conditions are met; and
- 8) Land Division Approval is required from the Assessor for the creation of individual parcels off from the road and may require the modification of the lots as shown; and
- 9) The applicants shall comply with the conditions and requirements of all other agency regulations; and
- 10) The applicants shall obtain Marquette County Health Department review of well and septic considerations for the proposed lots prior to road construction.

Bill Sanders asked if the above helped at all – the lighting issue came up and was added to the conditions.

Scott Emerson Moved, Ken Tabor Seconded that after review of Private Road Request #20, the standards of Section 402.D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions (in this case the word “applicants” means Stu Bennett and Larry Buzzo):

- 1) The applicants shall allow access to township vehicles as well as other public/private utility companies to provide services; and

- 2) A covenant shall be established on the deeds for any parcels created off from the private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed; and
- 3) The applicants shall pay for and install a road sign identifying the approved name of the private road at the intersection with Riverside Road. The name of the road shall be subject to approval by the Director of Planning And Community Development pending review by the Marquette County Central Dispatch; and
- 4) The applicants shall construct the southern curve on the private road in accordance with the comments provided by the Marquette County Road Commission; and
- 5) The applicants shall obtain a driveway permit from the Marquette County Road Commission; and
- 6) The applicants are required to provide certification from a surveyor/engineer that the private road standards of the Zoning ordinance have been achieved at the conclusion of construction; and
- 7) A zoning compliance permit shall not be issued until all of the above conditions are met; and
- 8) Land Division Approval is required from the Assessor for the creation of individual parcels off from the road and may require the modification of the lots as shown; and
- 9) The applicants shall comply with the conditions and requirements of all other agency regulations; and
- 10) The applicants shall obtain Marquette County Health Department review of well and septic considerations for any proposed lots prior to road construction and
- 11) A covenant shall be on the deeds for any parcels created off from the private road mandating that all outside lights be downwardly directed to prevent light trespass on adjacent property.

Bill Sanders – any discussions? Like I said, all we are trying to do is respect the owner of that property and hopefully these conditions will alleviate the impact on the neighbors.
Aye 4, Nay 2. Motion Approved.

Bill Sanders asked Dennis Stachewicz if there were any mechanisms that could be used to keep people in that neighborhood apprised of developments. A listing was then signed by those in attendance who wish to be kept apprised of the situation and requested notification from the assessor.

Bill Sanders told the public in attendance that the Planning Commission meets every second Tuesday of the month and that the Zoning Board of Appeals meets every fourth Thursday of month. The public is encouraged to attend these meetings, thus apprised of developments in Chocolay Township.

A break was called at this time to allow residents in attendance to sign the listing regarding the private road issue and leave the building.

Meeting reconvened at 8:43 p.m.

B. Consideration – Conditional Use #73

Estelle DeVooght asked about the church being a daycare center.

Preston Tippen of 465 Silver Creek, #5, was in attendance at this meeting as the representative of the church. He advised that the daycare would care for children from infants to older children; whatever they were able to staff.

Estelle DeVooght asked if this daycare center would be open to the public or only available to members of the church. Mr. Preston advised the daycare would be open to the public. This will be a licensed daycare center.

Ken Tabor Moved, Bill Sanders Second, that after review of Conditional Use request #73, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, section 204 of the Zoning Ordinance and subsequently finding compliance with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #73 with the following conditions:

1. The permit shall be subject to the property being rezoned from PL to R-3; and

2. The hours of operation for outdoor activity shall be limited to the hours of operation for the adjacent Township Recreating Area (Dawn to Dusk); and
 3. The permit shall be subject to review one year from the date of approval; and
 4. The applicant shall obtain a Zoning Compliance permit from the Zoning Administrator.
- Aye 6, Nay 0. Motion approved.

C. Consideration – Extension of Preliminary Plat for Elderwood subdivision

Bill Sanders explained that he would continue to chair the meeting; however, his employer was now involved with Mr. Elder. The Planning Commission members had no problem with keeping Mr. Sanders as chair.

Sam Elder of 125 E. Main Street explained that the former engineering firm that had been hired for the preliminary plat to the Elderwood subdivision had problems, thus Mr. Elder had lost time in preparation of this plat. He stated he has been working with people to develop the plat.

Mike LaPointe asked why the cul-de-sac's in this subdivision are not connected. Mr. Elder replied was to save the white pines located off of Ortman Road. He stated that people liked a quiet neighborhood. Talk of access to the subdivision was had via one access road; problems for the county to plow, sewer system is found in Old Ewing Park, any residence built would have township septic so they would have to build their own per home.

Bill Sanders remarked that he was not happy with the cul-de-sacs and that it puts out more traffic on the primary roads.

Mr. Elder remarked that he doubted he would be granted any further openings as Cherry Creek is busy enough as it is.

Scott Emerson suggested bike paths which would make it safe for children.

Dennis Stachewicz asked Sam Elder when to expect another set of plans and who was going to review the final plans? Someone needs to be appointed as quality control and review the plans.

Steve Kinnunen Moved and Ken Tabor Supported, to recommend that the Township Board approve a 1 year extension to the preliminary plat approval for the Elderwood Subdivision with the condition that a 30 foot easement for non-motorized use be established on the preliminary plat and the allow the Director of Planning and Community Development to have final approval of the revised plat drawings.

Bill Sanders clarified that the subdivision is called Elderwood and not Ewing.

Aye 6, Nay 0. Motion Approved.

D. Discussion – Comments on West Branch Comprehensive Plan

Dennis Stachewicz the West Branch Comprehensive Plan with the members. There was discussion about West Branch promoting highway corridor development and the inability to determine consistency with the Chocolay Township Comprehensive Plan because of no future land use or zoning map.

Steve Kinnunen remarked that with the base closed, they are in an infancy stage and he asked about their landfill.

Dennis Stachewicz stated he would compose a letter to West Branch that would reflect the Planning Commission discussion.

E. Discussion – MDOT Enhancement Grant for Harvey Corridor

Dennis Stachewicz stated that he met with MDOT and they want to help with the Harvey corridor to do some improvements in accordance with the recommendations in the new

Comprehensive Plan. They will pick up 20% of the cost with the township picking up 20%. All of this has to go before the Township Board to be approved.

Dennis Stachewicz asked the Planning Commission to create a wish list of ways to improve the corridor. Discussion was had regarding the possible corridor improvements.

VII. OLD BUSINESS

A. Discussion – Firearms Ordinance

Mr. Stachewicz suggested that the Planning Commissioners review the model ordinances he has provided and discuss at the next meeting. Options to be considered would be distance and zoning. The Planning Commission formed a consensus that using the distance model provided by the MTA would be the most appropriate.

VIII. PLANNING DIRECTOR’S REPORT

IX. PUBLIC COMMENT

X. COMMISSION COMMENT

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Supervisor to DNR
- B. Correspondence – Planning Commission to Supervisor Re: Tot Lot and Township Owned Signs
- C. Information – Marquette City Planning Commission Minutes 06/21/05 and 07/05/05
- D. Publication – *Planning and Zoning News*

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 9:45 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, September 12, 2005
7:30 P.M.

Present: Estelle DeVooght, Scott Emerson, Ken Tabor, Bill Sanders and Steve Kinnunen

Absent: Tom Shaw and Mike LaPointe

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo
(Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order – Tom Shaw and Mike LaPointe as listed as absent.

Tom Murray introduced to the Planning Commission Members. He is to replace Lee Snooks who has retired.

II. APPROVAL OF THE MINUTES OF AUGUST 4, 2005 MEETING and AUGUST 8, 2005 MEETING.

Estelle DeVooght moved to Approve the Minutes of August 4, 2005 with Scott Emerson supporting. Aye 5, Nay 0. Motion Approved.

Scott Emerson moved to Approve the Minutes of August 8, 2005 with Ken Tabor supporting. Aye 5, Nay 0. Motion Approved.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved to Approve the Agenda of September 13, 2005, Scott Emerson supporting. Aye 5, Nay 0. Motion Approved.

IV. PUBLIC COMMENT – None.

V. OLD BUSINESS

A. Discussion – Firearms Ordinance. Estelle DeVooght stated that the people of the Township are against this. Bill Sanders stated that it is a subject that needs to be reviewed. Dennis Stachewicz asked Estelle DeVooght if it was her thought to keep the ordinance as it is. Steve Kinnunen asked about illegal discharge of a firearm within certain residential areas.

Dennis Stachewicz asked if a questionnaire would be in line for this subject and listed a few questions, i.e.: map of restricted zones, notification of zones in the local newspaper, have a special work session where residents may attend with their input and get a clear consensus on what the people would want.

Estelle DeVooght asked Dennis Stachewicz if he thought a lot of people in the Township are interested in this subject? Dennis replied that there are several people who would like to be able to use firearms within the Township.

Steve Kinnunen pointed out that only one person was asking about the firearms ordinance.

Scott Emerson asked why bring up a problem?

Dennis Stachewicz advised that a complaint was lodged re: Gutchee Gumme Campground.

Ken Tabor thought this request was making a big deal out of nothing.

Dennis Stachewicz asked the Planning Commission Members if they would be interested in him writing a letter to the Board stating this subject has been researched and does not warrant further time or money.

Tom Murray mentioned whether the issue was safety related or noise related

Estelle DeVooght thought writing a letter to the Board was a good idea.

Steve Kinnunen pointed out that it is okay at this time to shoot on state land under certain conditions.

Bill Sanders pointed out that this issue was passed to the Planning Commission from the Zoning Board of Appeals. Is it time to send this on to the Board?

Dennis Stachewicz suggested that the Board be advised that the comprehensive plan has taken up much time in preparation. The firearms issue has now been reviewed and does not warrant further investigation.

It was agreed, Aye 5, Nay 0 that Dennis Stachewicz would apprise the Board in writing regarding the firearm ordinance.

- B. Discussion – Township Owned signs. Bill Sanders discussed with Dennis Stachewicz that the smaller signs of 2 feet x 4 feet a good idea. Dennis Stachewicz advised that the building materials have been researched and are relatively cheap. He asked the Planning Commission if a sign should be posted at/near Silver Creek Road of which it was decided it was not necessary.

Steve Kinnunen Moved, Ken Tabor Seconded, that the Charter Township of Chocoday Planning Commission recommends that the Charter Township of Chocoday Board consider purchasing and install four Township “Welcome” signs and two Township “Municipal Complex” signs in accordance with the following:

1. Sign design should be the same as presented to the Planning Commission at their September 12, 2005 meeting; and
2. Signs should be placed at the locations indicated on the map titled “Location of Proposed Township Owned Signs.” With the understanding that the corresponding road agencies may require an adjustment to the placement based on their permitting process; and
3. Recommended size of signs are 2 feet x 4 feet for the “Welcome” signs and 4 feet x 8 feet for the “Municipal Complex” signs.

Aye 5, Nay 0. Motion Approved.

VI. NEW BUSINESS

A. Discussion – Joint Recreation Survey with the City of Marquette. Dennis Stachewicz told the Planning Commission Members about the progress being made in the Joint Recreating Survey with the City of Marquette. The PC members discussed this briefly and how it would impact the Township.

VII. PLANNING DIRECTOR’S REPORT

Dennis Stachewicz again introduced Tom Murray who will be working on community development. Dennis also advised that Chocoday Township only received five (5) comprehensive plans and intended on requesting more. Dennis Stachewicz also advised that the Planning Commission would no longer accept hand drawn site plans and not complete plans. The ordinance states that site planed must be legitimate.

VIII. PUBLIC COMMENT - None

IX. COMMISSION COMMENT –

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Planning Commission to Holmes
- B. Correspondence – Stachewicz to Hiawatha Trails
- C. Correspondence – Yelle to Planning Commission

- D. Correspondence – Yelle to ZBA
- E. Information – Marquette Township Planning Commission Minutes 6/06/05, 6/25/05, 7/13/05, 7/19/05 and 8/10/05
- F. Publication – *Planning and Zoning News*

XI ADJOURNMENT. Bill Sanders adjourned the meeting at 8:04 p.m.

Estelle DeVoght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, October 10, 2005
7:30 P.M.

Present: Estelle DeVooght, Bill Sanders, Mike LaPointe. Tom Shaw and Steve Kinnunen

Absent: Ken Tabor and Scott Emerson

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Community Development), Lori DeShambo (Recording Secretary)

I. PUBLIC HEARINGS

A. Private Road #21 – Keough – Springwood Trail.

There was no one wishing to address the Planning Commission.

II. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:30 p.m. Ken Tabor and Scott Emerson were noted as being absent.

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 12, 2005 MEETING

It was suggested that the following comment of Scott Emerson (Item V.A. Discussion – Firearms Ordinance) be stricken from the minutes because it is not an accurate statement of what he said: *Scott Emerson asked why bring up a problem?*

Estelle DeVooght Moved, Tom Shaw Second, to approve the minutes with the above referenced change. Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders asked to add a discussion regarding the 2006 Planning and Community Development Department budget recommendations under New Business.

Bill Sanders Moved, Mike LaPointe Second, to add 2006 budget recommendations to the agenda. Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT

Mary Pat Linch of 367 Lakewood Lane asked about the development on Kawbawgam Road. Dennis Stachewicz advised that if the property that Ms. Linch is concerned about is property of Dr. English, he will have to come before the Planning Commission and he has not submitted any plans yet.

VI. OLD BUSINESS – None

VII. NEW BUSINESS

A. Consideration – Preliminary Review of Springwood Site Condominium

Eric Keough has requested approval for a site condominium and associated road located off Autumn Trail.

Dennis Stachewicz presented a staff analysis regarding the proposal. He stated that staff have several concerns. He said that the major concern is developing another cul-de-sac into the Wintergreen Trail area. He said this would increase the number of lots served by one access point to greater than twenty. He also referenced correspondence from the Township Fire and Police Departments.

Mr. Stachewicz also said the 100 year flood area is a concern and the proposed Unit #7 appears to be located in the flood area (Zone X). He reminded Planning Commissioners that the Comprehensive Plan discourages any development within designated flood areas.

Mr. Stachewicz indicated that the proposed Unit 1 did not appear to meet the minimum lot size requirements of the Zoning Ordinance.

Another concern of staff was with regards to ownership. Dennis said they would need something more than a letter from Dana Varvil to Eric Keough.

Mr. Stachewicz said the Assessor reviewed the boundaries and it appears that there may be a conflict with the ownership of the railroad right of way. He said there are no records indicating that adjoining property owners were deeded the property.

Planning Commissioners were given possible solutions by Mr. Stachewicz that included reconfiguring or eliminating Unit #7, connecting the proposed road to M-28, reconfigure or eliminate Unit #1, provide proof of ownership to the railroad grade, and provide a purchase agreement to indicate ownership interest in the entire property.

Eric Keough stated that there will only be five of his units served by a new cul-de-sac and he believes that Fire Department has good access to the subdivision. He also said he feels the FEMA map is flawed because Unit #7 has a higher elevation than other units.

Dennis Stachewicz suggested contacting Sheila Meyer of the DEQ at K.I. Sawyer regarding the floodplains. He said the Comprehensive Plan made an effort not to allow building like this anymore. What happened if Unit #7 floods, then floods to other property owners.

The abandoned railroad grade right of way is questionable – it runs all the way to Skandia. Eric Keough had a deed for property but not sure if the document is legal. Mr. Varvil has a deed for right of way for ½ of rail road, however, not sure if the deed is legal.

Glenn Van Neste, project planner, suggested they submit a letter of map amendment to FEMA in order to overcome the flood concerns for Unit #7.

Glenn stated it would be too expensive to build a road to 5 units. They could use the PUD process to approve Unit #1.

Estelle DeVooght asked at this time if the Planning Commission had any overlay maps of the Township to review. Dennis Stachewicz stated the map in the packet is the flood overlay map.

Estelle DeVooght advised Mr. Stachewicz that the Planning Commission in the past had gone directly to the site as Mr. Varvil wanted to sell this property before and it was under water. She also asked if the railroad grade is not available, how much of this is going to change.

Much discussion was had between Planning Commission members, Dennis Stachewicz, Eric Keough, and Glenn Van Neste regarding flood plains, railroad right of way, lot sizes, road access, highway usage, and adherence to the new Comprehensive Plan.

Bill Sanders asked Dennis Stachewicz what would happen if the PC were to approve this request tonight. Mr. Stachewicz stated the proposal would go to the Chocolay Township Board, if the Board okays then to other reviewers, back to the Planning Commission, and then to the Chocolay Township Board for a final approval.

Bill Sanders stated that the 1975 survey needs to be looked at because the proposed Unit #1 may be a lot of record.

It was stated that Attorney Graybill is working on the railroad issue which is possibly owned by Mr. Varvil.

Mike LaPointe Moved, Bill Sanders Second, that the Planning Commission recommends approval of the Preliminary Site Plan for the proposed Springwood site condominium and forwards it to the Township Board with the following conditions:

- 1) Unit #7 be reconfigured for in accordance with the new road location and a letter of map amendment be submitted to FEMA with a copy of an approval provided to staff; and
- 2) Unit #1 be reconfigured to meet the requirements of the Chocolay Township Zoning Ordinance or be eliminated, unless it can be determined to be a lot of record; and
- 3) Springwood Trail be required to connect to State Highway M-28 in order to protect the safety of future residents of the proposed condominium provided that the Michigan Department of Transportation would grant a permit; and
- 4) The developer shall submit a revised site plan to the Director of Planning and Community Development for review and approval in accordance with section 525(B) of the zoning ordinance and of the Planning Commission conditions prior to presenting the revised plan to the Township Board; and
- 5) The developer shall submit a signed copy of a purchase agreement or other legally binding document, to be reviewed and approved by the Chocolay Township Attorney that proves his interest in the property; and
- 6) The developer shall submit a copy of the deed which shows ownership to the centerline of the abandoned railroad grade; and
- 7) That the development comply with the submittal requirements of Section 525 of Zoning Ordinance 60 and Condominium Act 59 for the final Condominium Plans; and
- 8) If it can be determined that the developer owns the entire railroad grade, ½ of the grade shall be dedicated to general common element for non-motorized trail use.

The issue of legal deeds and documents was discussed. Mr. Stachewicz suggested that the Township Attorney review this matter as well as Attorney Graybill.

It was later agreed to eliminate item #6 and add to #5 – after legal binding document and before to be review and approved by the Chocolay Township Attorney that proves his interest in the property: and documentation showing ownership to centerline of the abandoned railroad grade.

Mike LaPointe restated the motion. Bill Sanders second.

Aye 4, Nay 1. Motion approved.

B. Consideration – Private Road Application #21

It was discussed and decided that a revised plan be drawn showing the road, having the Department of Transportation involved and have the applicant submit the changed site plan to the Director of Planning and Community Development who will ensure the changes referenced above have been made. He will then forward the application to the Township Board.

Bill Sanders Moved, Mike LaPointe Second, that after review of Private Road Request #21; the standards of Section 402.D of Ordinance 34; the and STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions (in this case the word “applicant” means Eric Keough):

- 1) Springwood Lane shall connect directly to M-28; and
- 2) The applicant shall allow access to township vehicles as well as other public/private utility companies to provide services; and
- 3) A covenant shall be established on the deeds for any parcel created off from the private road identifying the private road status and which reference the Declaration of Private Road Easement, which shall be amended to reflect the approved site plan for the Springwood Site Condominium and must be fully executed and reflected in the Master Deed for the Springwood Site Condominium; and

- 4) The applicants shall pay for and install a road sign identifying the approved name of the private road at the intersection with Autumn Trail and M-28;
- 5) The applicant shall obtain a driveway permit with MDOT as required
- 6) The applicants are required to provide certification for a surveyor/engineer that the private road standards of the Zoning Ordinance have been achieved at the conclusion of the construction, and
- 7) Site Condominium approval is required for the creation of individual parcels off from the road and may require the modification of the lots of Springwood Site Condominium; and
- 8) The applicants shall comply with the conditions and requirements of all other agency regulations; and
- 9) The applicants are encouraged to obtain Marquette County Health Department review of well and septic considerations for the proposed lots prior to road construction; and
- 10) A Zoning Compliance permit shall not be issued until all of the above conditions are met; and
- 11) The developer shall submit a revised site plan to the Director of Planning and Community Development for approval prior to presenting to the Township Board.

Aye 4, Nay 1. Motion approved.

C. Consideration – Arbor Day Mini Grant.

Mike LaPointe Moved, Estelle DeVooght Second, that the Chocolay Township Planning Commission hereby supports the enhancement of recreational facilities within the Township and, therefore, supports the application of a DNR Arbor Day Grant.

Aye 5, Nay 0. Motion approved.

D. Consideration -2004 Annual Report

Mike LaPointe Moved, Bill Sanders Second, to authorize the Director of Planning and Community Development to distribute the Year 2004 (Annual) Report to the Township Board as presented.

Aye 5, nay 0. Motion approved.

E. Consideration – 2006 Budget Recommendation

Dennis Stachewicz highlighted the proposed changes to the 2006 Planning and Community Development Department budget recommendations. He said he was proposing an increase of \$10 per meeting for Planning Commissioners and significant monies in Capital Improvements for consulting help with an updated Zoning Ordinance and upgrading the GIS system.

Estelle DeVooght asked what the \$3,000 in the current budget was for under Professional Services. Mr. Stachewicz said that money is used to cover additional unforeseen consulting costs.

Mr. Stachewicz believes the Zoning Administrator needs to be budgeted for more hours per week as he does not have enough time to meet the increasing number of zoning issues.

Bill Sanders Moved, Tom Shaw Second, to authorize the Director of Planning and Community Development to write a letter of support from the Planning Commission regarding the 2006 budget proposals.

Aye 5, Nay 0. Motion approved.

VIII. PLANNING DIRECTORS’S REPORT

Dennis Stachewicz advised that the legal site plan for the Walt Racine property has been located and his daughter is inquiring about opening a drive through coffee shop adjacent to his property.

IX. PUBLIC COMMENT

X. COMMISSIONER COMMENT

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

The next Planning Commission meeting is on October 31, 2005. There will not be a meeting in November.

The new restaurant in the Township has a "Pot Roast" sign on its roof. There is a very large hole in the driveway going to the Boy Scouts building that needs attention. Mr. Stachewicz is to look into these issues.

XII. ADJOURMENT

Bill Sanders adjourned the meeting at 9:17 p.m.

Estelle DeVoght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, October 31, 2005
7:30 P.M.

Present: Estelle DeVooght, Bill Sanders, Mike LaPointe, Tom Shaw, and Ken Tabor

Absent: Steve Kinnunen and Scott Emerson

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Community Development),
Ginger Maki (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE OCTOBER 10, 2005 MEETING

Mike LaPointe noted on page 3, the 9th paragraph, the motion should read, “*Mike LaPointe Moved, Bill Sanders Second, that the Planning Commission recommends approval of the Preliminary Site Plan for the proposed Springwood site condominium and forwards it to the Township Board...*”

Mike LaPointe also noted on page 4, the 3rd paragraph, the motion should read, “*Mike LaPointe restated the motion. Bill Sanders Second.*”

Ken Tabor Moved, Bill Sanders Second, to approve the minutes with the above referenced changes. Aye 5, Nay 0. Motion approved.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

No additional items were added to the agenda.

Ken Tabor Moved, Mike LaPointe Second, to approve the agenda as presented.

IV. PUBLIC COMMENT

There was no public comment.

V. OLD BUSINESS

There was no old business for discussion.

VI. NEW BUSINESS

A. Presentation – Central Lake Superior Watershed Partnership Report

Larry Gould presented a report from the Central Lake Superior Watershed Partnership (CLSWP) as it pertained to Chocolay Township. He highlighted the areas in which the Partnership assisted Chocolay Township

Of interest, in 2005 the Chocolay Watershed was selected by the DEQ and the EPA as a 319 Watershed Project Success Story. The CLSWP has received a grant from the EPA for the new program to monitor many sites in the Upper Peninsula. The CLSWP will continue to assist the Chocolay Watershed Citizen Advisor Council who continue to identify areas of concern, comment on draft management plans and suggest areas for public education efforts.

The CLSWP also developed the Lake Superior Shoreviewer website (superiorwatersheds.org), which gives a user-friendly oblique aerial view of the entire Lake Superior shoreline of Chocolay Township.

Lastly, the CLSWP conducted the Earthkeeper Household Hazardous Waste Collection with local churches. They also assisted with the sediment trap maintenance on Chocoday River upstream of Chocoday Township by providing environmental benefits downstream. The Partnership will continue to implement other watershed improvement throughout the watershed with indirect benefits for Chocoday Township.

Mike LaPointe questioned whether the M-28 access site is still going to be a possible work site? Larry noted that it would be included on the spring list barring any problems with the property owners.

Mike LaPointe also questioned the whether there was a grant received to collect hazardous wastes from business, as he noted he heard something on TV6 regarding this issue. Larry noted the CLSWP has applied for a grant to collect mercury from dentist offices. Carl Lindquist did meet with the Dentist Associations regarding this and the collection process was approved.

Mike LaPointe commented that he did review the website with the aerial view of the Chocoday Township shoreline.

Bill Sanders questioned whether not the CLSWP needed help or support from Chocoday Township to implement any of the plans for the upcoming year? Larry noted that due to less staff that the Chocoday Watershed Council may need more local support to help things along in the township.

Dennis Stachewicz noted that \$5000.00 has been budgeted for the CLSWP in the coming year and will be reviewed at the next Board meeting in November.

B. Consideration – Annual Road Rankings

The Planning Commission reviewed the Annual Road Rankings list.

Dennis Stachewicz noted the addition of #14 (Wildwood/Woodvale) to the list, as the road is in very bad shape starting at Ortman Road to the “s” curve toward Woodvale. It seems to be deteriorating quickly. He also noted that #17 (Co. Rd. 454) is on the list and the County Road Commission’s cost is extremely high and Chocoday would cover a certain percentage while West Branch would cover their portion of the cost.

Larry Gould questioned whether or not Co. Road 545 was considered a primary county road and if so, the share of 50% is only for secondary roads. He also noted that Cherry Creek had no local match. Tom Shaw requested Dennis Stachewicz investigate the cost for Chocoday Township, as this may change the ranking of this road.

Dennis Stachewicz noted that #2 on the list (Terrace west of US 41) would be the next realistic project for the township.

Bill Sanders Moved, Ken Tabor Second, to approve the staff’s recommendations for road rankings and pass it on to the Township Board for consideration. Aye 5, Nay 0. Motion approved.

VII. PLANNING DIRECTOR’S REPORT

Dennis Stachewicz reported that he met with Dr. English’s architect/representative on the proposed development on Kawbawgam Road. The proposal was not felt appropriate to bring to the Planning Commission for review at this time.

The Township Board will review the Budget next Monday. Unfortunately, the supervisor did not recommend a \$10.00 raise for the Planning Commission at this time.

Randy Yelle will be addressing the “Pot Roast” sign.

The Boy Scouts called regarding a pot hole and they were given the phone number for MDOT and encouraged to call them so they can come out and investigate.

VIII. PUBLIC COMMENT

There was no public comment.

IX. COMMISSIONER COMMENT

Estelle DeVooght noted that she was upset regarding the rezoning for Van Neste and Keough at the last meeting. She felt it was unfair to hand it over to the staff. She stated this is the purpose of the Planning Commission and it should be hashed out at the meeting. Bill Sanders disagreed and felt the Planning Commission did their job regarding the zoning for Van Neste and Keough.

Bill Sanders noted that the Planning Commission should start looking at some of the key priorities for the next five years in the Comprehensive Plan for Chocolay Township. One of the items that would need reviewing is the private road requirements. The Planning Commission agreed.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Information – Marquette Township Planning Commission

There was no comment regarding the minutes.

B. Publication – *Planning and Zoning News*

There was no comment regarding the publication.

The next Planning Commission meeting is scheduled for Monday, December 5, 2005. There will be no meeting in November.

XII. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:20 p.m.

Respectfully submitted:

Estelle DeVooght, Commission Secretary

Ginger Maki, Recording

**Charter Township of Chocolay
Planning Commission**

Monday, December 5, 2005
7:30 P.M.

Present: Estelle DeVooght, Bill Sanders, Tom Shaw, Ken Tabor and Scott Emerson

Absent: Mike LaPointe and Steve Kinnunen

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order at 7:30 by Bill Sanders.

II. APPROVAL OF THE MINUTES OF THE OCTOBER 31, 2005 MEETING

Motion by Ken Tabor, Seconded by Estelle DeVooght to approve the minutes of the October 31, 2005 meeting. Aye 5, Nay 0. Motion approved.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Motion by Scott Emerson, Seconded by Ken Tabor for approval of the agenda for the December 5th, 2005 agenda. Aye 5, Nay 0. Motion approved.

IV. PUBLIC COMMENT

Mark Maki - 370 Karen Road, voiced his concerns over the following issues:

- A. Proposed PUD – Dr. English property – he has not been provided with enough information/township paperwork – he states that the English property can not be a PUD.
- B. Lakenen signs on M-28 – Still in violation, nothing being don.
- C. Waselesky junk yard
- D. He has submitted a Freedom of Information Act request which is being ignored.
- E. He was told by Michele Wietek of the Zoning Board of Appeals that she “thought” he was not allowed to attend township meetings.

Public Comment closed.

V. OLD BUSINESS

There was no old business for discussion.

VI. NEW BUSINESS

A. Discussion – proposed PUD – Dr. English Property.

A lengthy discussion was held between Dr. English, Glenn Van Neste (surveyor), Richard Graybill (attorney), Jim Clark, Dennis Stachewicz and the Planning Commission. This discussion was called a preliminary meeting at to what the developer will need to do to achieve its goals. The development team was at this meeting to present their concept of what this new development would all entail and looked to the Commissioners for their input.

Many issues were discussed as to the formation of a “clustered” style subdivision off of Kawbawgam road.

The Planning Commission made it quite clear that there were many things that needed to be accomplished before the project could even be presented to the Commission for a PUD permit.

Mark Maki - 370 Karen Road, wanted it stated that the developer must be rezoned before applying for a PUD.

Many drawings, sketches, aerial views and stages of development were provided to the Planning Commission. Mr. Van Neste was quite thorough when explaining the development concept.

Scott Emerson and Bill Sanders voiced their opinions that they liked what they initially saw in the preliminary development stages and final outcome.

Dr. English pointed out that this preliminary plan is very close to what the Township wants per the comprehensive plan.

Dennis Stachewicz advised the Planning Commissioners what the next steps in the process would be.

Dr. English and his planning team offered conditions for the potential rezoning of the property including a promise to subsequently rezone the property to PUD. Mr. Stachewicz advised the Planning Commission that he would discuss that matter with the Township Attorney.

B. Discussion – Comprehensive Plan Implementation

Dennis Stachewicz referred to his November 28, 2005 memo where he has listed items taken from the Comprehensive Plan that the Commissioners should begin working on. It was decided that a few of the items on this list could be dovetailed into one project. It was suggested that consideration be given to form a Recreation Committee again.

Between Mr. Stachewicz and the Planning Commission, the following six items were decided to begin working on:

1. Update the Township Zoning Ordinance
2. Adopt Access Management Regulations for the US-41/M-28 Corridor
3. Develop a Township Greenspace and Trails Plan
4. Develop and Ordinance Amendment to Require Public Roads in New Developments of a Certain Density
5. Create and Distribute Commercial Development Guidelines
6. Revise the Subdivision Ordinance

C. Consideration – Support Letter for MDOT/Township Enhancement Grant

Dennis Stachewicz discussed with the Commissioners the need for a letter of Support to be sent regarding MDOT/Township Corridor Enhancement Grant.

Ken Tabor Motioned with Tom Shaw Seconding that a letter be sent. Aye 5, Nay 0. Motion approved.

William Sanders signed this letter at the meeting.

D. Consideration – 2006 Planning/Zoning Fees Recommendation

Dennis Stachewicz did a study regarding the cost of providing zoning/planning applications review services over the past year and found that the fees were lower than cost. He provided the Planning Commission with a proposed listing of fee increases.

The Planning Commission listened as Mr. Stachewicz pointed out the increase to run an ad in the local newspaper, the cost of mailing, the labor cost for mass mailing, the comprehensive plan cost. Scott Emerson was excused from the meeting to attend work.

Mr. Stachewicz stated it looked like a huge increase but there had been no increases in some fees for years.

Mark Maki - 370 Karen Road, spoke up at this time and stated that if the fees are increased, the Planning Commissioners should be ashamed of themselves. The fees will have tripled in three years if you take Mr. Stachewicz's suggestion. He said he did not raise any zoning or planning fees for 20 years.

Bill Sanders pointed out that increases are state wide.

Tom Shaw wanted to know how do these fees compare to other township fees?

Ken Tabor Motioned and Tom Shaw seconded that the Charter Township of Chocoday Planning Commission recommends that the Charter Township of Chocoday Board adopt the 2006 Recommended Zoning and planning Fees as presented by staff. Aye 4, Nay 0. Motion approved.

VII. PLANNING DIRECTORS'S REPORT

Mr. Stachewicz had nothing for the Commissioners at this time other than the fact that he will check with other townships regarding their fees and begin work on the list of 6 items from the Comprehensive Plan. He referred to the information handouts; item A which is the meeting dates for 2006 and it was agreed that the dates presented are fine.

VIII. PUBLIC COMMENT

Mark Maki again stated the fees should not be increased. He referred to keeping the Comprehensive Plan current and that the Township wasted money to update this.

IX. COMMISSIONER COMMENT

There were no Commissioner comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Information – 2006 Township Meeting Dates (Handout)
- B. Information – MDEQ Biological Survey of Chocoday Tributaries
- C. Information – Marquette City Planning Commission Minutes 10/18/05
and 11/01/05
- D. Correspondence – Mark Maki to Planning Commission

XI. ADJOURMENT

Bill Sanders adjourned the meeting at 9:33 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

January 09, 2006

7:30 P.M.

Present: Estelle DeVooght, Bill Sanders, Mike LaPointe. Tom Shaw, Steve Kinnunen, Ken Tabor and Scott Emerson (arrived late).

Absent: None

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Community Development), Lori DeShambo (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:30 p.m. (Scott Emerson arrived during VI).

II. APPROVAL OF THE MINUTES OF THE December 5, 2005 MEETING

Ken Tabor Motioned, Estelle DeVooght Seconded to approve the minutes. Aye 6, Nay 0. Minutes approved.

Bill Sanders asked that minor revisions be added to VI. New Business A. Discussion of proposed PUD – Dr. English Property. Mr. Stachewicz remarked that he would see that these minor changes were made.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen Motioned, Ken Tabor Seconded to approve the agenda. Aye 6, Nay 0. Agenda approved.

IV. PUBLIC COMMENT – None

V. OLD BUSINESS – None

VI. NEW BUSINESS

A. Discussion – RFP for Consulting Services – Zoning Ordinance Update

Bill Sanders asked Dennis Stachewicz if he had anything to add to what has already been provided to the Planning Commissioners. He responded that he had highlighted in the Commissioner’s packets what he felt needed to be addressed first. There is a budget set in place of \$14,000.00.

Mr. Stachewicz asked for input from the Commissioners and Steve Kinnunen asked what the time frame was for completion. Mr. Stachewicz stated one year or less. It was said by other Commissioners that with a \$14,000.00 budget, this shouldn’t take long.

Bill Sanders asked if on the project work task page, on page 4, change the word to deliverables rather than products; the same for page 7.

Mr. Stachewicz pointed out that we are just looking or an update and not a new product. He suggested that a joint meeting be held with the Chocolay Township Board so they know what the Planning Commission is doing.

There was discussion between Mr. Stachewicz and the Planning Commissioners as to when this meeting should be scheduled, who should attend. Many dates were tossed around. The Board meets on January 19, 2006 and Mr. Stachewicz will be adding the PC comments to their agenda. Only 1-2 commissioners need to be in attendance at this meeting. Mr. Stachewicz will do a formal letter to the Board.

B. Discussion – US-41/M-28 Corridor Grant Application

Bill Sanders stated that he had signed a letter regarding the grant and advised Mr. Stachewicz that this may require a special public meeting for discussion. The community should be involved as there are going to be many changes being proposed. An informational flyer could be sent to all corridor businesses advising of the meeting so they may attend.

Mr. Stachewicz stated that MDOT has verbally agreed to help pay for the corridor renovation.

Tom Shaw remarked that the Chocolay Area Business Association newspaper will be out in two weeks – this public meeting could be posted in the newspaper as well.

It was decided that the public meeting would take place on March 9th, 2006 at 7:00 p.m. at the Chocolay Township Hall.

VII. PLANNING DIRECTOR'S REPORT – None.

VIII. PUBLIC COMMENT – None.

IX. INFORMATIONAL ITEMS AND CORRESPONDENCE

Estelle DeVooght asked about the Michigan Planner publication she had and questioned the takings issue.

Mr. Stachewicz asked to go back to VII – Director's report as there has been discussion regarding the Magnum Farm (Department of Corrections/State of Michigan) and the possibility of Marquette County housing work release prisoners there. The Zoning Administrator, Randy Yelle, is looking into this issue.

Steve Kinnunen stated there is nothing in the new Comprehensive Plan that addresses the agricultural farm on Magnum Road owned by the Department of Corrections.

Mike LaPointe informed the Planning Commission that he gave Greg Seppanen a letter of resignation. Mr. LaPointe has far too many commitments at this time and is traveling extensively and, therefore, made the decision to leave the Commission. He has served on the Commission for the past 14 years and this will be his last meeting.

The Planning Commissioners thanked him for his time and expertise and he was told he would be missed.

The Faith Assembly of God Church (Prince of Peace) located on M-28 is now empty as the Church purchased the old Silver Creek School. The restaurant Memories has shown an interest in the building for the use as a banquet hall and has applied for a rezoning to PUD. This rezoning request will be discussed at the next Planning Commission meeting.

The sale of property to the Naterra Land Company was discussed and there was additional discussion about how a large property sale like that can alter a landscape if there is no long range planning at a local level.

Scott Emerson asked Mr. Stachewicz if there was anything to add/update regarding the casino move from Kawbawgam Road to the former airport in Negaunee. Discussion was had as to what the old casino building could be used for.

Mr. Stachewicz informed the Planning Commissioners that Mr. Albert Denton has presented a request in writing to replace Mike LaPointe on the PC Board. He currently is on the Zoning Board of Appeals. This letter will go to the Supervisor for approval. As far as the present Planning Commissioners, they would welcome Mr. Denton to the Board.

X. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:33 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, February 13, 2006
7:30 P.M.

Present: Estelle DeVooght, Bill Sanders, Mike LaPointe, Tom Shaw, Steve Kinnunen, Albert Denton, and Ken Tabor

Absent: Scott Emerson

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Community Development),
Ginger Maki (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:30 p.m.

II. PUBLIC HEARINGS/COMMENT

A. Rezoning #132 – Faith Assembly – R-1 to P.U.D. – Bill Sanders noted this agenda item had been temporarily withdrawn by the applicant.

Bill Sanders invited the public to give comments on the two agenda items that are going to be discussed by the Board this evening. The public was asked to give their name and address and limit comments to three minutes. After public comment, each of the above items will be discussed under New Business and decision will be made at that time.

B. Rezoning #133 – JSN Properties – C-2/R-1 to R-3

Dennis Stachewicz gave background on the Rezoning #133 – JSN Properties. This is a request for rezoning of 1.56 acres of land on the corner of US 41 and W. Main Street from a combination of R-1/C-2 (Residential/Commercial) to R-3 (Residential). JSN Properties would like to build detached single-family dwellings on this property.

Dan Diloreto, 301 W. Main, Marquette, MI, questioned what would be allowed under the R-3 zoning. Dennis noted it would be zoned for multi-family dwellings.

Mark Maki, 370 Karen Road, Marquette, MI, asked for clarification on whether or not R-3 zoning allowed clinic. Dennis Stachewicz read the R-3 zoning clarification usage. He also noted that clinics would be allowed on the approval of the Planning Commission.

Dan Keller, 117 Plateau, Negaunee, MI, introduced himself at the representative of the buyers of the parcel of land in question and gave an overview of what the buyers would like to build on the property. They would like to build 12-14 condominiums units with privacy fences.

There was no other comment on the Rezoning #133 and public comment was closed.

C. C.U.P. #74 – Hiawatha Trails – Snowmobile Trail

Dennis Stachewicz gave background on the C.U.P. #74 – Hiawatha Trails – Snowmobile Trail. This is a request a conditional use permit to construct/open a snowmobile trail in an R-1 zoning district located at 225 W. Main and 204 Hotel Place in Chocolay Township.

Cheryl Moore, 111 Green Bay, Marquette, MI, read a letter on behalf of Mr. and Mrs. Perkins noting their concern about the trail and that they oppose the opening of the trail due to the traffic through the parking lot at Hotel Place.

Steve, 203 Hotel Place, Marquette, MI, expressed his concerns about the application for the trail by Mr. Diloreto. He also noted he opposes the trail. He gave the Board eight letters from other residents from Hotel Place who oppose the trail. (See attached).

Lee Blondeau, 30 N. Tracie Lane, Marquette, MI, noted he was in favor of the trail opening for better access to the Harvey area.

Dave Thomas, 311 W. Main, Marquette, MI, noted he was in favor of the trail opening for better access to the business district in Chocolay Township.

Joe Holman, 210 Riverside Drive, Marquette, MI, commended the Board for their looking at new ways to open up Chocolay Township business to the snowmobilers. He has talked with representatives in Lansing who are working to put in a business route for the snowmobilers and feels that if this trail were opened it would undermine Lansing's efforts. He is not in favor of opening this trail through a residential area.

Don Britton, 121 Deerview Trail, Marquette, MI, noted that the reason for the request for this trail is to create better access to the businesses in Chocolay Township.

Dan Diloreto, 301 W. Main, Marquette, MI, clarified the construction of the trail. This is a path that is already on his property and no construction is necessary. He would just be opening it up for snowmobilers to gain better access to the businesses in Chocolay Township. No construction or grooming would be involved with the opening of the trail.

Jerry Ojibway, 161 Lakewood Lane, Marquette, MI, noted he was concerned about the eagle's nest that is on this property and felt the nest would be disturbed by the snowmobiles. He opposes the opening of the trail.

Alma Thomas, 311 W. Main, Marquette, MI, noted that eagles do not use their nests in the winter and the snowmobile season would affect the eagles in the area. She feels there is too much confusion for the snowmobilers right now trying to gain access to the business area of Chocolay Township and would like to see the trail open.

Erma, 210 Riverside Road, Marquette, MI, requested that the Planning Commission deny the request to open the trail.

Tony Lambert, 271 Riverside Road, Marquette, MI, feels the trail on Green Bay is hazardous and would like to see an alternate route outside the residential area.

Tristen McGill, 312 Michigan, Marquette, MI, commented that snowmobiles impact the ecosystem and the discussion regarding the trails has becoming too emotional.

Cheryl Moore, 111 Green Bay, Marquette, MI, commented that the snowmobile issues in regard to trail are not exaggerated and feels the trail near her residence is very hazardous. She also feels that when the snowmobilers use Green Bay Street they become more cautious because they are on a road.

Dan Diloreto, 301 W. Main, Marquette, MI, clarified that he did not request this trail. Hiawatha Trails approached him to open up this path and he agreed because he thought it was a good idea. He also clarified that the eagles nest around the 2nd week of April and by that time there is no longer any snowmobiling. The problems for the eagles are not the snowmobilers but the people that walk through his property and disturb the nest.

Joe Holman, 210 Riverside Drive, Marquette, MI, noted he researched some previous Planning Commission minutes from 7/10/2000 where the conditional use #74 – North Country Trails was approved as a non-motorized. He noted the State took that approval away and made the trail motorized. He feels the Planning Commission should be consistent with the Township purpose.

Bill Sanders read the letters present by Steve from the residents of Hotel Place and Bayou Street. All letters opposed the opening of the trail.
(See attached).

Dennis Stachewicz read a phone-in comment from Linda Walker, 103 Lakewood Lane, Marquette, MI. She is in favor of the opening of the snowmobile trail.

There was no other public comment on C.U.P. #74 and public comment was closed.

III. APPROVAL OF THE MINUTES OF THE JANUARY 6, 2006 MEETING

Estelle DeVooght motioned, Albert Denton seconded, to approve the minutes. Aye 6, Nay 0. The motion carried.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Item A under New Business was taken out of the agenda.

Bill Sanders motioned, Steve Kinnunen seconded, to approve the agenda as revised. Aye 6, Nay 0. The motion carried.

V. PUBLIC COMMENT

Bill Sanders asked for any public comment and keep the comments to a maximum of 3 minutes.

Joe Holman, 210 Riverside, Marquette, MI, addressed a request from one of his neighbors regarding the loud noise of the snowmobiles. Due to the noise of the snowmobiles she often sleeps in the basement. He also noted that a number of people on the trail are also having trouble with asthma due to the snowmobiles. He urged the township not to change their position on a non-motorized trail.

There was not other public comment and public comment was closed.

VI. OLD BUSINESS

There was no old business for discussion.

VII. NEW BUSINESS

A. Rezoning #133 – JSN Properties

The Planning Commission reviewed the overhead presented by Dennis Stachewicz. Dennis then read the staff comments concerning the rezoning. (See page 20, VII B). The rezoning is consistent with the intent of the Comprehensive Plan; the rezoning will allow the parcels involved to act as a transition area that will prevent encroachment of a commercial zoning district into an established residential area; It is likely the rezoning will allow for more flexibility to access management in order to preserve the integrity of US-41/M-28; the current zoning or the parcels if preventing the property owner from reasonable use of the parcels due to the split zoning and small parcel size; and there is existing sewer service available for the development.

Steve Kinnunen Moved Ken Tabor Second, that following the review of Rezoning Request #133, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #133 for the following reasons:

1. The rezoning is consistent with the intent of the Comprehensive Plan;
2. The rezoning will allow the parcels involved to act as a transition area that will prevent encroachment of a commercial zoning district into an established residential area;
3. It is likely the rezoning will allow for more flexibility in access management in order to preserve the integrity of US-41/M-28;

4. The current zoning or the parcels is preventing the property owner from reasonable use of the parcels due to split zoning and small parcel size; and
5. There is existing sewer service available for the development

Aye 5, Nay 1. The motion carried

B. C.U.P. #74 – Hiawatha Trails – Snowmobile Trail

Bill Sanders asked Don Britton if he would like to comment on the request. Don Britton had no comments.

Dennis Stachewicz answered the four questions that were asked during public comment:

1. The Perkins letter asked for the exact location and Dennis reviewed on the map where the trail would be located.
2. There was a question about this area being considered by the MDEQ as wetland. Dennis noted that he was not aware of this issue and that could be consideration of approval.
3. There was a question as to whether or not the application for the C.U.P. was incomplete. Dennis noted that any questions that were answered with “NA” (not applicable) are concerned not necessary.
4. There was a question as to whether or not there was an error in the address on the notification sent out by the township to Hotel Place. The address on record is 204 Hotel Place and that is where the notification was sent.

Dennis Stachewicz strongly encouraged the Planning Commission review the General Standards under the Basis of Determination for a conditional use permit. All standards must be met in order to grant a conditional use permit.

After review of the General Standards, the Planning Commission felt they could not approve the snowmobile trail at this time because it does not comply with all of the standards.

Albert Denton Moved, Ken Tabor Second, that after review of Conditional Use request #74, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Sections 202, 217 and 701 of the Zoning Ordinance, and holding a public hearing, the Planning Commission denies Conditional Use request #74 for the following reason:

1. The proposed trail does not substantially comply with all of the General Standards outlined in Section 701 of the Zoning Ordinance.

Aye 6, Nay 0. The motion carried.

VIII. PLANNING DIRECTOR’S REPORT

The MDOT Corridor Agreement meeting has to be changed from March 9th to March 16th at 7:00 p.m. because Andy Sicamma cannot make the earlier meeting. Mailings will be sent out to all residents along the corridor. This meeting is with MDOT to discuss the grant for the corridor through Chocolay Township. Bill Sanders noted that public support will be needed for this project.

RFP schedule was sent out on February 1, 2006. People were given until Thursday, March 2nd to respond to the proposal. Start up is set for May 1, 2006. The zoning review committee will need to review the definitions, etc.

Regarding the prison property reuse issue, Randy Yelle talked with Mr. Kippola for more information and Randy was told they are no longer pursuing this at this time.

Regarding Dr. English’s rezoning request, there were some errors in the legal and hopefully this request can come before the Planning Commission in March.

Frank Ward has requested a private road on a parcel of property the he has attempted to have rezoned to R-3 a few years ago. This issue will be on the March Planning Commission agenda.

Bill Sanders questioned whether or not rezoning #132 will be coming back before the Board. Dennis noted that the pastor felt it was unlikely it would be presented to the Planning Commission.

IX. PUBLIC COMMENT

Adam Westhouse, a reporter from the Mining Journal, introduced himself and noted that he would be taking notes at various Chocoday Township public meetings.

Joe Holman, 210 Riverside, Marquette, MI, questioned whether he should submit his conversations with the Casperson and Adamini from Lansing regarding the bike path and the grant for the corridor construction to the Planning Commission. Dennis Stachewicz noted these items should be sent to the Township Supervisor and Board for review.

There was no other public comment and public comment was closed.

X. COMMISSIONER COMMENT

Bill Sanders commented on the sub-area plan for the snowmobile trail and asked Dennis if there was any grant money for this type of plan. Dennis commented that this was discussed with the DNR, but because there is already a trail being used there is no interest in looking at an alternate plan. Bill Sanders noted that if the State would be willing to give the township grant monies for a sub-area plan, the township could possibly do this without the DNR's help.

Bill Sanders commented that maybe an information sign could be posted regarding the eagle's nest during the summer months.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Information – Excerpt from *The Township Guide to Planning and Zoning* re: considering rezoning requests.**
- B. Information – *Taking of Property by Eminent Domain***
- C. Information – M.A.P. Training Brochure**
- D. Information – City of Marquette Planning Commission Minutes – 12/20/205 and 1/3/06**
- E. Information – *Planning and Zoning News***

XII. ADJOURNMENT

Bill Sanders adjourned the meeting at 9:42 p.m.

Respectfully submitted:

Estelle DeVooght, Commission Secretary

Ginger Maki, Recording

Charter Township of Chocolay Special Planning Commission Meeting

March 16, 2006

7:00 P.M.

Present: Estelle DeVooght, Bill Sanders, Steve Kinnunen, Ken Tabor, Albert Denton.

Absent: Scott Emerson, Tom Shaw

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Community Development), Tom Murray (Community Development Coordinantor), Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:00.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen motioned, Estelle DeVoogt seconded to approve the agenda. Aye 5, Nay 0.
Motion Carried.

III. PUBLIC COMMENT – None

IV. NEW BUSINESS

A. Presentation- U.S. 41 Corridor Enhancement Project

Dennis Stachewicz reviewed US-41 Corridor Grant Project. He stated that this is a probably a once in a lifetime chance to do a project of this size and it they could coordinate it with the resurfacing work that MDOT has planned for 2009. He said that piggybacking this project with MDOT's work would help keep engineering costs down.

Mr. Stachewicz said that there would most likely be 3 phases of the grant.

1. Extension of the current bike path that would increase walkability
2. Landscaping to improve aesthetics
3. Removal of the current pedestrian overpass and possibly constructing a pedestrian tunnel like the one in Houghton / Hancock

Mr. Stachewicz stated that this work would be directly related to economic development in Chocolay Township in that it would make people want to work and live here. He said that the grant should be submitted by this summer to get the ball rolling.

Mr. Stachewicz and Andy Sikkema discussed the proposed tree plantings along the corridor. He reiterated that the tree plantings shown are not exact, but a good idea of what they would like to see happen. Mr. Sikkema said that this would be done to bring nature and a rural feeling back to the corridor. Mr. Stachewicz said that they would like to create a canopy effect with the trees and that the trees would look welcoming from those traveling from Marquette and that it would also have a traffic calming effect.

Mr. Stachewicz explained that currently there is a bike path along both sides of US- 41, but that there isn't a crosswalk of any sort for pedestrians at M-28, which is something they would want to look into. He said that they would want to pick up the bike path at Silver Creek Road and continue it to at least the Family Dollar. He noted that there is a dirt path there already created by so many people taking that route on their own, so this extension would make the most sense to pursue.

Mr. Stachewicz then explained that the bike path would lead to the U.S. - 41 / Fairbanks Street intersection where the proposed pedestrian tunnel would be constructed. Mr. Stachewicz said that in his professional opinion there is no real use for the current pedestrian bridge that it just isn't used, and it doesn't meet handicap accessible requirements.

Tom Murray said he did some research that leads him to believe that a pedestrian tunnel would be of great help for pedestrians, especially children riding their bikes into Marquette in the summer months, to get to places like the public library. He said that there are 1400-1500 library cards held by Chocoday Twp. residents. Mr. Stachewicz also said that this bike path and pedestrian tunnel would encourage residents to be healthier and get more exercise. Bill Sanders agreed with this thought, saying that they just received the Rec Survey and this is a big part of what people are looking for.

Tom Ruprecht 2333 US – 41 South, asked about what kind of trees would be planted along the corridor. Mr. Stachewicz said that the canopy would be made up of a variety of trees to create a calming, natural effect.

Don Britton, 121 Deerview Trail, said he would like to see lighting along the corridor. Mr. Sikkema explained the difference between illuminate highway lighting and shoebox pedestrian style lighting. Mr. Stachewicz said that too much lighting can be bad and he would like to see it kept on the pedestrian levels. Mr. Stachewicz asked for examples of old lighting fixtures that could possibly be used in this project to keep the old-time rural feeling. Greg Seppanen said that if any lighting were installed, it would have to meet the goals that were set a couple of years ago.

Joe Holman, 210 Riverside Rd, commented that the inner lane of Hwy. 41 is dangerous so everybody drives on the outer lane. Mr. Sikkema responded saying that this problem is being looked into, but it is off the current topic.

Estelle DeVooght commented on the current pedestrian bridge. She agreed that it doesn't serve a current purpose but it is discussed often and nobody ever wants to put up the money to take care of it. Mr. Sikkema said that even though it's not the most convenient it still gives people a chance to cross the highway safely.

Joe Holman, 210 Riverside Rd, said he would like to see a pedestrian crossing that was also a multi-use path for snowmobiles. He said that he would like the township use snowmobiles as an economic boom. Mr. Stachewicz said that this grant is for non-motorized transportation, but snowmobile use is a part of the township's daily work. Mr. Seppanen said he is aware of the current snowmobile issues and those issues are being worked on separate from the topic being discussed.

Dick Arnold, 312 CR 545, asked about putting the proposed pedestrian tunnel where the current bridge is. Mr. Sikkema responded by explaining that the proposed placement is the safest place because building a tunnel can be quite destructive to build.

Joe Holman, 210 Riverside Rd, asked about driveways into businesses and asked if there was a possibility of a turning / deceleration lane. Mr. Sikkema said that they of course would make sure driveways would be easing identified for safety reasons, and Steve Kinnunen said that it was that this was very important. Mr. Stachewicz said that there is limited right of way on Hwy. 41, and they probably wouldn't be able to put in any type of deceleration lanes.

Steve Kinnunen asked if benches along the bike path are a possibility. Somebody said that there are good examples in suburban Chicago and in the Menominee / Marinette area.

Estelle DeVooght asked about the status of the M-28 / US- 41 intersection, if a roundabout or cloverleaf intersection is still being looked at. Mr. Sikkema said that they idea is still being worked on. Mr. Stachewicz said he would like to see a roundabout.

Boyd Snyder, 311 W. Fairbanks, asked about a timeline for this work. Mr. Sikkema explained that it will be tied into the 2009 / 2010 MDOT work, but it's possible that Phase I could start sooner depending on the funding from the grant. He explained that the funding comes from the Federal Gas Tax at 19-cents/ gal and 10% of that goes to non-motorized projects like this one being proposed.

Bill Sanders asked for people to spread the word about this project, and that anyone who wants for info should contact the township. He said any letters of support would be appreciated.

V. PUBLIC COMMENT – None

VI. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:10 p.m.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting April 10, 2006

Present: Estelle DeVooght, Bill Sanders, Ken Tabor, Al Denton

Absent: Tom Shaw, Steve Kinnunen, Scott Emerson

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

Bill Sanders started off meeting by saying that he would like to add The Chocolay River access site and Hiawatha Water Trail as an order of business to this meeting. He also said he also wanted to appoint a vice chair because there currently isn't one.

I. PUBLIC HEARINGS

Bill Sanders advised that a public speaker should give name and address and be kept to three minutes.

A. C.U.P. #75—Hendrickson—Single Family Dwelling in OS District

Dennis Stachewicz reviewed the project with an area map. He also referred the commissioners to memorandum dated 4-6-06 and site plan provided.

George Manosky, 2025 M-28 E, Marquette stated that his property was surveyed and it doesn't match with the site plan in terms of lot depth.

B. Private Road #22—Ward—Quandt Trail

Dennis Stachewicz said that Frank Ward is requesting a private road off of US-41 South. His intent is for the road to serve future residential development. This request is purely for a private road. There would be approximately 1300 ft of road, located in R1 district,

Frank Ward, 1401 Co. Road 545 South, Scandia, said he is the one requesting the private road. He said he has already spent \$6000 dollars in surveying and engineering costs.

C. Rezoning #134—English—Multiple Parcels—RR-2/PL to R-1

Dennis Stachewicz stated that the purpose of this rezoning request is to make the property eligible for a rezoning to a PUD zoning district and Dr. English has offered a condition to the rezoning in writing as part of the rezoning application.

He said if the PUD application was never actually filed, or if it was filed and denied, that the classification of the property would revert back to what it currently is.

Dennis Tryan, 315 Kawbawgam Rd., said that his concern is the water. He said that he already had 2 wells put in on his property. He said that the water is suspect, only about 40 ft deep, and this development would cause even more water problems. He also wanted to know if there would there still be access to snowmobile trails and he asked what would happen with the power line. He reiterated that his biggest concern is the water.

Don Houghton, 311 Kawbawgam Rd., said that he has the same concerns as Dennis Tryan. He asked who was going to pay for the water. And he stated that their wells are going to go dry.

Jan Amundson, 2029 M-28 East, said that they just had to drill a new well. She also stated that McDonald is making a mess. She wanted to know if will there be an

environmental impact study done. She questioned the septic systems and said that she objected to any large developments until an underground water study is done

Marlene Johnson, 1953 M-28 East, Marquette, said that they have lived there for 45 years and have always water problems, so they are against it.

Avery Smith, 279 Kawbawgam Rd., Marquette, said that rezoning 277 Kawbawgam causes concern to him. He said he's only lived there for 1 1/2 years and all this talk of water problems concern him.

Jerry War, 1975 M-28 East, said that he used to have a deep well with bad water and he drilled a new shallower one but it is very acidic. He said he is concerned what even more families in the area would do to the water. He said he also has concerns about the liability of the plan. He said that these will be expensive homes and wonders who will even want to live in them. He said he is also concerned about what will happen with the beachfront property that Dr. English owns. He said that he will channel his concerns in all ways needed.

Mary Keegan, 2033 M-28 East, said she echoes all of the concerns that have already been mentioned. She said that she doesn't want the trails to be hurt and that they help the economy. She said she also wonders how this fits into the Township's master plan.

Patrick E Barnett, 1971 M-28 East, Marquette, read a letter that he wrote and that he previously faxed to the Township. The letter was dated March 27, 2006. The letter asked for the commission to deny attempts to change historical land usage that would trample upon individual property rights.

Mary Pat Linck, 367 Lakewood Lane, said that high density, multi-family project like this doesn't belong in Chocolay Township.

Bill Sanders read a letter aloud, written on March 19, 2006, by Keith and Hwa Sun Weiger and it was to be added to the record. The letter expressed opposition to Dr. English's proposed project.

D. Rezoning #135—Wennerberg—1440 M-28 East—C-3 to C-2

Dennis Stachewicz explained that Rezoning #135 is a request from Jon Wennerberg for the rezoning of an approximately 4.19 acre parcel from C-3 to C-2.

II. MEETING CALLED TO ORDER / ROLL CALL

Bill Sanders closed the public hearing and called the meeting to order at 7:55 p.m.

III. APPROVAL OF MINUTES FROM FEB. 13, 2006 AND MARCH 16, 2006 MEETINGS

Ken Tabor moved, Bill Sanders second, to approve the February 13, 2006 meeting minutes as presented. Ayes 4, Nays 0. Motion Approved.

Estelle DeVooght moved, Bill Sanders second, to approve the March 16, 2006 meeting minutes with corrections made to the grammatical errors discussed. Aye 4, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA /ADDITIONAL ITEMS FOR AGENDA

Bill Sanders said that he would like to add The Chocolay River access site and Hiawatha Water Trail to the agenda and appoint a vice-chair.

Ken Tabor moved, Al Denton second, to approve agenda with additions. Ayes 4, Nays 0. Motion Approved.

V. PUBLIC COMMENT

Don Houghton, 311 Kawbawgam Rd., Marquette, said he would like to make a public comment about concerns that there will be sewage leakage into the limited water that they have.

Jan Amundson, 2029 M-28 East, Marquette, said that density is a concern and that you cannot pile homes on top of each other.

Frank Ward, 1401 Co. Road 545, Skandia, said he has a problem with not being able to cut trees on his own property. He said has a right to maintain timber on his own property and sell it if he wants to.

Mark Maki, 370 Karen Road, said he doesn't know any such law or rule that Frank Ward is talking about. He told Mr. Ward that he can cut his own trees if he wants to. Frank Ward responded to Mr. Maki and said he received a letter from Randy Yelle stating he could not harvest timber. Mr. Maki advised Mr. Ward that he should come and see him about this matter.

VII. NEW BUSINESS

A. HIAWATHA WATER TRAIL ACCESS SITE

Bill Sanders explained the Hiawatha Water Trail along The Lake Superior shoreline.

Dennis Stachewicz said they will be moving forward with this project, though the marina is non-conforming at this point. He said they must ask ZBA for approval, but if it gets the proper status, they can start construction soon.

Nancy Bradbury, 310 W. Wright Pl., Marquette, introduced herself as president of The Hiawatha Water and said she had 7-8 people with her from the trail. She said she wanted to share that will need a significant number of volunteers to make this project happen.

Bill Sanders explained the project a bit more. He said it runs from Big Bay to Grand Marais and that they need a site for users to rest and use at their leisure. There was a question about where it would be located. Mr. Sanders said it will be near current boat launch.

Dennis Stachewicz said that anyone can come by to see him or Tom Murray regarding questions with The Hiawatha Trail Project. He said they are looking at work on a boardwalk, a storage locker to hold 4 kayaks, and a possible overnight campsite.

B. ELECTION OF VICE-CHAIR

Bill Sanders said that the commission needs to appoint a vice chair because there isn't currently one.

Bill Sanders moved, Ken Tabor second, to elect Al Denton as Vice-Chair. No further discussion was held. Ayes 4, Nays 0. Motioned Approved.

C. CONSIDERATION—C.U.P. #75—HENDRICKSON—SINGLE FAMILY DWELLING IN OS DISTRICT

Al Denton stated that everything looks satisfactory.

Al Denton moved, Ken Tabor second, that after review of the Conditional Use request #75, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, sections 213, 401.D, and 701 of the Zoning Ordinance, the site plan and application provided, and subsequently finding compliance with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #75 with the following conditions (in case this case the word “applicant means Jill Hendrickson):

1. The applicant shall obtain Marquette County Health Department review and approval of well and septic considerations in the form of a site evaluation; and
2. The applicant is required to obtain MDEQ approval if necessary; and
3. A zoning compliance permit shall not be issued until the above conditions have been met.

Ayes 4, Nays 0. Motion Approved.

B. CONSIDERATION—PRIVATE ROAD # 22--WARD --QUANDT TRAIL

Frank Ward said he wouldn't have spent \$6000.00 if he thought his request wouldn't have been approved. He said that he doesn't see why it is necessary for him to spend this money before the road is approved. He said there are major surveying and engineering costs involved and he asked for an explanation.

Bill Sanders responded and said there are requirements that must be met for a private road and it is the owner's responsibility to take care of them. Mr. Sanders said these requirements are not unusual and they are very comparable to other jurisdictions. He added that it is a part of the ordinance and that all private roads that come through the Township have to meet the same conditions.

Dennis Stachewicz said that the applicant has met standards required for the private road, however, the Marquette County Health Department has asked for the condition that it is reviewed and approved by them. Mr. Stachewicz said that this isn't odd and has been done before.

Frank Ward commented that he is a builder and a plumber, amongst other things. He said that he has to go to the health department regardless, so he doesn't understand why there should be further restrictions put on him. He said he is already behind by one month because of cancellations of meetings.

Mr. Stachewicz said he believed that this could be taken care of pretty quickly.

Ken Tabor moved, Al Denton second, that after review of Private Road Request #22; the standards of Section 402.D of Ordinance 34; Section 401.D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions (in this case the word "applicant" means Francis Ward):

1. The applicant shall allow access to Township vehicles as well as other public/private utility companies to provide services; and
2. A covenant shall be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed; and
3. The applicant pay for and install a road sign identifying the private road as "Quandt Trail" at the intersection with US-41 and the applicant is to pay for and install a stop sign at the same intersection; and
4. The applicant shall obtain a driveway permit from the Michigan Department of Transportation; and
5. The applicant is required to provide certification from a surveyor/engineer that the private road standards of the Zoning Ordinance have been achieved at the conclusion of construction; and
6. The applicant shall comply with the conditions and requirements of all other agency regulations; and
7. The applicant shall obtain Marquette County Health Department review and approval of well and septic considerations in the form of a site evaluation for the proposed lots prior to road construction; and
8. A zoning compliance permit shall not be issued until all of the above conditions are met; and

9. Land Division Approval is required from the Assessor for the creation of individual parcels off from the road and may require the modification of the lots as shown.

Ayes 4, Nays 0. Motion Approved.

C. CONSIDERATION—REZONING #134—ENGLISH—MULTIPLE PARCELS— RR-2/PL TO R-1

Surveyor, Glenn Van Neste said that he has heard a lot of valid concerns tonight, but ultimately, this is private property being developed. He said that three - Type 3 wells have been drilled, and that one Type 3 well can support up to 10 houses. He said the water is sufficient and treatable. He said that Dr. English's lake property has nothing to do with the plan in question. It was stated that this will be a "cluster" type development and will end up being more than 1 acre per house. Mr. Van Neste said that he understand that they will have to meet County Health Department requirements on both the well and septic issues.

Bill Sanders stated that the soil in this area is very porous and there is concern about density and concerns about getting nitrates in the water. Glenn Van Neste said that this wasn't really a concern here. Ken Tabor asked how deep type 3 wells are. It was answered that they are over 100 feet deep.

Bill Sanders asked current zoning. Dennis Stachewicz said it is Rural Residential Number Two. Mr. Sanders asked about density. Dennis said it would hold about 7 homes as currently zoned.

Dennis Stachewicz said that he believed that the PUD process is the only way to achieve the recommendations in the Comprehensive Plan until the Zoning Ordinance has been updated.

Bill Sanders asked Glenn Van Neste if he would feel burdened by answering the citizen's concerns and questions. Glenn answered "no," because they have to do it for the County Health Department anyway.

Jim Clark, Project Manager, reviewed concerns. He said that a type three well is required to be at least 100 ft deep and an isolation barrier is required so there will not be mixing. Mr. Clark also said that there are strict State and County standards and as far as power lines go, no existing ones will be affected and all new ones will be underground. He said there will be no jurisdiction over the snowmobile trail and the main traffic access will be on M-28.

Mr. Clark said the beachfront property on M-28, Dr. English's 2nd home, is not included on this development. He explained that there will be single-family homes, owned as condominiums, but there may be one area where there will be a duplex or two. The required open spaces will be considered conservation area and those areas will never be developed on.

There was discussion about the definition of "immediate near future." Dennis Stachewicz advised the Planning Commission that they could not alter the condition presented by Dr. English, however, they could ask for a definition of "immediate near future."

Dr. English commented that cancelled meetings have caused delays in his project.

Further discussion of "immediate near future" take place and Glenn Van Neste said he that to him it mean nothing less than two years, because the PUD process takes time.

Al Denton Moved, Bill Sanders Seconded, that following the review of Rezoning Request #134, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #134 with the condition offered by the applicant in writing that clearly states *"Upon favorable zoning change, the applicant will submit a PUD application in the immediate near future"*

for development of a cluster design residential housing community with an emphasis on outdoor recreation/conservation living attributes,” for the following reason:

1. The rezoning is an attempt by the property owner to work with the Planning Commission and Township Board to achieve the recommendations for rural residential land use as recommended in the Township Comprehensive Plan.

Ayes 4, Nays 0. Motioned Approved.

D. CONSIDERATION—REZONING #135—WENNERBERG—1440 M-28 EAST—C-3 TO C-2

Jon Wennerberg, 509 Dukes Rd – Skandia, stated that he runs Star Industries and is wishing to rezone property located at 1440 M-28 East from C-3 to C-2. He says that it is in the back of mind that he wants to develop to a lodging facility there.

Dennis Stachewicz said he has already discussed the issue of waste disposal with Mr. Wennerberg and said the DEQ will probably get involved. Mr. Stachewicz said that if a large lodging facility was built, it may need alternate sewage treatment other than a septic system.

Mr. Stachewicz said that this is a reasonable request for a C-2 and that it will actually provide a buffer to the residential area.

Mr. Wennerberg said that he talked to a consulting engineering firm who said that a septic mound system concept is becoming common around here and that the Jack Pine trees would hide it. He said he also owns property East of his current building where he could put the mound system.

Ken Tabor moved, Al Denton second, that following the review of Rezoning Request #135, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #135 for the following reasons:

1. The rezoning is consistent with the Township Comprehensive Plan; and
2. The rezoning will allow the parcel involved to act as a “buffer” or transition area that will prevent the encroachment of industrial activity on an established residential area located on the North side of M-28.

Ayes 4, Nays 0. Motion Approved.

Bill Sanders asked if this will now go to the County Planning Commission. Dennis Stachewicz said that both Rezoning requests will go to the County Planning Commission.

E. CONSIDERATION—VACATION OF ALLEY BETWEEN FAIRBANKS AND MAIN STREETS

Al Denton moved, Ken Tabor second, that the Charter Township of Chocolay Planning Commission recommends that the Township Board send a letter to the Marquette County Road Commission supporting the abandonment of the 20’ alley in block 3 of the Plat of the Village of Harvey.

Dennis Stachewicz said that this is pretty common and there is often trouble getting clear titles to homes because of these alleys that only exist on paper. He said that these alleys are a part of the original plat that never got built.

Ayes 4, Nays 0. Motion Approved

F. CONSIDERATION—SPRINGWOOD ESTATES SITE CONDOMINIUM—FINAL PLAN

Mr. Stachewicz said that he has received documents of final plan and that he has received a master deed that is good to go, but the final site plan needs it in a specific form listed by the condominium act. He said he recommends that it is approved but it has to be put in final form before it goes to the Township board. He also said that they do already have County Health Department approval

Glenn Van Neste explained the map in question to the board in detail. He said there will be a 66 ft road that will go out to M-28. Mr. Stachewicz said it is best to remember that the road is an easement and not a right of way.

Mr. Sanders said he agreed with Mr. Stachewicz that the plan is good for their purposes. Glenn said the Condominium Act does allow for them to combine their plans and it will probably end up being a three sheet plan in the end.

Ken Tabor moved, Al Denton second, that the Charter Township of Chocolay Planning Commission approves the final site plan for the Springwood with the following conditions:

1. The Master Deed be amended to address the concerns of the Township Attorney and incorporate the conditions of approval given by the Township Board and Marquette County Health Department;
2. The final site plan be compiled in the form required by Section #66 of the Condominium Act and address any conditions of the Planning Commission; and
3. The above two conditions shall be met prior to presenting the final site plan to the Township Board.

Ayes 4, Nays 0. Motioned Approved.

G. CONSIDERATION—REVIEW OF PROPOSALS FOR ZONING ORDINANCE UPDATE

Bill Sanders that he must step down due to a conflict of interest and remove himself from discussion. Dennis Stachewicz suggested that it be tabled since that will leave the Planning Commission without quorum.

Al Denton moved, Ken Tabor second, that consideration for review of proposals regarding the Zoning Ordinance Update be tabled until the next meeting.

Ayes 4, Nays 0. Motion Approved.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz advised that he needs the large site plans back.

Mr. Stachewicz reminded the Planning Commission that the terms of Bill Sanders and Steve Kinnunen expire at the end of next month. He asked that they take some time to let him know if they are interested in being re-appointed.

Mr. Stachewicz discussed the GIS system, how efficient it is, and what a big time saver it is for the Township staff. He said he hopes that all Township personnel will learn to do it eventually. He said they have it on a trial program right now and will ask the board for money to purchase it. He asked for support.

Mr. Stachewicz said that the possible snowmobile business spurt will continue to be discussed and should be on the agenda for the next meeting.

Mr. Stachewicz said that money is budgeting for training if any of the commission members are interested. He also reminded that the MTA district meetings are coming up on May 18th and they should see him to register.

Bill Sanders asked if the County Health Department compiles data in the GIS database. Dennis said he is not sure, but a lot of data can be downloaded from State of Michigan website.

IX. PUBLIC COMMENT

George Manosky said the GIS is probably the best tool he has seen in the township in 16 years, and that in his opinion it would pay for itself in a year.

Ron Johnson asked if the bike path on Kawbawgam Road was going to be blacktopped. He said he read an article in the Mining Journal that indicated it was. Mr. Stachewicz said the DNR has applied for a grant for crushed limestone along snowmobile trail to walk and ride bikes. He said that it probably wouldn't be blacktop because that could be torn up by motorized traffic in the winter.

X. COMMISSIONER COMMENT

Al Denton reported ZBA information. He said that an appeal must now be made within 21 days of decision. He said this will speed up the appeals process.

He said there was a mistake made by the Zoning Administrator regarding the bank on US-41 but the ZBA corrected it and it is no big deal.

He also updated that 320 Shot Point was denied, and the Class A non conforming designation was rescinded.

George Manosky said he had one last comment. He said he asked for a response about a survey, but hasn't received one yet. Mr. Stachewicz said that the issue is with the depth of the lot, and as long as Ms. Hendrickson meets set backs, it shouldn't be an issue.

XI. ADJOURNMENT

Meeting adjourned at 9:40 pm

Estelle DeVooght, Commission Secretary
Secretary

Rebecca Stachewicz, Recording
Secretary

Charter Township of Chocolay Planning Commission Meeting

May 8, 2006

7:00 P.M.

Present: Steve Kinnunen, Bill Sanders, Al Denton, Scott Emerson, Tom Shaw, and Estelle DeVooght

Absent: Ken Tabor

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Bill Sanders called meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE APRIL 10, 2006 MEETING

Al Denton moved, Bill Sanders second, to approve the minutes as presented. Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

ORV trail discussion was added to the agenda under New Business.

Scott Emerson motioned, Bill Sanders second, to approve agenda with new addition. Ayes 6, Nays 0. Motion approved.

IV. PUBLIC COMMENT

None.

V. OLD BUSINESS

A. Consideration—Review of Proposals for Zoning Ordinance Update

Bill Sanders stepped down (conflict of interest) and Al Denton took over as chair.

U.P. Engineers & Architects, Tri-Media Consultants, and STS Consultants all submitted proposals. Dennis Stachewicz said it was stated in the RFP that interviews would be held of selected firms.

Al Denton recommended eliminating one of the choices and interviewing two candidates. Discussion was held and STS was eliminated due to their high asking price.

Tom Shaw moved, Scott Emerson second, to eliminate STS and interview U.P. Engineers & Architects and Tri-Media Consultants. Ayes 6, Nays 0. Motion Approved.

Special meeting for interviews will be on 7:30 pm May 17, 2006. Bill Sanders returned as chair.

B. Consideration—Recommend Re-appointments to Planning Commission

Bill Sanders stated that he would not like to be reappointed. Steve Kinnunen said he enjoys being involved with the Planning Commission and asked to be re-appointed.

Dennis Stachewicz said they have only one application on file from Andy Smith of Smith Paving in the case that a vacancy would occur. Scott Emerson said that Joe Holman is also interested.

Estelle DeVooght said that they want to make sure they get someone who can come to all of the meetings.

Scott Emerson moved, Al Denton second, to allow the Director of Planning and Community Development to write a letter of support on behalf of the Planning Commission asking for the re-appointment of Steve Kinnunen and present the letter the Township Supervisor.

Aye 6, Nays 0. Motion approved.

VI. NEW BUSINESS

A. Discussion—Informal PUD Discussion—Faith Assembly of God

Dennis Stachewicz explained that Chocolay Township was approached by Pastor Kevin Taylor regarding the potential for a rezoning to PUD at the property owned by the Silver Creek Church (formerly know as Faith Assembly of God), located at 1510 M-28 East.

Troy Koepp, 1729 M-28 East, said he is looking to purchase the property at 1510 M-28 East and develop it as a personal residence and two businesses. One business would be an electronics installation and the other would be the sale of used cars. He said he didn't think there would be a big disruption to the public. He also said the approximate hours of operation would be 9:00 a.m. to 7:00 p.m. and that they are there looking for ideas on what they would have to do to proceed and what to expect in the process.

Mr. Koepp stated that there would not be any vehicle repairs made on the premises, only car sales. He said that there is approximately 1,600 square feet of living space on site and he would also live there, allowing him to watch over the property.

Al Denton stated that their obligation is to the residents and doesn't want to hurt property values. He said he had concerns about chemicals and garage activities that could hurt residents.

Dennis Stachewicz said that this is a vacant piece of property and if there is a creative way to redevelop through PUD with reasonable controls then that should be weighed against having a vacant building that could fall into disrepair. He also said that the property owners must understand that there may be conditions put on them requiring them to do things outside of their business plan.

Mr. Koepp approximated he would have 20-25 cars in their lot for sale at a time. Pastor Kevin Taylor said that there 86 parking spaces in the lot.

Lighting and security issues were discussed between commissioners and business owner and the business owners were advised to get the neighbors involved early in the process.

B. Discussion—Zoning District Classifications of Township Owned Property

Dennis Stachewicz said that the ZBA had to get involved in a decision, due to project timing, regarding the water trail access site because the property was not properly zoned. He said that it would be more appropriate to properly zone Township owned property in accordance with the Comprehensive Plan and the Recreation Plan.

Steve Kinnunen moved, Bill Sanders seconded, that the Charter Township of Chocolay Planning Commission recommends that the Township Board consider allowing the Planning Commission to author a Text Amendment to address the location of "Marinas" on properties zoned as Public Lands and also consider submitting an application for rezoning of the Township owned parcel known as the "Marina" to rezone the property from R-1 to PL.

C. Discussion—Snowmobile Business Route

Dennis Stachewicz gave a history of several attempts to develop a business route for snowmobiles. He said a group of citizens are pushing for alternate route that would alleviate problems along the current trail and also bring snowmobiles into the business district. He said that the Township has met with elected officials and department heads from State agencies to discuss this matter and their recommended alternative is the one being presented at the meeting.

Mr. Stachewicz said outlined the details of the proposed route on the map that was provided to the Planning Commission. He also outlined the concerns with such a proposal. He also said the main safety concern would be trail development North of US - 41 and M-28, especially if it became a two-way trail.

Scott Emerson talked about having a two-way trail and said that it wouldn't be a high velocity trail so there would be little chance of a serious accident. Mr. Stachewicz said it was State law that a two-way trail must be 16 feet off of the pavement and must be twelve feet wide if the trail is to be groomed.

Bill Sanders explained that MDOT has rigid regulations and standards that are hard to get around.

Further discussion entailed trail design issues, the speed limit on US - 41 and the caution that should be taken so as to not affect the enhancement grant application that has already been submitted.

Mr. Stachewicz said it would be easiest to follow through on this business district trail if they go with what is being presented. He said this option has been recommended by all of the State agencies involved with funding and approval. He said if they try to change it to a two-way trail north of US-41 and M-28, it would require special legislation. He explained right now this is just a concept and

Scott Emerson said he supported taking this concept and it was the consensus of the Planning Commission to have Mr. Stachewicz write a letter to the Township Supervisor indicating their support for the concept presented at the meeting.

D. Discussion-- ORV use on snowmobile trail

Scott Emerson said the trail is being used illegally by ORV's and that something needs to be done about the illegal use. He recommended that the DNR get involved and help with enforcement and design of structures to prevent motorized use in the non-winter months.

The design of the structure located at the Carp River bridge in Marquette was discussed. It keeps out motor vehicle traffic, but allows bikes and walking traffic.

Scott Emerson said he would like to talk with a representative from the DNR about the ORV issue. Dennis said he would work on it. It was the consensus of the Planning Commission to have Mr. Stachewicz write a letter to the Township Board notifying them of the problem occurring with the ORV use on the railroad grade.

VII. PLANNING DIRECTOR'S REPORT

None.

VIII. PUBLIC COMMENT

None.

IX. COMMISSIONER COMMENT

The processes of the Frank Ward and Dr. English projects were discussed. Estelle DeVooght expressed her frustrations with the processes.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Information—MTA Publication: *The 2006 Michigan Zoning Enabling Act*

B. Information—*Planning and Zoning News*

XI. ADJOURNMENT

Meeting adjourned at 9:15 p.m.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Special Planning Commission Meeting

Wednesday, May 17, 2006

7:30 P.M.

Present: Al Denton, Tom Shaw, Estelle DeVooght, and Ken Tabor

Absent: Steven Kinnunen and Scott Emerson

Staff: Dennis Stachewicz (Director of Planning and Community Development) and
Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:38 p.m.

II. PUBLIC COMMENT

No public present.

III. NEW BUSINESS

A. Presentation and Interview – TriMedia Consultants

Lisa Coombs - Gerou, Principal Planner with Tri Media Consultants presented Zoning Ordinance Update proposal; Justin Rosky, GIS Specialist and Dave St. Onge were also in attendance.

Al Denton asked if they would be able to stay within budget. Mrs. Coombs – Gerou said they would base their fees upon the tasks listed in their proposal. Al Denton asked why they were involving the Zoning Board of Appeals (ZBA) in the process as he understood the ZBA is a quasi-judicial board and usually is not involved in drafting ordinances. Mrs. Coombs – Gerou said she believed the ZBA has information pertaining to variances that could be used during the project.

B. Presentation and Interview—U.P. Engineers and Architects

Pat Coleman with U.P. Engineers and Architects (UPEA) presented Zoning Ordinance Update proposal.

Al Denton asked if they would be able to stay within the budgeted amount. Mr. Coleman said they would follow the hours allocation in the written proposal and did not anticipate any increase in fees.

Al Denton asked if UPEA would get involved with the ZBA. Mr. Coleman said that he felt that variance information could be received from staff and his firm would dissect that information and recommend any changes. He said the ZBA has a unique role and it was best not to involve them in the process.

C. Consideration—Develop Recommendation to Township Board Re: Consulting Firm for Zoning Ordinance Update

Commissioners discussed that both presentations were good and that they were equal in price. Commissioners came to a consensus that UPEA would provide the best service to the Township because they had a better understanding of the details involved with the project.

Al Denton moved, Ken Tabor second, to recommend UPEA to the Township Board that U.P. Engineers and Architects do the update of the Chocolay Township Zoning Ordinance.

Ayes 4, Nays 0. Motion approved.

IV. PUBLIC COMMENT

No public present.

V. ADJOURNMENT

Meeting adjourned at 8:43 pm.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

**Charter Township of Chocolay
Planning Commission Meeting**

MONDAY, JUNE 12, 2006

7:30 P.M.

Present: Al Denton, Tom Shaw, Estelle DeVooght, and Ken Tabor

Absent: Steve Kinnunen and Scott Emerson

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:33 p.m.

II. APPROVAL OF THE MINUTES OF THE MAY 8, 2006 AND MAY 17, 2006 MEETINGS

Ken Tabor moved, Tom Shaw second to accept minutes. Ayes: 4, Nays: 0. Motion carried.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Estelle DeVooght moved, Al Denton second to accept agenda. Ayes: 4, Nays: 0. Motion carried.

IV. PUBLIC COMMENT

Ron Yesney, MDNR gave update on snowmobile trail. He said the staff in Lansing didn't go for moving the trail, and it will stay where it is now within the railroad grade. He said that they are still in the engineering phase of project. He said that there is a lawsuit in process, which some landowners are claiming ownership of the grade, and it will hold up the process of the resurfacing.

He explained that once engineering is done, the DNR will apply for construction, which will probably happen sometime in 2007.

Al Denton asked if there was anything the Township could do to help at this time. Mr. Yesney said the Township has been of great help already, but nothing more can be done at this time.

Estelle DeVooght inquired about the lawsuit. Mr. Yesney explained that if the lawsuit is successful, the snowmobile trail would not exist at all.

Mrs. DeVooght asked about the costs of engineering. She said it did not make sense to have it re-engineered when the trail already exists. Mr. Yesney said that they have no control over that, but they can fix any bad or unsafe spots in the engineering process. He said an in-house engineer will probably do the project, so costs shouldn't be that high

V. OLD BUSINESS

None.

VI. NEW BUSINESS

A. Consideration—Annual Election of Officers

Dennis Stachewicz said that Mr. Dennis Magadanz will be recommended for appointment to the Commission to fill the current vacancy and Steve Kinnunen will be recommended for re-appointment.

Estelle DeVooght moved, Ken Tabor second that Al Denton serve as Chairperson.

Ayes: 4, Nays:0. Motion carried.

Al Denton moved, Ken Tabor second for that Tom Shaw serve as Vice Chairperson.
Ayes: 4, Nays: 0. Motion carried.

Al Denton moved, Tom Shaw second that Estelle DeVooght remain as Secretary.
Ayes: 4, Nays: 0. Motion carried.

Estelle DeVooght moved, Al Denton second that Steve Kinnunen serve as Vice Secretary.
Ayes: 4, Nays: 0. Motion carried.

B. Consideration—Chocolay Condominiums Preliminary Site Plan

Dennis Stachewicz presented the preliminary site plan for the Chocolay Condominiums, a site condominium project. He said the parcel was recently rezoned from a combination of R-1 and C-2 to R-3 to support multiple family development at this site.

Mr. Stachewicz went over some points to be addressed including:

- A proposed pavilion
- Aisle width for two-way traffic in off-street parking areas
- Proposed connection to the storm sewer
- The connections to the Township sewer system are not shown on the site plan
- Proposed lighting
- Screening of the dumpster

Richard Uren, project architect presented the project to the commission. He explained that they want the condominium units to look more like townhouses than apartments.

Al Denton recommended that the driveways extended to 24 ft. (instead of 18 ft) for access for emergency vehicles, trash pickup, moving vans, and other large vehicles.

Mr. Uren described the pavilion as a “permanent screened porch” that was considered to be a structure that is associated with the dock. He also stated that any lighting would be for normal, residential home lighting purposes.

Estelle DeVooght asked about ownership of the homes. Mr. Uren explained that there will be an association that owns the grounds, but each unit will be held individually.

Tom Shaw questioned if everyone would want to start putting a pavilion on the water. Mr. Stachewicz said that it was a staff concern that a precedent may be set by allowing a pavilion as an associated structure.

The interpretation of Section 403 of the Zoning Ordinance (waterfront setback) was discussed by the Planning Commission and it was determined that the proposed pavilion met the intent of Section 403 of the Zoning Ordinance.

Tom Shaw asked whether or not it would be safer to have a driveway on US-41 rather than Main Street. Mr. Stachewicz said the US-41/M-28 Corridor Plan encourages driveways to be located off the trunkline.

Ken Tabor moved, Estelle DeVooght second that the Planning Commission recommends approval of the preliminary site plan for the proposed Chocolay Condominium and forwards in the Township Board with the following recommended conditions:

1. That the development comply with the submittal requirements of Sections 525 and 503 of Zoning Ordinance 34, and Condominium Act 59 for the Final Condominium Plans; and
2. Approval is required from the agency with jurisdiction over the storm sewer located on Main Street before a connection can be established.

Ayes: 4, Nays: 0. Motion Carried.

C. Discussion—Superior Pines Development Informal PUD Discussion

Dr. English read a letter addressed to Greg Seppanen, Township Supervisor, concerning Hwy BAA. He gave copy of the Site Plan to commission and explained that the Marquette County Road Commission is requiring a temporary cul-de-sac. He said that per discussion with his development team and Township staff, a “T” turn around may be more appropriate.

Mr. Stachewicz said a “T” turn around would be a better option to ensure road connectivity in the future and he cautioned that a temporary cul-de-sac could easily turn into a permanent one if the development faltered.

Dr. English asked for a letter of support to be written to the Township Board from the Planning Commission.

Tom Shaw moved, Al Denton second to a send letter the Township Board supporting the T-turnaround instead of a cul-de-sac at the southernmost point of County Road BAA in the proposed Superior Pines development.

Ayes: 4, Nays: 0. Motion carried.

Consideration—2005 Annual Report

Al Denton said that Dennis Stachewicz did a very good job with this.

Tom Shaw moved, Ken Tabor second, to authorize the Director of Planning and Community Development to distribute the Year 2005 (Annual) Report to the Township Board.

Ayes: 4, Nays: 0. Motion carried.

D. Consideration—Letter Of Recognition for Bill Sanders

Al Denton presented a letter of recognition written by Dennis Stachewicz to Bill Sanders on behalf of the Planning Commission.

VII. PLANNING DIRECTOR’S REPORT

Mr. Stachewicz said that they are expecting an application for PUD from Dr. English within the next 90 days.

VIII. PUBLIC COMMENT

None.

IX. COMMISSIONER COMMENT

None.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Information—Marquette Township Planning Commission Minutes-3/22/06

B. Information—City of Marquette Planning Commission Minutes-4/25/06

XI. ADJOURNMENT

Meeting adjourned at 8:30 pm

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

MONDAY, JULY 10, 2006

7:30 P.M.

Present: Albert Denton, Dennis Magadanz, Estelle DeVooght, Tom Shaw, Ken Tabor, and Scott Emerson

Absent: Steve Kinnunen

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE JUNE 12, 2006 MEETING

Estelle DeVooght moved to approve, Tom Shaw second. Ayes 6, Nays 0. Motion carried.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Scott Emerson moved to approve, Dennis Magadanz second. Ayes 6, Nays 0. Motion carried.

IV. PUBLIC COMMENT

Ron Yesney, Michigan Department of Natural Resources (MDNR) stated he was there to answer any questions.

V. OLD BUSINESS

A. Discussion-MDOT Corridor Grant Project—Snowmobile Business Loop

Don Britton stated that this is an excellent opportunity to get a snowmobile trail and bike path, and it will make the trail accessible to all types of recreation. In the summer it would be a non-motorized trail. He recommended proceeding.

Dennis Stachewicz reviewed the background of the project. He said it started as a way to create a business spur and that a funding opportunity has been presented through the MDNR, with Chocolay Township and MDOT matching funds. Mr. Stachewicz stated that himself, Greg Seppanen, Don Britton, and Andy Sikkema have met to look at options regarding combining their two current grant projects (this one and the corridor grant) into one. He said that combining the two grants would keep them from having to choose one over the other.

Mr. Stachewicz asked that the Planning Commission to make a list of pros and cons enabling decisions to be made easier down the line. He said a joint meeting with the Township Board later in the summer is recommended.

Estelle DeVooght asked if the residents on M-28 are aware of this proposal. Mr. Stachewicz said that a notice would be sent as an invitation to the public meeting, along with a posted notice in the Mining Journal.

Al Denton asked about crossroads and driveways. Mr. Stachewicz said there are about 12 total with the South side of M-28 having fewer. Mr. Stachewicz showed a map of the area and the driveway crossings were discussed.

Tom Shaw stated that the makeshift dirt trail (on the South side of M-28) has been used for many years and continuing to use that same path would be least disruptive to the current residents and the church.

Scott Emerson asked that the two-way trail option be left open for discussion in the future. He stated that motorized recreation is bad for society, but he does believe this trail can be used for summer recreation. He stated that he thinks this trail will be good to alleviate snowmobile pressure in other areas and it will help the commercial businesses and economic development in Chocolay Township.

The right-of-way on Hwy 41 was discussed. Mr. Emerson thought that some of the businesses might give up some of their property to the right-of-way for the snowmobiles if they saw the chance for economic development. Mr. Stachewicz explained that there is limited right-of-way and the Township Board would then have to consider purchasing property in order to accommodate a trail.

Mr. Denton said it appears that the Planning Commission is in favor of a snowmobile trail on the South side of M-28 as a business spur into Chocolay Township using the Togo's property, the Hotel Property, and using it as a bike path in the summer months.

Scott Emerson again asked that the two-way trail option be left open in the future. Mr. Stachewicz said MDOT has been firm on stating they won't agree to any 2-way trail. Mr. Emerson stated that is "for now" and said might be open for discussion sometime in the future.

The Planning Commission agreed that the proposed frontage sheet should be written into the grant request if possible as it would accomplish some of the goals from previous planning efforts.

Monday, July 31 at 7:00 p.m. was suggested as a proposed meeting time for a joint Planning Commission and Township Board meeting.

VI. NEW BUSINESS

None

VII. PLANNING DIRECTOR'S REPORT

Dennis Stachewicz said that there are three public hearings next month including the rezoning of the Township Marina, a text amendment to address marinas in the Public Lands Zoning District, and a PUD for old Faith Assembly of God Church.

He also stated that the Township Board approved the contract with U.P. Engineers and Architects and he hopes to have them attend the next Planning Commission meeting to kick off the project

VIII. PUBLIC COMMENT

None.

IX. COMMISSIONER COMMENT

Mr. Denton welcomed Denny Magadanz to the commission..

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Information-Marquette Township Planning Commission Minutes – 4/12/06, 4/2/06, 5/10/06, 5/25/06 and 6/07/06

XI. ADJOURNMENT

Meeting adjourned at 8:15 pm

**Charter Township of Chocolay
Planning Commission Meeting**

MONDAY, AUGUST 14, 2006

7:30 P.M.

Present: Steve Kinnunen, Al Denton, Scott Emerson, Tom Shaw, Estelle DeVooght, Dennis Magadanz, and Ken Tabor

Absent: Tom Shaw

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. PUBLIC HEARINGS

A. Rezoning #138 – Text Amendment – Marinas in PL District
No public comments made.

B. Rezoning #136 – Chocolay Township – R-1 to PL
No public comments made.

C. Conditional Use #76 – Gentz – Golf Course Expansion
Randy Gentz stated he was present to answer any questions.

II. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:35 p.m.

III. APPROVAL OF THE MINUTES OF THE APRIL 10, 2006 MEETING

Scott Emerson moved, Dennis Magadanz second, to approve the minutes of the April 10, 2006 meeting as presented. Ayes 6, Nays 0. Motion carried.

IV. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Scott Emerson moved, Ken Tabor second, to approve as presented. Ayes 6, Nays 0. Motion carried.

V. PUBLIC COMMENT

No public comment.

VI. OLD BUSINESS

No old business.

VII. NEW BUSINESS

A. Consider – Rezoning #138

Dennis Stachewicz said the text amendment would add “marinas” as a permitted principle use in the Public Lands Zoning District. He said the Marina was identified as a non-conforming use. He also said that since the Comprehensive Plan and Recreation Plan support development of the Marina, the Township should take the appropriate steps to bring the use into conformity.

Mr. Emerson said he had concerns regarding noise, parties, music, campfires and such.

Fran Wallace said he lives next door and has had to call the police a few times already in the past and will continue to so if there are problems. He is concerned about boats and canoes on his property. He also is concerned about accesses in and out from his land.

Scott Emerson moved, Steve Kinnunen second, that following the review of Rezoning Request #138, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #138 for a text amendment to Zoning Ordinance #34 under Section 204 PUBLIC LANDS ZONING DISTRICT to amend the PERMITTED PRINCIPLE USES by adding “Marinas.”

Ayes 6, Nays 0. Motion carried.

B. Consider – Rezoning #136

This is a request by Chocolay Township for the rezoning of an approximately 3.58 acre parcel from R-1 to PL. This property is more commonly known at 137 W. Main Street.

Dennis Stachewicz went over map for the public and restated the reasons for the rezoning request and previous text amendment.

Steve Kinnunen moved, Scott Tabor second, that following the review of Rezoning Request #136, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #136 for the following reason:

1. The rezoning is consistent with the Township Comprehensive Plan and Recreation Plan.

Ayes 6, Nays 0. Motion carried.

C. Consider- Conditional Use #76

Gentz, Inc. has requested Planning Commission review of a Conditional Use to expand their golf course located at 353 Gentz Road in Chocolay Township.

Dennis Stachewicz said his biggest concerns are water testing and setbacks on the northern boundary of the site plan. Mr. Stachewicz recommended that an additional monitoring well be installed at the NW corner of the property near the greens for Holes #14 and Holes #16.

Mr. Stachewicz also said he spoke with the Marquette County Health Department and they did not have any concerns about the water usage. He advised that the primary concern is related to nitrates leaching into the groundwater.

Location of current wells and possible placement of new wells were discussed. Mr. Stachewicz said he did not see any use for the current well in the center of the property and he recommended that it be removed in lieu of another well at a more appropriate location.

Ken Tabor moved, Scott Emerson second, that after review of Conditional use request #76, the Staff/File Review – Site Data and Analysis, Sections 208, and 701 of the Zoning Ordinance, the site plan and application provided, and subsequently finding compliance with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #76 as an amendment to Conditional Use #19 with the follow conditions (in the case the word “applicant” means Gentz, Inc):

1. Conditions #1, 2, and 3 required for the previous amendment to Conditional Use #19 (approved on June 1, 1998) shall be required as a condition of this approval; and
2. The applicant shall revise the placement of the cart path and tee for Hole #14 so that it meets the requirements of the Zoning Ordinance; and
3. The clubhouse and cart storage shown as part of “Phase II” are not included in this approval as they have already been constructed; and
4. An additional monitoring well shall be installed at the northwest corner of the property near the putting greens for Holes #14 and #16 as shown on the site plan and an additional monitoring well shall be installed as the southeast corner of the previously built nine hole course, and removal of the clubhouse well; and
5. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator prior to the start of construction; and

6. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal, State, and Local Agencies are acquired.

Ayes 6, Nays 0. Motion Carried.

D. Presentation- U.P Engineers and Architects – Zoning Ordinance Update

Pat Coleman, U.P. Engineers and Architects, said he is there to talk about the process of the project. He said the current schedule would require a meeting in October to start drafting the new ordinance language and then another meeting in January to formalize the draft. Mr. Coleman said his firm will hopefully get a new ordinance in front of the Township Board and approved in March, which would be right on schedule.

Mr. Coleman went over the zoning and recreational use concerns from the Chocolay Township Comprehensive Plan from 2005.

Proposed industrial activity on M-28 was discussed. Mr. Coleman and Mr. Stachewicz agreed that industrial opportunities should be looked at closer in this process.

Mr. Coleman presented a zoning map to the Planning Commission and discussed property ownership lines.

Mr. Coleman asked about other issues of concern. Mr. Denton said he is concerned about outside wood-burning units and would like that to be looked at closely. It was the consensus of the Planning Commission that lighting and private roads were other areas of concerns to be addressed. Steve Kinnunen said that they really try to be proactive and stop problems before they arise. He also said that it is important for them to be prepared to deal with residential developments coming into Chocolay Township. Scott Emerson said snowmobile issues should be addressed. Estelle Devooght asked to be brought up to date on eminent domain and how to protect certain areas within the Township.

Randy Gentz said that this project seems very good for the Township and like the way it is moving along.

Mr. Coleman said he would plan on coming back to a meeting in October.

E. Consider – Letters of Support – MARQTRAN Grant Proposals

The Planning Commission allowed the Chair to sign the supports letters provided and the letter to the Township Board asking them to consider supporting the projects.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz said the enhancement grant was submitted to MDOT and now will be sent to the State for review. He also said that he submitted a trail proposal with the DNR as part of the request and the trail may also need conditional use approval.

Mr. Stachewicz said Dr. English has been reminded that his 90 day period for submitting a PUD has expired and another preliminary meeting needs to be scheduled.

He also said the former Silver Creek Church property on M-28 has accepted an offer from another church which is why the rezoning request was pulled.

IX. PUBLIC COMMENT

Richard Uren said he was there to talk about the condominium project and was frustrated that it wasn't on the agenda tonight. He didn't know it wasn't going to be addressed. Mr. Stachewicz said he has spoken with several members acting on behalf of the project and notified them that the application is deficient.

Mark Maki gave a history of lot sizes in the Zoning Ordinance. He stated that in 1977 there were a lot of political compromises that made the Zoning Ordinance the way it is today.

X. COMMISSIONER COMMENT

None.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

XII. ADJOURNMENT

Meeting adjourned at 8:51 pm.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

Monday, September 11, 2006
7:30 P.M.

Present: Steve Kinnunen, Al Denton, Tom Shaw, Estelle DeVooght, Dennis Magadanz,
and Ken Tabor

Absent: Scott Emerson

Staff: Dennis Stachewicz (Director of Planning and Community Development), Tom Murray,
(Community Development Coordinator) and Rebecca Stachewicz (Recording
Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE APRIL 10, 2006 MEETING

Dennis Magadanz moved, Estelle DeVooght second, to approve the minutes as presented.
Ayes 6, Nays 0. Motion carried.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Dennis Stachewicz stated he would like to add an item to discuss a request for a 30-day
extension for the Ewing Subdivision added (formerly Elderwood).

Steve Kinnunen moved, Estelle DeVooght second, to approve agenda with the additional
item. Ayes 6, Nays 0. Motion carried.

IV. PUBLIC COMMENT

None.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

A. Consider- Bayou Condominiums Final Development Plan

Mr. Stachewicz stated that he recommends an approval with conditions that the developer
provide approvals from the Marquette County Health Department (MCHD) and the
Marquette County Road Commission (MCRC) prior to presenting to the Township Board,
and that the site plan be approved with the condition that the driveway width between
buildings B & C shall be a minimum of 24 feet, instead of the 20 feet the plan shows now.

Mr. Stachewicz said the township attorney reviewed the Master Deed and didn't have a
problem with it. He also said the legal description will be incorporated into the Master
Deed.

Rich Uren said that the width of the driveway was a mistake on the plans and it will be
corrected. He also said that he probably won't have the letter from the MCHD this week,
but it is being worked on. He said that a Type 3 well for multi-home property must be
approved by the MCHD with DEQ rules, which takes time.

Estelle DeVooght asked about possible standing water at the site of the storm water
retention pond. Mr. Uren stated there should not be much standing water because of the
soil type, except in the spring when the ground is frozen.

Mr. Magadanz asked what kind of lighting is planned. Mr. Uren stated that only residential, downward facing lighting will be used. There will no freestanding light poles with arms present.

Mr. Kinnunen asked about landscaping with trees there. Mr. Uren said they are trying to maintain as many trees as they can and will only remove what they need to so they can get the building in.

Ms. DeVooght asked about snow removal in the winter. Mr. Uren said the snow will be pushed towards the north end of the parking lot.

Mr. Kinnunen asked about the trash holding receptacle. Mr. Uren said it will be covered with a partial wall.

Mr. Kinnunen asked about the well, if it will be below or above ground. Mr. Uren said it is below ground.

Dennis Stachewicz said if lighting is a problem, the Planning Commission can put in a condition that only down facing fixtures on building be allowed to ensure that nothing pops up in parking lot in the future.

Mr. Uren the approval from the MCHD is taking more time than expected and he is working under time constraints. He asked that the Planning Commission conditionally approve the request in a manner that it could be presented to the Township Board at their next meeting.

Mr. Stachewicz stated that after September 18th, the next Township Board meeting will be October 16th. He also said that past practice has allowed the Planning Commission to issue conditional approvals as long as the information is presented to the Board.

There was discussion by the Planning Commission regarding the applicant's request and the timing of the development. The Planning Commission asked Mr. Stachewicz if it would be appropriate to honor the request. Mr. Stachewicz said he wasn't positive but he thought the Planning Commission could attempt a conditional approval.

Tom Shaw moved, Dennis Magadanz second that the Planning Commission recommends approval of the preliminary site plan for the proposed Bayou Court Condominium and forwards it to the Township Board with the following recommended conditions:

- 1) The developer must provide approvals from the Marquette County Health Department and Road Commission; and
- 2) The site plan is being approved with the condition that the driveway width between buildings B and C shall be a minimum of 24 feet

Ayes 6, Nays 0. Motion carried.

B. Consider- MNRTF Grant Application

Tom Murray said that this is the third try for this grant that was previously applied for in 2003 and 2005. He said that this year they have scored more points than they have in previous years, but there is no indication yet that they will receive the grant. He does believe though that there is a good chance that they will get it.

Mr. Murray stated that the DNR is asking for clarification on trail length, construction and the layout of the trail. He asked for support of planning commission on this project.

Dennis Magadanz asked if the soccer association brings in any tourism because that may bring up the tourism scoring of the grant. Mr. Murray stated that is a good point and will bring it up.

Estelle DeVooght asked if these trails are already constructed. Mr. Murray stated that they are not formal trails, only footpaths.

Steve Kinnunen stated that if this could be made into a cross-country ski path, and if so, that would certainly increase the points. Mr. Kinnunen also asked about the time deadline.

Mr. Murray stated Oct. 1 is the deadline.

Al Denton said a lot of people from Marquette County play on the Chocolay Township soccer fields.

Mr. Murray stated that it was written into the grant that our fields serve approximately 42,000 people.

Ken Tabor moved, Steve Kinnunen second, to recommend that the Township Board support the follow-up on the application and allow staff to respond to the MNRTF grant coordinator by Oct. 1, 2006 and provide the supplementary trail information as reviewed by the Planning Commission.

6 Ayes, 0 Nays. Motion carried.

C. Additional Item: Request for 30 Day Extension for the Ewing Pines Subdivision (formerly Elderwood Subdivision)

Mr. Stachewicz said this is formerly the Elderwood Subdivision and the last extension was asked for in August of 2005. Mr. Stachewicz presented Planning Commission with a written letter and is recommending that the Planning Commission support an additional 30-days for preliminary approval.

Steven Kinnunen moved, Ken Tabor second, to recommend that the Chocolay Township Board approve the request for a 30 day extension to the preliminary plat approval for the Ewing Pines (formerly Elderwood) Subdivision. 6 Ayes, 0 Nays. Motion carried.

VII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz said he didn't have anything to report.

VIII. PUBLIC COMMENT

None.

IX. COMMISSIONER COMMENT

None.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Information- City of Marquette Planning Commission Minutes- 08/01/06
- B. Information- Marquette Township Planning Commission Minutes- 06/14/06, 06/28/06, 07/12/06, and 07/26/06.
- C. Publication- *Planning and Zoning News*

XI. ADJOURNMENT

Meeting adjourned at 8:00 p.m.

Estelle DeVoght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

Monday, October 9, 2006
7:30 P.M.

Present: Dennis Magadanz, Al Denton, Estelle DeVooght, Steve Kinnunen, Tom Shaw,
Ken Tabor,

Absent: Scott Emerson

Staff: Tom Murray (Community Development Coordinator) and Rebecca Stachewicz
(Recording Secretary)

I. PUBLIC HEARINGS

A. Superior Pines Condominiums—Rezoning to Planned Unit Development and acceptance of a Preliminary Development Plan

Thomas Johnston, 343 Kawbawgam Road, said he has lived at residence for the past 13 years, and he moved there because it's a rural, quiet environment. He said there is a battle for water there though, and he stated his fear that his well will dry up if this condominium project goes through. He stated this board should provide protection to keep this from happening, and hopes that they do just that.

Don Rudness, 323 Kawbawgam Road, said he's lived there since 1973 and had a new well installed in 1989. Then last summer it almost went dry because of the dry weather. He said that he was told by the well digger that he wasn't the only one this was happening to, and was told that all they can do is pray for a lot of precipitation. He said he cannot afford for his well to dry up and to have to replace it again.

Shawn Campbell, 212 Kawbawgam Road, said he also had to put in a new well a few years ago because the previous one dried up. He said that the casino has already caused the water levels to go down. He also stated that he likes living in the rural area and hopes it stays rural.

Dennis Tryan, 315 Kawbawgam Road, said that his well only sits at 32 ft and the deeper you go, the worse the water gets. He said that he wants to know who he goes after if his well goes dry if this new development goes in. He said he wants a guarantee that this won't happen, but wants to know who is responsible if it does.

Janet Amundsen, 2029 E M-28, said she put in new well just this year, and asked the commission not to allow any more development until developers build a retention pond. She related Chocolay Township to a Chicago Suburb that her family moved from many years ago. She also stated that at 40 feet down you will get good water; at 100 feet down, the water is poor but treatable, and any lower than that, its not safe at all. She said that everyone has a right to build on their own property, but they don't have a right to contaminate the water that everyone uses. She referred to Fred Benzie from the Marquette County Health Departments (MCHD) and that he stated in the Mining Journal that the water available is of good quality. But she wants to know how do they measure the quantity of the water available. She asked the commission to get an answer to that question.

Patrick A Barnett, 1971 M-28 E, stated that he is a licensed attorney and he encouraged everyone present to speak against this project. He said that they vote for the leaders of the Township, and they will use the power of recall if necessary. He asked for a show of hands for people who oppose this project and then asked for people to show hands who support it

Gary Loehr, 1975 M-28 E, said that he was at the April 10 meeting also. He stated that he has water concerns like everyone else. He said there are a lot of questions that he doesn't believe that the MCHD has answered, like if the condos would be rented out to people using snowmobiles in the winter, which would cause a whole new range of problems.

Elizabeth Delene, 232 Kawbawgam Road, said she has lived there for 6 years and she is already on her second well. She asked for a feasibility study before this project happens

and also stated there are already a lot of homes already for sale in Chocolay Township that aren't selling which should be addressed before more are built. She said that she is also concerned about sewer problems and ecoli problems like in Big Bay.

Judd Johnston, 1943 M-28 E, said he has a young family and he chose to live in Chocolay instead of Marquette because of the ruralness. He said that the casino was already illegally built and he doesn't want that situation to happen again.

Connie Barto, 1951 M-28 E, said he has lived there for 25 + years and every few years or so she comes to protest zoning issues. She stated that she also had to get a new well after the casino came in. She also said wants to keep the area residential, and just wants to make sure that the area doesn't get zoned commercial. She said they don't want this to be another Traverse City.

Dennis Tryan asked about how deep the casino went for their well. It was stated that the casino does not serve water from their well for drinking, that they only use bottled water.

Mike Nelson, 1849 M-28 E, said he used to own 1887 M-28 E also, but sold it because he couldn't get any water there. He said he wonders how far the water problems are going (distance wise). He said he takes responsibility because he built there when he knew there were water problems. He said he thinks that putting more units up are problematic knowing what they do about the water in the area.

Bob Cambensy, 306 N. 6th St., Marquette, said that he is doing some of the engineering for Dr. English. He stated that both wells Dr. English already drilled are 125 deep, that it is the more shallow ones that have the problems. He said that its well-known that the shallower ones have the better water quality though. He explained that the well logs show soil levels (sandy clay layer and clay layer) are present, which is adequate for drilling. He recommended that people talk to Chuck Thomas at the DEQ office in Gwinn for expert information on the water issues.

Glenn VanNeste, stated that he is a surveyor and doing some design and layout on this project. He said that there is a 1-acre minimum per house, and it's a site condominium, there won't be a giant apartment building or anything like that. He said that this development agrees with what has been agreed upon in Master Plan. He said there will be 41 houses maximum in the development.

Patrica Kauppila, 8 Red Fox Trail, asked for experts to come in and explain the water issues to avoid fights. She said that Dr. English wants to do this project but he lives and works in Marquette, so the water won't affect him like it will the people who actually live there.

Dr. John English, stated that he has been a property owner in Chocolay Township for 41 years, so he is not an outsider.

Patrick Barnett stated he is a licensed attorney and that the County won't be held responsible for their bad water, but Dr. English's corporation will be. He said that if there are not any assets in the corporation, there won't be any place to get reimbursed from.

Glenn Barto, 1951 M-28 E, asked if there will be financial provision if there are losses.

Tom Murray stated that the question about financial provisions / reimbursement is one that the township attorney will have to answer.

II. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 8:05 p.m.

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2006 MEETING

Al Denton stated that there was an error on Page 2, seventh paragraph down. It should state, "Mr. Kinnunen asked about the trash holding receptacle. Mr. Uren said it will be covered with a partial wall." Mr. Denton also pointed out a couple other typographical errors.

Estelle DeVooght moved, Dennis Magadanz second. Ayes 6, Nays 0. Motion approved as corrected.

IV. **APPROVAL OF AGENDA**

Al Denton stated they wouldn't take up a new agenda item after 10 p.m.

Estelle DeVooght moved, Dennis Magadanz second. Ayes 6, Nays 0. Motion carried.

V. **PUBLIC COMMENT**

None.

VI. **OLD BUSINESS**

None.

VII. **NEW BUSINESS**

A. **Consideration of Superior Pines Condominiums-Recommendation on a rezoning to Planned Unit Development and acceptance of a Preliminary Development Plan**

Tom Murray stated that this is a 3-part process. He said this is the only public hearing that will be available, and the vote tonight by the Commission is only to recommend the plan to the Township Board. He said then it would then go on the November Township Board agenda. He said the public is invited to review any info they have in the office and to contact Fred Benzie at MCHD with any further concerns. He also stated that he has 8 letters submitted in writing in opposition to the project.

Mr. Magadanz asked about County Rd BAA and if there have been conversations with the County Road Commission about moving it.

Glenn VanNeste said they have met with the Road Commission and they have approved it relocated as shown on the map.

Mr. Denton asked for clarification on how many units will be built. Mr. VanNeste said there will be 41 units..

Mrs. DeVooght reiterated that these site-condos are just normal sized houses and that people are blowing it out of proportion, thinking they are huge buildings.

Mr. Denton asked about total acreage that will be covered. It was stated that 26 acres will be used and only 4 deep wells will be drilled.

Mr. Kinnunen said that he wondered about the project's water usage rate will compare with the water usage rate at the casino. He said that will be a good comparison and would like to find someone to find that out for them.

Mr. Kinnunen said that the Superior Watershed Partnership wrote a letter offering their assistance. It stated that they are concerned about quality and quantity issues associated with this project. Mr. Kinnunen stated that he is leaning towards more research being done on the project and he urges more review before they make a decision.

Mr. Shaw said he agrees that more research needs to be done, that the water questions need to be answered.

Mr. Denton said that that the water quality according to the MCHD is good and treatable.

Mrs. DeVooght said they need some expert advice.

Mr. Tabor said he would like some authoritative advice also.

Dr. English said large families just aren't common any more, so the number of people per house will be small. He stated that the homes being proposed small in square footage, ranging from 1200-1600 sq ft.

Sunday Waldon, 2052 M-28 E, asked if they could come back next meeting with answers. Mr. Denton said they would let them know after they vote.

Don Rudness said people don't have problems with the word "condominium" but only with the water issue, and they want guarantees.

Mr. Kinnunen stated that as far as development goes, it seems good, and he supports it, but the water issues need to be cleared up.

Steve Kinnunen motioned that the issue be tabled, and to find out about usage rates. Ken Tabor second. Ayes 6, Nays 0. Motion Carried.

A gentleman asked about bringing Lake Superior water to the Township. Mr. Magadanz stated it would cost \$14 million for them to do that.

Mr. Denton asked Mr. Murray to arrange professionals from MCHD and DEQ to be at next meeting to discuss water issues.

B. Consideration-Ewing Pines Subdivision-Final Plat

Tom Murray read the memorandum to the public, stating that Mr. David M. Dausey, of Green Ventures Development, LLC, has requested a final plat review of the Ewing Pines Subdivision formerly known as Elderwood Subdivision. The most recent Township action on this issue is the 30-day preliminary plat extension granted by the Township Board on September 19, 2006, which will expire on October 18, 2006.

Mr. Denton asked if the County Road Commission has looked at the cul-de-sacs in the plan. Mr. Dausey stated that everything has been approved and should have a signed copy in a week

Dennis Hendrickson, 136 Veda, said he owns a 4-acre lot adjacent to the Ewing subdivision that he has a drainage problem. He said his house is on high ground, but in the spring his property retains a huge amount of water. He said he would like the new subdivision draining system to connect with the current draining ditch that is already in place. He would like to see an engineered outflow of water in to the drainage ditch, and he has an engineering background so he knows this can be done. He stated that he doesn't have anything against the development, but wants to make sure the water runs through their land and doesn't end up puddling up in his. He said there is basically a dam causing the water to end up in his property. He presented the board a map, which showed his property in relation to the subdivision and showed where the water problem was.

Mr. Magadanz asked if he is referring to the drainage behind Oliver Burn's property. Mr. Hendrickson said yes.

Mr. Denton asked him to show the connecting solution he was proposing on the map. Mr. Hendrickson did as asked.

Mr. Dausey stated research has been done on this, and approval has already been given.

Mr. Murray said he wished that this issue were brought up to him earlier, because he would have had someone else look at it. Mr. Murray stated that the County Drain Commission would have the final call on this.

Mr. Shaw said that this seems like a good subdivision, but there can't be dams that stop water flowage.

Mr. Magadanz said that he saw that the Department of public works had a question regarding sewage system, that they requested map. It was stated it was stated it was given to him and all that was taken care of. Mr. Magadanz also asked if there were lead locators. And the answer was that "yes, there was."

Steve Kinnunen moved, Ken Tabor second, that the Charter Township of Chocolay Planning Commission recommends that the Township Board approve the Final Plat of the Ewing Pines Subdivision as presented. With the condition that the Drainage Commissioner is allowed to review and provide for a correction on the natural flow of storm water.

Ayes 5, Nays 1. Motion Carried.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Murray stated that they received 7 applications for the open planning position. He said the selection process will begin next week, and hopefully have a replacement set in the next 2-3 weeks.

IX. PUBLIC COMMENT

X. COMMISSIONER COMMENT

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Recreational Authority/Proposed Articles of Incorporation
Recreational Authority/Proposed Bylaws
- B. Dennis Stachewicz / Letter of Recognition
- C. Road Ranking Report / Recommendation to the Township Board
- D. Marquette Township Planning Commission Minutes- 8/9/06, 8/17/06, 8/23/06, and 8/30/06
- E. Marquette City Planning Commission Minutes- 8/15/06

XII. ADJOURNMENT

Meeting adjourned at 9:00 pm

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

Monday, November 6, 2006

7:30 P.M.

Present: Steve Kinnunen, Al Denton, Tom Shaw, Estelle DeVooght, Denny Magadanz, and Scott Emerson

Absent: Ken Tabor

Staff: Tom Murray (Community Development Coordinator) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:34 p.m.

II. APPROVAL OF THE OCTOBER 9, 2006 MINUTES

Tom Shaw moved to approved minutes, Denny Magadanz second.
Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Tom Murray said he would like to add "Zoning Ordinance Update" under New Business. Steve Kinnunen moved to approve the agenda with addition of VII, Item C, Zoning Ordinance Update.
Tom Shaw second. Ayes 6, Nays 0. Motion approved.

IV. PUBLIC COMMENT

Mark Maki, 370 Karen Road, said a disturbing thing going on in the Township, and he is present to make the Planning Commission aware of it. He said there are two items he is concerned with. The first is the recent site condo project on Main St. and U.S. 41. He said Arlene Hill, Gregg Seppenau and the Township Board are denying him access to those plans, and he filed a Freedom of Information Request on August 8, 2006, but Arlene Hill never responded. He said first part of November he finally looked over site plans and found a problem. He said he's tried to talk to Randy Yelle, but his letters are intercepted, and he isn't getting any answers. He said he doesn't believe that site plans meets the Township Ordinance, and he thinks the Township Board will cover up the discrepancies. He requested that this issue be on the next Planning Commission agenda.

Mr. Maki stated that his second concern deals with the Kawbawgam Road project, the Dr. English plans. He said the Township made an agreement to sell land to Dr. English with an agreement that if he doesn't get the property rezoned he will get his money back. He said that is not proper planning practice. He said the Township Board doesn't like to follow the zoning ordinance. He asked the Planning Commission to do something about it and not to hide.

Gary Loehr, 1975 M-28 E said he still has questions about the Superior Pines / Dr. English project. He said they asked for more information last meeting and wanted to know if answers were available.

Tom Murray explained that water depths and recharge rates of the aquifer is what is being questioned. He said that they developer knows that he needs to come back with engineering information on the water issue, but they don't plan on seeing more info until December. He said that the public will be given the proper notice when it comes back up for discussion.

Gary Loehr said that this is like asking the "fox to watch the hen house" if the Township is asking the developer to bring in information from their own engineer. He said it is a conflict of interest.

Al Denton stated that the Dr. English project is not on the agenda tonight, and that the public will be informed when it is.

Elizabeth Delene, 232 Kawbawgam Road, said she filed a police report, because Dr. English was trespassing on her property. She said she confronted him and he lied and said he was hiking. She said she asked him to leave, but he didn't. She said that she is still concerned about the water, and water studies have been done previously and they haven't been looked at.

Al Denton said that no reports have been submitted to them concerning the water.

Scott Emerson asked if objective, hard data, on this water would be made available to them.

Mr. Murray said it would be up to the developer to bring the info to the table.

Mr. Emerson said that an objective 3rd party assessment would be good to get.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

A. Site Plan Review – Moyle Development

Mr. Murray said that the commission packets contain the plans for the Moyle Development. He said he had compared the plans with ordinance requirements and he did not find them to be out of compliance. He went through the report and stated that parking, dumpster/screening, lighting, snow storage/drainage, and utilities all seem to be adequate and in compliance with the ordinance. He stated that the lighting standards may not exceed 30 feet in height.

Brian Savolainen from TriMedia Consultants introduced himself as the Civil Engineer on the project, Kevin Geshel, Director of Development for Moyle Development and Tom Helminen were also present.

Brian Savolainen said he's had several meetings with MDOT concerning this project. He said the whole site is zoned commercial. There will be a deceleration lane coming into the site, and a bump out for cars turning left. He said that Holiday Gas and Togo's have agreed to allow a frontage road to allow access to the businesses.

Al Denton asked where the well is at on the property.

Mr. Savolainen stated it is located in the far SE corner of property, more than 800 feet from any potential contamination, as required. He said it has been reviewed by the Health Department and has been approved.

Al Denton asked about signage on the property.

Mr. Savolainen said there will be stop signs, and he said that all signage will meet the ordinance.

Mr. Savolainen said that being a single story building, everything will be under the 30 foot height limit. He stated all lights will be down-lit fixtures. He explained that Togo's in Marquette and the Harbor Hills sites have the same type of fixtures that they will use on this project. He said the lights will have a 3-foot base that will withstand any snow plow abuse.

Scott Emerson asked if power will be under ground.

Tom Helminen stated that they aren't sure on that yet, the at the site is on the border of the R.E.C. and B.O.L.P. electrical districts and that he is still waiting for an answer and that he hopes to have it soon.

Mr. Emerson said that some people over look importance of landscaping, especially in the winter months. He said that he recommends 4 evergreen trees to be planted, 2 white

spruces and 2 blue spruces. He showed on the map where he suggested they be planted. He said that having something substantial in the core would keep it from looking bleak in the winter and help with the aesthetics.

Mr. Emerson said he is not clear where the access road is being proposed.

Mr. Savolainen said there will be 2 connections, one in back of Togo's that will loop around the properties.

Tom Geshel said that the idea is to have all the retail businesses work together, and make the businesses want the road to be there. He said that Togo's and Holiday Gas owners are very happy to be working with them, and agree that the traffic should move in a continuum.

Mark Maki looked at the map and said he didn't think the map was accurate, but he is not sure. He said they need to watch parking spaces and required green spaces.

Tom Murray said that current access road at the entrance of the race track is on the MDOT right-of-way. He said they have to talk to those owners to move that access point out of the right of way.

Mr. Emerson asked if road will connect in front of Togo's or in back.

Mr. Geshel said it would connect in the back.

Tom Shaw asked about removing parking spaces at Togo's, but said he appreciates the flow of traffic through the area.

Mr. Geshel said there will be plenty of parking and the ordinance will be followed.

Al Denton asked Tom to find out the parking space requirements at Togo's.

Mr. Savolainen and Mr. Geshel explained that they are working closely with the owners of Togo's and Holiday Gas and there is not any hostility between them.

Elizabeth Delene asked the developers to explain potential problems with wetlands.

Mr. Savolainen said they will talk to the DEQ and obtain any permits needed if they build on any wetlands.

Mr. Emerson said that it will be important for them to preserve the trees along M-28.

Mr. Savolainen said they will keep any that are 3 feet or further from the road, which he thinks will be most of them.

Steve Kinnunen said that for every tree they take out, they should replace one.

Mr. Geshel explained that they don't refer to this development as a strip mall because of negative connotations related to that. He said they like the trees, they like the current landscape in that area and have learned from other's mistakes. He said this project will have an original feeling, that there will be 3 different façades, each business will have an individual feel, unlike a strip mall. He said they want to do a good job and make the Township proud of the development

Estelle DeVooght asked for clarification on where the roads will be, wants to know where the vehicles will be coming in and out.

Mr. Savolainen showed the Commission closely on the map. He said the current road exiting to the Holiday driveway will be moved 50 feet back and it will serve more as a classic frontage road.

Mr. Emerson asked them please make sure to save the big white pine tree that is located there.

Mrs. DeVooght said they don't own that property where they are proposing the road, and doesn't understand how this is possible.

Mr. Geshel said they know they don't own it, but they are talking to the property owners about getting an easement and have verbal approval already and once it is approved by the planning commission will go to them and get the legal approval.

Mr. Savolainen said they working with Jeff Rautiola and Arron Johnson, MDOT engineers on this

Tom Murray said he took this to the corridor committee already and it was and approved. He said that all parties at MDOT assured him that it is a good project.

Mrs. DeVooght asked that once the project is approved, how could they be assured that the road is actually placed where they see it on the plans.

Mr. Geshel said again that the owners have verbally approved the plans, but once the Commission approves it, they will then take it to the landowners for legal easements and approval. He said the landowners know that the best thing for their business to do this. He said that if plans change at all, they will have to come back for a new approval.

Mrs. DeVooght said she has qualms on making a final approval tonight, in case something goes array and they decide to change the plans.

Mr. Kinnunen advised Mrs. DeVooght that if anything changes they will have to come back if anything changes.

Mr. Geshel said the restaurant chain proposed to come is not a competitor to Togo's. He said that the project can only help Togo's.

Mr. Kinnunen stated that MDOT needs to allow the Township the proper signage for the restaurants to bring people through the area. To help steer them down the access road to help these businesses thrive.

Mr. Geshel said they haven't talked about that much yet (the highway signs) but their signs on the buildings will be very elegant, not big, huge ones. He said though signs can be challenging with the amount of snow we get here, and that they will make it work.

Scott Emerson moved to approve the final site plan as presented with the noted additions:

1. Four additional spruce trees be added to the landscaping per discussion.
2. Every attempt be made for underground power
3. Every attempt made to locate the access road in front of the trees and save any trees possible.
4. Any trees removed need to be replaced by a 1:1 ratio

Staff was requested to ensure that the required parking for Togo's would not be affected by the access road.

Steve Kinnunen seconded motion.

Ayes 6, Nays 0. Motion approved.

B. Road Rankings- Recommendation to the Township Board

Mr. Murray said that this is his first time working with road rankings, and he is looking for guidance on the procedure from the Planning Commission.

Mr. Denton said Wright St is traveled a lot and deserves to be fixed and Terrace St (East and West) also should be fixed. He thought that Main Street could use work also, but that it should wait until the condominiums are completed.

Mr. Magadanz said that CR-545 is a County road and on County road rankings. He said they will probably take care of it themselves and that it doesn't need to be on the Township rankings.

Mr. Magadanz asked Mr. Murray to get the County Road Ranking list from Martin in Public Works to compare the two lists, because there could be a lot of duplicates.

Al Denton said he recommends fixing Terrace St (East and West), W. Wright Place and Riverside Road.

Mrs. DeVooght asked about Shot Point. Mr. Magadanz said that would be very expensive.

Mr. Kinnunen said some roads on the list are kind of far out and not as heavily traveled and that they should concentrate on the main traffic.

Scott Emerson moved to approve the road rankings starting with Terrace Street West as #1 priority, Terrace Street East as #2 priority, and West Wright Place as #3 priority and the rest as listed. Add South Big Creek at the end and CR-545 removed from the list.

Steve Kinnunen second. Ayes 6, Nays 0. Motion approved.

C. Zoning Ordinance Update

Mr. Murray said that Pat Coleman from U.P. Engineers and Architects (UPEA) is working on the zoning ordinance update, but that it got behind schedule because of an illness in the family. He said that Mr. Coleman plans to be at the December Planning Commission meeting to give an update and answer any questions.

VII. PUBLIC COMMENT

Mark Maki, said requested copies of letters from Dennis Stachewicz and Randy Yelle concerning the zoning ordinance updates sent to Pat Coleman, but he hasn't seen them. He said he is asking the Planning Commission letters to get them for him.

Tom Murray advised Mr. Maki that should go through the Township Clerk or Supervisor for that information.

Elizabeth Delene asked where Carmen Road by A&W is on the road ranking lists, because it isn't a very good road. Mr. Magadanz advised her that is it on the list but not in the top 10.

VIII. COMMISSIONER COMMENT

Steve Kinnunen said that the Moyle project they approved tonight looks good and it is good to see that kind of development in Chocolay Township. He said it doesn't look like it will look like a classic strip mall, that it will look individual and special to the community.

Estelle DeVooght asked if it's on the record that Tim Hunt was sent a letter at all about the Bayou Court project. She said she wanted to know if he was ever sent notification, because he says that he never received anything.

Tom Murray said that a notice may have been sent regarding a prior zoning change but that the site plan review process doesn't require a public hearing or notification.

Steve Kinnunen said they came in awhile back, 1 or 2 years ago, to be rezoned to commercial, but it was denied. He said that Mr. Hunt probably got a letter then.

Mrs. DeVooght said she is looking to see if we can prove that he got one.

Tom Murray said they could look to see if anything is on the record.

Scott Emerson said he also heard that other neighbors are upset over this site condominium project.

Mr. Murray read section 216 A. 1. that states that site condominiums may be located within all zoning districts. He said that people are allowed to develop their property as permitted by the ordinance.

IX. PLANNING DIRECTOR'S REPORT

Mr. Murray said that Jason Laumann will start as the new Director of Planning and Community Development on November 27th, 2006. He said that Jason is coming from the Coastal Management Division, located in northern Wisconsin and the agency is equivalent to CUPPAD. Tom stated that he is very knowledgeable in Planning and GIS and should be

an asset to the Township. Mr. Magadanz asked Mr. Murray if the new Planning Director plans to put the sewer system on the GIS system. Tom said he isn't sure at this time, but hopes so.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. 2007 Budget Review

Mr. Murray apologized for not presenting the budget at the October meeting and outlined that the budget includes a \$10.00 per diem increase per meeting and an increase for printing and publishing. Mr. Shaw asked about the other Township salaries compared to Chocoday's. It was answered that others may be a little bit higher. Mrs. DeVooght said she didn't think they needed a raise; she does it to serve her community.

XI. ADJOURNMENT

Meeting adjourned at 9:03 by Al Denton.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

Monday, December 11, 2006, 7:30 P.M.

Present: Chairman Al Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadanz, Ken Tabor, and Scott Emerson

Absent: Steve Kinnunen

Staff: Jason Laumann (Director of Planning and Community Development), Tom Murray (Community Development Coordinator) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE NOVEMBER 6, 2006 MEETING

Estelle DeVooght moved to approve 11/6/06 minutes. Scott Emerson second. Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Scott Emerson stated he has a brief letter concerning residential zoning he would like to read and have brief discussion. Al said the will make it item "C" under New Business

Denny Magadanz moved to approve agenda with the addition of VII, Item C. Scott Emerson second. Ayes 6, Nays 0. Motion approved.

IV. PUBLIC HEARINGS- none scheduled

Phillip May, 425 Lakewood Lane, said he didn't remember how things work here, but concerned about condominiums that may come into the area on Kawbawgam Road in the future. He would like it on an agenda in the future.

Tom Murray said he spoke to Mr. May about this on the phone already. He said there would probably be a public meeting in the future concerning this subject. He stated that the existing condo ordinance allows for condos in multiple zoning areas.

Mr. May said he understands that a person can't have rental units in a R1 area. Mr. Murray said you could have a rental unit as long as it is a single-family home. He stated that Tee Pee Village is a non-conforming use.

V. OLD BUSINESS

A. Discussion / Update Rezoning #139, Superior Pines PUD

Tom Murray stated that Glenn Van Neste and Bob Cambensey are present to give update. Mr. Van Neste said there is a misconception about site condominiums, that they are just a subdivision by another name, with an association. He said it looks just like any other subdivision, but this particular one is a PUD. A PUD is a type of zoning and it is negotiable and expected to go back and forth. He said the word condominium riles people up. He said they would try their best to answer all questions.

Al Denton gave overview of project. He said there are 40 acres total, about 20 will be developed, and right now it is zoned R1 and there will be about 1 acre per home.

Mr. Van Neste said there is actually more than 40 acres total, and that the first phase equals about 40 acres.

Mr. Cambensey said they are working with the Health Dept & DEQ and well tests have been done. He stated that the wells were monitored, samples sent to state labs for analysis,

the soil was also tested, now they are in discussion with the County Health Dept. and the DEQ and that they are putting it all together for submission. He said they should have results before they ask for any further approval.

Chairman Denton asked if it has submitted to the Township yet. Mr. Cambensey said not yet, but that it will be given to the Township once it is all submitted to the Health Dept. and DEQ.

Estelle DeVooght asked about the quantity of the water in the aquifer.

Mr. Cambensey said that is part of what they are testing for but the results have not been compiled as yet.

Mr. Emerson talked about the letter written to Mr. Murray stating there is no direct connection between the two aquifers. He said he also wanted to know the water data from KBIC report. He wondered why nobody could obtain that report.

Tom Murray said he has the report. It is a large document and it can be available to anyone who wishes to review it.

Mr. Emerson stated it would be good for the hydrologists to see the report. He said they need to be prepared for possibility or requiring a scale back of the development if the water tests don't come back as needed.

Ms. DeVooght asked if the KBIC water is treatable or not.

Mr. Murray stated it says it is high in iron content but treatable.

Pat Coleman of U.P. Engineers and Architects asked if the development is proposing central wells.

Bob Cambensey said that was the initial proposal, but after further discussions it now looks like there will be individual wells.

Scott Emerson agreed that there is a misconception about site condos. He said they are actually a very good form of development, there is a clustering of residents and open space is conserved. He said this would preserve rural character of the area.

Mark Maki, 370 Karen Road, stated that useful open space comes from the zoning ordinance, not the site condo act.

Glenn Van Neste said the KBIC has been so secretive through this whole process and was surprised that they now made the study available.

Mr. Denton said he just called them and asked for it and then went to pick it up, and it wasn't a problem at all.

Mr. Van Neste said the houses on Kawbawgam with water problems are on considerably higher ground than the ones in this development. He said the wells won't even be in the same aquifer.

Mr. Denton stated that three years of low precipitation has probably contributed to the low water levels in the area.

Mr. Van Neste said they would be back after everything is submitted.

VI. NEW BUSINESS

A. 2007 Proposed meeting schedule

No structural changes. Meetings will be every second Monday, unless there is a conflict with a holiday, and the November meeting will be moved up one week because of deer hunting season. The 7:30 meeting time will remain the same.

B. Zoning Ordinance update progress report—Pat Coleman UPEA

Pat Coleman stated there is still a lot of work to do and a number of public meetings remain. He said he had a good meeting with staff earlier and that he has met the new Planner. He said that Randy Yelle has been very helpful with suggestions. He said Mr. Yelle has historical knowledge that is valuable in a project like this.

Mr. Coleman said a big change would be re-organizing the ordinance. He said staff is in favor of organizing it into new chapters. He said not a lot of other work has to be done yet, that he is working on organizing it right now, but would like the Commission's comments and opinions. He said the Hwy. 41 Corridor Team has goal of getting all of the municipalities along Hwy. 41 to adopt the same access management ordinance. He stated that MDOT says the corridor as a whole is leaning towards using Marquette Township's ordinance, which seems overwhelming with all of its sketches and pictures. He said when the team reviews problematic issues along Hwy. 41 using this ordinance, it all becomes very clear and useful.

Mr. Coleman stated that the current ordinance is weak on definitions. He said definitions make things clear for everybody, the more there are, and the better off everyone will be. He said there a lot of them to add.

Mr. Coleman gave a handout concerning map changes. He said there is a number of residential districts and that the master plan recommends consolidation. He said the big thing would be to make 50-foot lots in the Village of Harvey conforming. Mr. Coleman said that Randy suggested additional recommendations for private roads, cul-de-sacs, fences, snow management / storage, and waterfront lots written into ordinance.

Mrs. DeVooght asked about how open space will be affected.

Mr. Coleman said he is recommending what was suggested by the master plan.

Mr. Coleman asked if it was agreed to reorganize the ordinance, and if so, he will work on it and have it ready for the next meeting.

Mr. Emerson said that he is concerned about section 200, and that daycare centers should be restricted to R2, R3, and R4. The new ordinance said it is allowed in all zones, and he doesn't think that is right. He said he believes an error was made in master plan. He said he didn't think day care centers should be allowed in a single-family residential area

Scott Emerson said he was also concerned about water front property being rezoned to C1. He advised that this be looked at. He stated he doesn't want waterfront property to become commercial, for things like fish markets, etc. He said he has a letter that he will give Mr. Coleman concerning this topic.

Mr. Magadanz pointed out a definition error on page 23 of the ordinance.

Scott Emerson commented on comprehensive plan section 9.5. regarding transmission towers. He said that he has personal contacts with the state police and emergency workers and knows that the 800 MHz systems they have know is not working as well as they hoped, and that they will soon need additional towers. He said they are looking at Green Garden Hill for a tower and that the Township need to get ahead of this issue to get around any negative aesthetics. He said they wouldn't be able to say no to the State Police if they decide to do something like this, but they may be able to try to make it look better.

Mr. Coleman said it is a good idea to get ahead of that issue, but it is hard to overcome tower issues. He said it is becoming one of those essential services. He thanked Mr. Emerson for the helpful comments.

Mr. Denton asked if windmills, towers, outside boilers, stoves will be addressed. Mr. Yelle and Mr. Coleman said that they would be.

Mr. Denton asked if "keyhole" water access and flood plains would be addressed.

It was agreed that they both would be addressed.

Mr. Coleman asked about the Access Management Ordinance, and if there were presentations to Chocolay Twp. about the positive uses?

Tom Murray stated there hasn't been a presentation thus far.

Mr. Coleman said that basically any parcel on Hwy. 41 would be allowed one driveway; any site over 600 ft will be allowed one additional access point.

Mrs. DeVooght said in her years on the Planning Commission, they've turned down a lot of driveway requests, but the Road Commission comes along and allows them anyway.

Mr. Coleman said that would be changing; the Road Commission wouldn't be able come along and grant extra driveways, that the ordinance will stop it. He said the Corridor Management Team will review all building permits and it will then go to the Planning Commission.

Mr. Emerson said that the color scheme on the zoning map was hard to distinguish and he suggested doing something different.

Pat Coleman said he talked to staff about that today, and that will be changed. He said there is a standard color scheme that is used, and they will go with that.

Mr. Coleman commented on the condo situation. He said if you look at demographics, ages are increasing, and that they have different housing needs than in the past. He said condominiums are just a point of ownership, they will want to make sure that zoning provides housing for everyone.

Mr. Emerson said there is a lot of interest and sensitivity to this issue and people want to make sure R1 remains that way.

Mr. Coleman said condominiums and the PUD process are really the only way to conserve open space. He said it is also quicker way for the developer.

Mr. Emerson clarified that if somebody wanted an area to allow for multi-family units, a public hearing and approval would be necessary through the PUD process.

Mr. Coleman said that is true, and that the zoning ordinance will prevent duplexes and other multi family homes in a single family district.

A resident (Judy, of Lakewood Lane) asked about the zoning ordinance process and for further explanation of site condos. She said that she has lived in the area for almost 30 years, and that it is important to preserve waterfront property and the current water and land resources.

Mr. Coleman and Mr. Murray further explained the site condominium process.

C. Scott Emerson letter

Letter read earlier in previous part of meeting.

VII. PUBLIC COMMENT

Mark Maki, 370 Karen Road, said he wants to bring shame to the Township for not sending a packet to him as requested. He said there is another problem with the Bayou Project. He said the Township refuses to acknowledge / respond to his concerns, and instead he is intimidated and harassed. He said he wants a copy of the appeal process to file an appeal. He said his mail is censored and his letters don't get through to their intended recipients.

Mr. Denton said that neither himself nor anyone else on the commission knows of any cover-up. He said all meetings are to open to the public and any further problems need to be taken up with the Supervisor.

Lee Blondeau, 340 N. Tracie, said the agenda and information packet was available, he took it at the beginning of the meeting and it was in his possession.

VIII. COMMISSIONER COMMENT

Mrs. DeVooght asked if there is a 30-ft set back from fence on the Bayou Court condos.

Tom Murray said he believed a 10-ft side yard set back is required, and that is what they have. He stated he doesn't have the ordinance with him, so he isn't absolutely sure of that. The new fence was discussed; Mr. Hunt put it up, and not the Bayou Court developer.

Jason Laumann, the new Community Development Director was introduced.

IX. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Dr. T. Scott Emerson resignation and recognition
- B. MDEQ Water Bureau- Chuck Thomas, Ground Water Engineer
- C. USGS- Water Resources Inv. Report 00-4050 (Not Distributed)
- D. Chairman's recognition of Planning Commissioners duties and Board support
- E. Marquette City Planning Commission—11/14/06 Minutes
- F. Planning & Zoning News
- G. Marquette Township Planning Commission—11/14/06 Minutes

X. ADJOURNMENT

Meeting adjourned by Al Denton at 8:50 pm.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

January 8, 2007, 7:30 P.M.

Present: Chairman Al Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadanz, Steve Kinnunen, Ken Tabor

Absent: None absent

Staff: Jason Laumann (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called the meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE NOVEMBER 6, 2006 MEETING

Dennis Magadanz moved to approve the December 11, 2006 minutes. Ken Tabor second. Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen motioned to approve agenda. Estelle DeVooght second. Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARINGS- none

V. PUBLIC COMMENT

Dave Cotton was present and told the Commission that he talked to Greg Seppanen and has expressed interested in joining the Planning Commission. He stated he has an environmental engineering background, regulating wastewater and wastewater withdrawal.

VI. OLD BUSINESS

A. Chocolay Retail Center frontage road / easements

Jason Laumann said that he didn't know much about this, but it is his understanding that the road has already been moved a bit, per MDOT request. He said he knows of no other problems or changes to the approved site plan at this time.

VII. NEW BUSINESS

A. Geographical Information System (GIS) Update

Jason Laumann gave an update on the GIS System. He said when he started working for the Township, he found ArcGIS on his computer. He said this is a program that will create maps and it also has more powerful functions. He stated that one of his first duties was to update the Township base maps. He stated that he is working on putting in new roads and new parcels into the system, and when it is complete they will have a parcel map for the Township. He explained they would be able to print a large planning map, zoning map and parcel map that they can use in planning discussions.

Steve Kinnunen asked if they are capable of getting satellite pictures of properties.

Mr. Laumann said that is possible.

Al Denton asked if the maps can show utilities such as water, electric lines etc.

Mr. Laumann said it has those possibilities, but it is a matter of collecting the information.

Mr. Laumann showed the different kinds of maps that the GIS System is capable of producing: elevation, soil, wetlands, water table, etc.

Mr. Laumann said that with some of the reference maps he would have to work with, the local experts (ex. soil engineer) would be able to see specifics for Chocolay Township.

Mr. Laumann said that he will help them work through the information, won't just throw it at them, but he feels it will definitely helped them in their planning decisions.

VIII. PUBLIC COMMENT

Mr. Cotton said that the GIS maps were interesting, especially the soil map. He said what is good in Chocolay, may not be considered good on a national level though and that they need to be aware of that.

IX. COMMISSIONER COMMENT

Al Denton said last meeting it was brought up that Green Garden Hill may be a possible spot for cell phone towers in the future and he had the State Police look into that issue. He said he received a letter, would like it included, or a portion of it, included with the minutes. The letter stated that soon all emergency officials would be using 800 MGZ technologies. He said they may have just heard one person's opinion last month, but it may not have been the truth. He offered to take anyone to the State Police station in Negaunee to discuss this information more, if interested.

Estelle DeVooght asked if the Township has received any more info on the water issued on the Kawbawgam property. Al Denton said he was under the impression that they are at a point where the developers are thinking about either cutting down the number of homes and/or making sure they all have individual wells, instead of shared wells as first proposed.

Mr. Laumann said he hasn't heard of any more updates on the water issues.

Mr. Denton asked Mr. Laumann if he has heard of any more problems with the Main Street / Hwy 41 development. Mr. Laumann stated "no."

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Marquette Township Planning Commission – 11/29/06

XI. ADJOURNMENT

Meeting adjourned by Al Denton at 8:00 pm.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay
Planning Commission Meeting
MONDAY, FEBRUARY 12, 2007, 7:30 P.M.

Present: Chairman Al Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Steve Kinnunen, Dennis Magadanz, and Ken Tabor

Absent: Dave Cotton

Staff: Jason Laumann (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called the meeting to order at 7:35 p.m.

II. MINUTES- Approval of the January 8, 2007 meeting minutes

Estelle DeVooght motioned to approve the January 8, 2007 minutes. Dennis Magadanz seconded. Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Jason Laumann asked that Pat Coleman be added to agenda to allow him to speak under old businesses concerning the zoning ordinance update.

Steve Kinnunen motioned to approve agenda with the addition. Estelle DeVooght seconded. Ayes 6, Nays 0. Motion approved.

IV. PUBLIC HEARINGS

- A. #139 Rezoning of property from "R-1" to "PUD" and consider the acceptance of a Preliminary Development Plan for a 20 unit site condominium project

Jason Laumann said he has reviewed this project and knows there are several questions. He stated this project doesn't fit into his definition of a cluster development. He said his primary concern is a density issue, how many lots that can be built under the current zoning regulations. He said that he also had concerns about the water issues. He said he talked to Fred Benzie, and has not received the site report from the developer, so he hasn't yet made a recommendation. Mr. Laumann said he thinks the Planning Commission should have that report from the County before making any type of recommendation.

Mr. Laumann said that the Township doesn't have any current standards in place for cluster design, but they are in the process of redoing their Zoning Ordinance right now and that will definitely be addressed.

Mr. Laumann stated he cannot make a recommendation without knowing the configuration of open space and what the density is going to be. He said a density bonus could possibly be used as a bonus or incentive for the developer to use a true conservation approach. He said to him, the current plan looks more like a cookie cutter approach than a conservation design. He said that open space needs to have some value, instead of just calling whatever is left over "open space."

Mr. Laumann said he has several items that he pulled out of the comprehensive plan that doesn't meet this plan. He referred to page 10-3 in the comprehensive plan as an example.

Mr. Laumann said that he basically will need more information before he makes a decision one way or another.

Glenn Van Neste, who is working for Dr. English, reminded the commission that the comprehensive plan is not the zoning ordinance. He said they are proposing lots that will be a minimum 1-acre size. He questioned if they would even be having this

discussion if the proposal were a subdivision plan without a PUD. Mr. Van Neste said they need to be careful not to call this a conservation area, as that has a definition of its own. They are calling it a “green area” instead. Mr. Van Neste said he would like to have some flexibility to reconfigure the 14-acres of open space in the future. He said it may or may not ever come to that, but would like to keep that as an option. He stated that originally they were planning 39 units using 40 acres, and they have cut down the number of units in half from what they originally wanted to 20, 1-acre sites. Mr. Van Neste showed the Planning Commission two site condominium plans like this one for reference. He said the proposals are very similar and the commission passed those. He said the water issue is a hot topic and approval process is slow, but they plan to get the approval.

Mr. Denton asked why the full green area isn't shown on the plan. Mr. Van Neste said it's because of the flexibility that they are asking for with the space.

Mr. Van Neste explained that they are committed to making sure they have the full 14 acres of green space and would make sure its there. He said this is a PUD, a give and take situation, and they are just asking to accept it as is so they can get to the next step.

Mrs. DeVooght said she would like the see the green space throughout the plan, not just along the railroad tracks.

Mr. Kinnunen said part of the PUD approval is that the plan will be submitted the plan will not change. He said they want a plan that will be approved and not changed later.

Mr. Laumann said that there seems to be more that one plan/map that is being referred to. He said the map in the commissioner's packets is the one that's been submitted to the Township office.

Mr. Van Neste said once the proposal was scaled down to 20 units, they had not planned to include the 14 acres at all, because they were using 1-acre sites. But the Planning Director said they still needed the 14 acres in the plan, because it was in the original plan when they were proposing 39 sites. He said this didn't make much sense to him, but he still included the space along the railroad tracks but again, is asking for flexibility with that.

Mr. Laumann said the PUD idea was that this would be a cluster design development, not for it to be maximized out to full development of the total acreage.

Mr. Tabor said he wondered why they were not doing this as a subdivision instead of a PUD. Mr. Kinnunen said that the subdivision process is a long one with many steps, much longer than the PUD.

Steve Kinnunen made a motion to table the issue to until the Planning Director can get more info. Al Denton seconded motion.

Bob Cambensey said the soils are pretty much beach sand soil, and Fred Benzie said that if using individual septic systems, lots would have to be at least 1-acre in size. He said initially they were proposing four type-3 water systems and were allowed up to 10 housing unit per well, by the health department. But there were some issues concerning ownership of the wells and it wouldn't work in this condo setting. He said the suggestion was to go to individual wells, which they did. He stated that Chuck Thomas of DEQ sent a letter to the Township that said with individual wells, pump tests could be done, and they were. He said test pits for soil was also done. Mr. Cambensey said the big thing now is that they need to know for Health Department approval how many units they are going to be allowed. He said the wells will be 120-130 feet down, they are close to Lake Superior, the recharge may be from Lake Superior, and that is something the Health Dept. will look at. He stated that they took a water sample to Wayne Johnson at Aqua Care and has a proposal from them to treat the water at a price of \$3,000 per house. Dr. English is proposing that he will pay for the initial systems, but there will be an ongoing maintenance cost.

Mr. Laumann said the lots don't have to be so big and there doesn't have to be so many as to take up the whole area. He stated that the lots could be smaller with more open

space. Said a bonus can be offered to promote true cluster like development. He also stated that if the PUD is pulled, it would go back to being zoned RR-2.

Mr. Kinnunen read an excerpt from a letter written by Chuck Thomas.

Mr. Denton suggested some type of informal meeting between the developers, Planning Director, and Planning Commission.

A vote was taken to table the project until they have more info to make a decision. Ayes 6. Nays 0.

V. PUBLIC COMMENT

Dennis Tryan, 315 Kawbawgam Road, thanked the commission and the new Planning Director. He said he is just looking for protection, he is aware of laws about the well depth to prevent contamination and he stated that poor planning is probably what got them into this bad water condition in the first place. He wanted to know if Dr. English will pay for their new wells when or if they go dry.

Elizabeth Delene, 232 Kawbawgam Rd, stated that she has a copy of a water report and said it states that there are problems at all levels. She read part of the report citing bad water. She said she has a copy of a police report, stating that Dr. English trespassed in her backyard.

Don Rudness, 323 Kawbawgam Rd., apologized to board for his outburst earlier in the meeting. He said it is ludicrous that it was said that the water would be treated to the point that the owner can stand the water smell. He said his well is going dry because of lack of snow. He said this area is known to have bad quality water, and they know it is plentiful when they dig deeper, but that doesn't make it good water. He stated he's lived there for 23 years and many water treatment companies have been to his house.

Tom Lakenen, 108 Timber Lane, said he would like to share a personal experience he had with Dr. English some years back to protect others in the future. He said he and his younger brother built a retaining wall for him, made a hand shake agreement, and worked hard for 12 hours to finish the project in one day. He said in the end, Dr. English refused to pay and they went to small claims court. He said that the judge ended up siding with the Dr. English, simply because of who he his. He said he doesn't trust Dr. English.

Linda Rossberg, 1975 M-28 E., said the comprehensive plan shouldn't be dismissed, a lot of citizen input went into that, and she sees it as important as the zoning ordinance.

Patrick Barnett said it was good to see a lot of people here at the meeting. He stated that he has lived down the road for 20 years from Dr. English and never met him. He said he went for two months without water a couple of years ago and had to pay \$6,000 for a new well. He said that Dr. English will have no legal responsibility to them if their wells go bad.

Janet Amundsen, 2029 E M-28, said she moved here for the open space. She said she wondered if the Township will have someone look at the water issues, instead of someone paid by Dr. English. She said she has a neighbor who spends the winter in Hawaii and has sent letters regarding this project and she wonders what happens to them and if the Planning Commission ever sees them.

Mr. Denton said that the Township does refer to the County Health Dept. for views and advice on the water issues. He said regardless, they must give people an opportunity to develop their land. Mr. Denton said the Planning Commission does read all the letters that are received.

Nancy Rife, 202 Wanda Dr., said that she hasn't had to re-drill yet, but in 1990 her well would pump dry in 20 minutes, and now in 15 minutes, but these statistics aren't recorded anywhere.

Dennis Tryan asked what would happen to the power line that runs behind the houses. Mr. Denton said they don't know what would happen at this time.

Mr. Laumann said he received 6 letters from citizens all in opposition of the project, which are all in the commissioner's packets.

Don Rudness said that at the October meeting there was talk about getting a water expert in to discuss the water problems and wondered what happened with that.

Mr. Denton explained that it is the job of the Planning Director and seven Planning Commissions to obtain that information from the experts and disseminate it in an objective way. He said they do have the residents' best interests at heart.

VI. OLD BUSINESS

A. Pat Coleman, UPEA—Zoning Ordinance Update

Pat Coleman said as they pick away at the ordinance, they are finding more and more issues. He said that if they want to have conservation development in their zoning ordinance, they will have to work to make that happen. He said it is hard to do in the State of Michigan, but education of the developers is the key. He suggested possible seminars for the builders and developers some time in the future.

Mr. Coleman said he is happy with the zoning ordinance update so far, but does have some questions. One being, do they really have to regulate Mobile Home parks since they are already regulated through the State of Michigan and the site plan review process? He said it's not very common to see new mobile home parks being built, since they can basically be put onto any lot as a single family home.

Accessory housing units were discussed. Examples included creating a duplex or a two-family dwelling out of a standard single family home.

Randy Yelle said this type of housing arrangement is happening and they are illegal and are dealt with as needed.

Mrs. DeVooght said that duplexes should be addressed in the new ordinance. The other commissioners agreed. It was decided to keep accessory housing units as a conditional use.

Mr. Coleman brought up the private road issue. He said they heard that they aren't assuming responsibility for maintenance and right of ways, which he said doesn't make any sense because there are safety, ambulance, and fire issues. Mr. Coleman said they can revise the Township standards equivalent to that of the County's.

Mr. Tabor said they always try to get the roads to connect to get some of the traffic off the highway.

Mr. Kinnunen said it would be a good idea to put county standards on their roads.

Outside wood broilers were discussed. Mr. Coleman said these cause a lot of smoke that just hangs in the air if it isn't vented properly, which can cause some people also have respiratory issues. For new wood burners being installed, he suggested 5-acre lots as a minimum size for safe use.

Mrs. DeVooght said an extension of the trailer park on Silver Creek road was just done, so they still deal with it a bit. She said she thinks some of the language should be kept.

They decided to keep the mobile home regulations and that it is something that they still use and may have to deal with in the future.

Mr. Magadanz questioned the acreage of the hunting on shooting on the preserves and the total land. He thought that 40 acres is kind of small.

Randy Yelle said that he just picked a number for that wording because he wasn't sure. He said that total acreage can be changed.

Mr. Coleman said that he should be able to present a complete draft in a couple of months for review.

VII. NEW BUSINESS - none

VIII. PUBLIC COMMENT- none

IX. COMMISSIONER COMMENT - none

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Marquette Township Planning Commission – 12/13/06 Minutes

B. Marquette City Commission – 12/05/06, 12/19/06 Minutes

XI. ADJOURNMENT

Meeting adjourned at 9:37 pm

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, May 14, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Steve Kinnunen, Dennis Magdanz, and Ken Tabor

Absent: Dave Cotton

Staff Present: Tom Murray (Community Development Coordinator), Randy Yelle, (Zoning Administrator) and Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF MINUTES OF THE FEBRUARY 12, 2007 MEETING

Dennis Magadanz motioned to approve the minutes from 2-12-07 meeting and Tom Shaw seconded. Ayes 6, Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Ken Tabor motioned to approve the agenda; Steve Kinnunen seconded. Ayes 6 Nays 0. Motion approved.

IV. PUBLIC HEARING

No Public Hearings Scheduled.

V. PUBLIC COMMENT

No Public Comment.

VI. OLD BUSINESS

A. Rezoning #139 – Rezoning of property from R-1 to PUD and consideration of a Preliminary Development Plan.

A motion was made by Ken Tabor to revisit this item; seconded by Dennis Magadanz. Ayes 6 Nays 0 Motion approved.

Tom Murray recapped the information presented at the February 12, 2007 meeting pertaining to #139 Rezoning Application of Property from R-1 to PUD (Superior Pines Condominium Project). Mr. Murray read the definitions for “Rural Residential Land Use” (pg. 10-6 of the Preliminary Development Plan) and “Agricultural-Forestry Land Use” (pg. 10-3 of the Plan) on page 5 of the Staff/File Review - Site Data and Analysis Report prepared by Dennis Stachewicz, which is included in the Commissioner’s packets. Mr. Murray also described letters dated March 6, 2007 and April 17, 2007, from Dr. English as well as an April 27, 2007 letter from James R. Clark, Project Manager, requesting that the Planning Commission take formal action on Rezoning Application #139 at their May 14, 2007 meeting. On March 29th the Township received a notice of Intent to Establish a Condominium Project with 20 parcels located on 26 acres with 14 acres of open space located south of the railroad grade. The letter dated April 17th received by Chocolay Township, from the developer, notified the Township Supervisor of the Health Departments’ preliminary approval for well and septic for this plan. At the February 2007 meeting the proposal remained tabled due to density and open space concerns as well as the Health Department’s preliminary approval for soil and water. Meetings with the developer since then have failed to find agreement on a method to decrease the density of the proposal to comply with the Comprehensive Plan

Albert Denton reported that the only new thing he sees being brought to the Commission at this time in regards to this proposal, is the preliminary approval for water and soil from the Health Department for the proposed condominium subdivision consisting of 20 single family residential units on 26 acres of land. The report did state that there is adequate quantity and quality of water for this development, but that there will be a need to treat the quality of the water.

Nancy Rife, 202 Wanda Drive inquired into the status of the water issue and is it complete. Mr. Denton reported that the water issue at this point is pretty much resolved.

Shawn Campbell, 212 Kawbawgam Road asked if the readings from the test wells were accurate for this type of development. Mr. Denton said that the wells were tested according to the "Plan" and the Health Department's specifications for water quantity and quality measures. A letter was received by the Township from James Clark, Project Manager, which included the Health Department's preliminary approval letter for this project. A 4-hour pump test was conducted for the typical unit size of 1 acre. The Health Department's letter dated March 30, 2007 stated that the assessment of the on-site water supplies was provided by the project engineer. The assessment included two well logs from wells constructed within the proposed development, and their associated water sampling data. The wells were 130 and 120 feet deep and located on the west and east portions of the proposed site condominium. Water samples collected from these wells confirmed the chemical and bacteriological suitability of water withdrawn from the aquifer. Mr. Denton again stated that the water quantity is there, but that the quality of the water will need to be chemically treated.

Gary Loher, 1975 M-28 East asked if the water issue is really solved and is there anything else that can be done to protect the residents in regards to their water concerns. Mr. Denton replied that once the Health Department gives preliminary approval there's really nothing the Planning Commission can do.

Elizabeth Delene, 232 Kawbawgam Road reported that the residents on Kawbawgam Road had a United States Geological Water Investigation Report done that states that the underlying clay layers are thin to absent throughout the entire Kawbawgam Road area. Mr. Denton stated that the Commission has to abide by the Health Department's approval report and recommendations.

Jim Clark, Project Manager for the developer, stated that the initial application was for 40 units on 39.99 acres, which has been reduced to 20 units with 4 possibly being duplexes on 26 acres.

Steve Kinnunen reported that he stills sees issues with the green space as 50% of the proposed project has to incorporate green space, which is not seen on the plan. If the intent is to develop this whole development in clusters, the entire comprehensive plan should be put on the table and get all of the open space identified for the entire 164 acres. If we are only going to discuss developing the 26 acres, there needs to be more open space identified. According to the comprehensive plan there needs to be 50% open space.

Steve Kinnunen made a motion to table this request until more information is received regarding the density/green space issues. Tom Murray stated that the developer requested in his April 27th, 2007 letter that formal action be taken on this particular part of the Rezoning Application #139 at the May 14th, 2007 meeting. Mr. Denton also stated that he felt there was enough information provided to take formal action. Mr. Kinnunen made a motion to withdraw his previous motion to table this request. Albert Denton seconded the motion.

Estelle DeVooght made a motion to deny #139 Rezoning Application from R-1 to PUD. Steve Kinnunen seconded the motion.

Ayes 4 Nays 2. Motion approved.

VII. NEW BUSINESS

No new business at this time.

VII. PUBLIC COMMENT

No public comment.

VIII. COMMISSIONER'S COMMENTS

Steve Kinnunen stated that the Planning Commission needs clear and concise definitions of the zoning requirements for this type of land development model, as all future developments in the Township will be based on this model and it needs to be right.

Tom Shaw, Vice Chairman stated that the reason he voted to approve the #139 Rezoning proposal was to give the developer a chance to redo his proposal to meet the density issues. Mr. Shaw understands and appreciates the water concerns of the residents, but explained that it is also the job of the Planning Commission to encourage development in the Township.

Estelle DeVooght questioned why the Planning Director hasn't provided the Commission with more details pertaining to Cluster Development. Albert Denton reported that Mr. Laumann is no longer employed with Chocolay Township and a new Planning Director hasn't been hired yet.

Mr. Denton informed the developers that they can come back to the Planning Commission with another proposal for the development of the 40 acres or a proposal to develop the full 164 acres.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission – 1/16/07, 2/6/07, 3/6/07, 3/20/07, 4/3/07, 4/17/07 Minutes.
- B. Planning and Zoning News – January 2007, February 2007, March 2007, and April 2007.
- C. Chocolay Township draft ZBA Minutes – March 22nd, 2007.
- D. Marquette Township Planning Commission minutes – January 24th, 2007 and February 14th, 2007.
- E. Correspondence to Lorraine Leidholdt.
- F. Correspondence from Janet and Wayne Amundsen.
- G. Request for a June 25th, 2007, Zoning Ordinance work session.

XI ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Albert Denton, Chairperson

Laurie Eagle, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, June 11, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dave Cotton,
Steve Kinnunen, Dennis Magdanz, Ken Tabor

Absent: Vice Chairman Tom Shaw

Staff Present: Tom Murray (Community Development Coordinator), Randy Yelle,
(Zoning Administrator) and Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF MINUTES OF THE FEBRUARY 12, 2007 MEETING

Dennis Magdanz motioned to approve the minutes from 5-14-07 meeting and Ken Tabor seconded. Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Tom Murray requested to add under Old Business as 6C. Informational - Superior Pines. Steve Kinnunen motioned to approve the agenda with the addition, Ken Tabor seconded. Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARING

No Public Hearings Scheduled.

V. PUBLIC COMMENT

Lee Blondeau, 30 N. Tracie Lane requested to speak when the discussion of the revised Zoning Ordinance (VI.) C.) is addressed.

VI. OLD BUSINESS

A. Discussion – Status of the Hiawatha Water Trail Grant

Tom Murray, Community Development Coordinator, provided an update via a memo dated June 11, 2007 to the Planning Commission members. Mr. Murray reported that the Hiawatha Water Trail Grant, was applied for in March, 2004 from the Department of Natural Resources Trust Fund and was awarded to the Township. The total grant amount is \$24,750 of which \$6,435 represents the required Township match. The townships match amount includes the construction of a roof over the storage locker, informational signage, a plaque, a picnic table and labor. 3 portions of the project were bid separately and were tentatively granted by the Township Board, which include construction materials, kayak locker steel fabrication, and limestone aggregate. No initial bids were received for the materials and installation of the footings for the boardwalk and fishing pier. Marquette Fence did submit a bid at a later date. Mr. Murray stated in his memo that there would be an \$11,273.54 projected deficit for this project incorporating all of the bids. Mr. Murray will rebid the foundation work to try to get a lesser quote. Mr. Murray also stated that he is exploring other possible funding avenues to assist with this project as construction costs have risen 45% since the approval of this grant.

Action: Mr. Murray will follow-up on the status of the re-bid for the foundation work.

B. Discussion – Status of the Revised Zoning Ordinance

Randy Yelle, Zoning Administrator, provided the Committee Members in their meeting packets a draft of the Revised Zoning Ordinance up to this point. Mr. Yelle asked everyone to review the draft and make any suggested changes/ corrections they may see in this draft. Mr. Yelle reported that there will be a

Special Meeting held on Monday, June 25th at 6 PM to conduct a work group meeting to discuss the final changes to the Revised Zoning Ordinance. Mr. Yelle also reported that the revised maps should be ready by Wednesday, 6/13/07.

Albert Denton asked the committee members to look through the draft Zoning Ordinance and point out any changes or corrections they may see at this time. There was much discussion pertaining to typos, section numbering, coordination and definitions of the abbreviations (or no abbreviations at all) and acronyms listed in the ordinance, etc. Mr. Yelle noted such changes and will have them fixed in the next draft. Other items discussed were Gas Stations/Service Stations, Cluster development density requirements, acreage required for a Planned Unit Development, clarification of building condominiums vs. site condominiums, mineral extraction changes, and access roads. The Committee members also discussed that the revisions to the zoning ordinance need to as clear and concise as possible and understandable by the commission and residents.

Dave Cotton reported that he submitted to Randy Yelle alternative language pertaining to wind energy systems/towers. This language would not only protect the residents, but provide for their safety as well.

Lee Blondeau 30 N. Tracie Lane suggested that a zoning ordinance pertaining to Contractors Yards should be considered in the revision of this zoning ordinance. Mr. Blondeau also inquired about the Conditional Uses section of the ordinance, which seems pretty broad. He suggested the revisions made to the zoning ordinance should also reflect future road changes and future industry in the Chocoley Township area.

C. Superior Pines Condominium Project Update

Tom Murray reported Mr. James Clark, Project Manager for the proposed Superior Pines Condominium Project is presenting the proposed development and requesting approval of the preliminary development plan at the June 18, 2007, Township Board meeting. If approval is obtained from the Township Board, staff will be directed to hold a public hearing in regards to approving this proposed development. Mr. Murray encouraged the members of the Planning Commission to attend the Township Board meeting on June 18th at 7 PM.

VII. NEW BUSINESS

No new business at this time.

VII. PUBLIC COMMENT

No public comment.

VIII. COMMISSIONER'S COMMENTS

No commissioner's comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission – May 1, 2007 minutes.
- B. Planning and Zoning News – May 2007.
- C. Marquette Township Planning Commission minutes – February 28th, 2007, May 1, 2007 and May 9th, 2007.

XI ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Sec.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION
SPECIAL ZONING ORDINANCE MEETING
Monday, June 25, 2007 @ 6:00 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dave Cotton,
Dennis Magdanz, Ken Tabor

Absent: Vice Chairman Tom Shaw, Steve Kinnunen,

Staff Present: Tom Murray (Community Development Coordinator), Randy Yelle, (Zoning Administrator) and Laurie Vashaw-Eagle (Recording Secretary), Jennifer Thum (Planning and Community Development Director)

Guest: Pat Coleman, U.P. Engineers and Architects

II. ZONING ORDINANCE WORK GROUP SESSION - DRAFT 6/20/07

Albert Denton, Chairperson, reported that the township has been working on updating and revising the Zoning Ordinance for the past year and the zoning ordinance is nearing a final draft. This meeting is a work group session to go over the 6/20/07 draft.

Tom Murray, Community Development Coordinator, reported that suggested changes from the June 11, 2007 Planning Commission meeting have been incorporated into the third draft of the Zoning Ordinance. Mr. Murray also reported that there hasn't been much change to the Zoning Ordinance since the 1970's and it was in need of updating.

Mr. Murray stated that after one or two more work sessions the Final Draft of the Zoning Ordinance will be brought to the Township Board and then to a Public Hearing, which will possibly be held in August, 2007.

Pat Coleman, Consultant, reported that there have been minor changes to the Zoning Ordinance over the years, but since the Township adopted a new Comprehensive Plan within the past couple of years it became necessary to update the Zoning Ordinance to meet the goals that the comprehensive plan outlines. The Township took this opportunity to simplify the ordinance, reduce the number of districts, improve the organization of the ordinance by creating chapters and sections to make it easier to follow, incorporate definitions and include appropriate regulations.

Mr. Coleman reported on some items that have been updated such as the addition of fencing regulations, outdoor wood burning stove regulations, wind energy regulations, access management provisions dealing with M-28 and the US 41 corridors through Chocolay Township, which is the result of the Township participating in a study of these two corridors.

Mr. Coleman reported that Randy Yelle provided numerous recommendations from the staff and the residents of Chocolay Township that have been incorporated into this draft of the ordinance. Fence regulations were incorporated into the ordinance as they were not addressed in the old ordinance. The non-conforming use section was simplified to state that the property either conforms or is non-conforming, and if it is non-conforming there are procedures in place for the resident to request a variance to the zoning ordinance, but only for dimensional kinds of issues related to a specific lot. A big change in the zoning ordinance is the elimination of private roads. Future homes and developments will be required to have the road frontage abut to a public road and all new roads will have to meet all Marquette County Road Commission specifications. This has been agreed to by the Marquette County Road Commission.

The zoning ordinance also reduced the number of zoning districts and combined some to simplify the ordinance and the districts.

Mr. Coleman also reported that the waterfront residential section of the zoning ordinance was cleaned up in regards to allowable uses to better protect the waterfront residents and their property. The intent section was changed to state that premier principal uses of the property are for single-family homes only. The conditional uses section encompasses fishing piers, resorts, bed and breakfasts, outdoor wood burners and wind energy conversion systems on lots of 5 acres or more including conditions for approval, trails and accessory housing units. These conditional use requests will require a public hearing where the requestor will have to make an application, pay a fee, and the planning commission will hold a public hearing and make recommendations for the conditional use before it can be approved.

There was discussion pertaining to pg. 75, 10.1 Uses Permitted, Minimum Sizes and Fees”, Section “A”. This pertains to uses for a Planned Unit Development (PUD). There are many steps incorporated into this type of development and this type of request will require the Township Planning Commission to hold a public hearing and residents within 300 feet of the development will continue to be notified in writing as well as advertised in the newspaper. The new Zoning and Enabling Act, a state law in Michigan that now requires the public to be notified by advertising in the newspaper 15 days before a public hearing is held. Also, the public can't be notified of a planned development until the completed application is submitted. Cluster developments were also discussed which are designed to provide flexibility to the developer and to have higher density on part of the site with open space on another part of the site and also requires at least a 5 acre density ratio threshold. The height restriction for these developments is 30 feet. The density or open space must also meet the particular requirements for that zone / district.

There was a question related to Conditional Uses on page 16 in regards to “resort”. Should this be moved to the agricultural section so it is not part of the residential section. A motion was made by Dennis Magadanz and seconded by Ken Tabor to move “resort” from the residential conditional use section to the agricultural (AF section).

Ayes 5 Nays 0 Motion approved.

The Erosion Hazard line measuring was questioned. Randy Yelle explained that he follows the IGLD (International Great Lakes District) guideline, which states to begin measuring from the 1st apex to the planned building site. Dave Cotton expressed concern in regards to better defining the high dune line or 1st apex.

Dave Cotton also discussed the ordinance pertaining to Wind Energy and outdoor wood burners on pg. 45 that require at least 5 acres. Dave Cotton made a motion to remove the 5 acre requirement and require the applicant to go to the Township Planning Commission for approval. Dennis Magadanz seconded the motion.

Ayes 5 Nays 0 Motion approved.

Dick Arnold, Contractor, stated that there is no zoning districts that permit small contractors to set-up small businesses in the old ordinance. After much discussion a conditional use zoning district will be looked into to accommodate this type of zoning.

Lee Blondeau, Blondeau Trucking, submitted a letter in regards to the Commercial district being zoned conditional use.

Some typographical and numbering errors were identified:

- 1) Page 31 under Intersection (#7) M282 should be changed to M28.
- 2) Page 40 (#5) US/M26 should be M28.
- 3) Page 48 numbering is incorrect

IV. PUBLIC HEARING

A public hearing will be scheduled in August to review the final draft of the Zoning Ordinance. The public will be notified.

V. PUBLIC COMMENT

Public comment in regards to changes, clarification of various items and requests for changes to various zoning items was incorporated into the minutes and duly noted by the Planning Commission.

VI. OLD BUSINESS

No old business at this time.

VII. NEW BUSINESS

No new business at this time.

VII. PUBLIC COMMENT

No public comment.

VIII. COMMISSIONER'S COMMENTS

No commissioner's comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

No informational items or correspondence to discuss at this time.

XI. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Sec.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, July 9, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw Estelle DeVoight, Dave Cotton, Dennis Magdanz, Ken Tabor

Absent: Steve Kinnunen,

Staff Present: Tom Murray (Community Development Coordinator), Randy Yelle, (Zoning Administrator) and Laurie Vashaw-Eagle (Recording Secretary), Jennifer Thum (Director of Planning and Development)

II. MEETING MINUTES

Dennis Magadanz moved to approve the minutes from 6-11-07 regular meeting seconded by Tom Shaw.

Ayes 6. Nays 0. Motion approved.

Motion made by Ken Tabor to approve the minutes of the 6-25-07 special meeting seconded by David Cotton.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

No additional items were added and Mr. Cotton moved to approve the agenda as presented, seconded by Ken Tabor.

Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARING

A. Public Road Request #23 / Ward Trail

Francis Ward was requesting approval for a private road located off of Willow Road (an existing private road) to support future development of the area. This request was made under Section 402 of Zoning Ordinance #34.

Tom Shaw made a motion, Estelle DeVoight seconded, that after review of Private Road Request #22; the standards of Section 402.D of Ordinance 34; Section 401.D of Ordinance 34; and the Staff/File Review – Site Data and Analysis, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the “Township Board” with the following conditions:

- 1) Francis Ward shall allow access to township vehicles as well as other public/private utility companies to provide services; and
- 2) A covenant shall be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed; and
- 3) Francis Ward pay for and install a road sign identifying the private road as “Ward Trail” at the intersection with Willow Road and Francis Ward is to pay for and install a stop sign at the same intersection; and
- 4) Francis Ward is required to provide certification from a surveyor/engineer that the private road standards of the Zoning Ordinance have been achieved at the conclusion of construction; and
- 5) Francis Ward shall comply with the conditions and requirements of all other agency regulations; and

- 6) A zoning compliance permit shall not be issued until all of the above conditions are met.
- 7) Land Division Approval is required from the Assessor for the creation of individual parcels off from the road and may require the modification of the lots as shown.

Ayes 5. Nays 1. Motion approved.

V. OLD BUSINESS

No old business at this time.

VI. NEW BUSINESS

A. Superior View Site Condominiums / Preliminary Plans

Mr. Eric Keough had submitted a preliminary plan for the proposed Superior View, a site condominium project. Staff had reviewed the preliminary plan and recommended that several items be addressed prior to submission of an additional preliminary plan:

1. Section 503 of the Zoning Ordinance is for the application and review procedures. Under letter B, it lists the Preliminary Site Plan Review procedures. Mr. Keough does not meet the requirements to have his preliminary plan at the Planning Commission at this time. The Zoning Ordinance states, "The Preliminary Site Plan shall include the same information as required for Final Site Plan review, unless deemed unnecessary by the Planning Director and the Zoning Administrator." Here are the items that should be on the Preliminary plan, but have not been shown at this time:
 - a. The existing and proposed topography of the site at a minimum of 2' (Two foot) intervals and its relationship to the adjoining land, has not been shown. This should be on a separate sheet of paper.
 - b. The scale is not accurate. In future engineering drawings, please make sure that the scale is no greater than 1 inch=60 feet and then only in a base of ten.
 - c. The setback requirements have not been met. This could be due to the inaccuracy of the scale.
 - d. Proposed curb cuts have not been shown.
 - e. Proposed grading if any has not been shown. Please provide a copy of the permit application if there will be grading done on site. Per Part 91, of 1994 PA 451.
 - f. Proposed location, size and type of drainage, sanitary sewers, water services, storm sewers and fire hydrants must be included.
 - g. Proposed landscape plan showing area of new topsoil, grass, or other ground cover, and type and size of trees and shrubs.
 - h. Material description of homes and an example of what material is going where.
 - i. There are no open space calculations shown.
 - j. Our Zoning Administrator, Mr. Randy Yelle has requested a copy of the Master Deed and has yet to receive that item.
2. Another issue echoes the sentiments of our Township Attorney, Mr. Mike Summers and our Zoning Administrator, Mr. Randy Yelle. The enclosed site plan is showing five lots; in 2003 these five lots were combined into two parcels.

The previous owner, Mr. Schaub, rezoned the property from C-2 to R-3. He did so for the construction of the condo development allowing for four 60 foot by 50 foot units.

Mr. Randy Yelle has informed Mr. Keough and his professional surveyor on several occasions that there are no longer five lots, but two, and the property in question is zoned R-3. Therefore, if they attached two of the requested single-family dwellings with a common garage, making two family residents, they would be considered a permitted principle use within said zoning district. Mr. Yelle has informed Mr. Keough that the five lots are non-conforming and they have been combined into two lots. One of these lots became conforming with the second much closer to conforming than before. The two lots will not be split, as it is illegal to create a lot not in compliance with the zoning ordinance.

3. The amount of curb cuts Mr. Keough is proposing to have on Terrace Street. They are unacceptable and a potential hazard to not only pedestrians, but also to the existing residences and customers of the businesses across the street. We have a required road frontage of 125 feet. The lots do not come close to meeting that requirement. In fact, they are not in compliance of our zoning ordinance either, under Section 525(D)(6) General Requirements, under the Site Condominium provision, it states:

“For the purpose of this ordinance, each site condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.”

4. If the surveyor could show on a sheet the maximum lot coverage ratio, net lot coverage and floor area ratio, it would be appreciated.
5. With regards to the Sanitary Sewer, our DPW supervisor contacted STS Consultants to get their opinion on this development. Their recommendation was that, one single family home/residence, one lateral – NO EXCEPTIONS. They have seen too many problems when a lateral serves more than one single family home. They are requiring Mr. Keough to follow Section Seven of the Waste Water Collection Ordinances, which states that “A separate and independent building sewer shall be provided for every building.”
6. Mr. Keough is proposing a fence on the east side. Would Mr. Keough plan on building an additional fence on the west side? Also, the new ordinance will state that the fences in Harvey only be allowed at a height of 4 feet, not the 6 feet that he is proposing.
7. In the proposed plan, Mr. Keough is only showing one type of dwelling unit. Are all the homes going to look alike or will there be variances between the homes.
8. There are no heights that are being shown on the plan, in our Zoning Ordinance It states that the maximum height requirement in an R-3 is 30 feet. The heights of each home and garage will have to be shown on the preliminary plan.

Al Denton made a motion, seconded by Ken Tabor that the Planning Commission table the approval request of Mr. Keough’s Superior View Condominium preliminary plan. Mr. Denton encouraged Mr. Keough to meet with the Township Staff and re-submit his preliminary plan in accordance with ordinance requirements and staff recommendations.

Ayes 5, Nays 0. Motion approved.

B. Proposed Farmers Market

Mr. Jim Hyer’s was proposing to operate a farmers market this summer where farmers can sell their produce and local artisans can sell their homemade soaps, wool, etc. Mr. Hyer would like to host the farmers market at the pavilion just north of the Fire Hall. He would like to hold this market during midweek to ensure little competition from neighboring farmers markets.

Jennifer Thum sought opinions from the Zoning Administrator and the Township Attorney regarding this type of commercial activity being held on Township property and what liability/insurance issues would be involved. Mr. Summers stated that the Township might have to obtain additional insurance since the Township is not insured for commercial activities. Mr. Summer's overall position is that if we allow one individual to utilize our township land to have a commercial type of businesses on our property, then we have to allow anybody. Mr. Summers cautioned the Township about entering into to this type of area.

**After much discussion Al Denton motioned to deny Mr. Hyer's Proposal for a Farmer's Market, seconded by Tom Shaw.
Ayes 6. Nays 0. Motion approved.**

VII. PUBLIC COMMENT

Sunny Walden 252 M-28 East questioned how much property is needed for a development such as Dr. English's proposed development?

Al Denton explained that Mr. English's property was rezoned from an RR2 to a PUD, which requires at least 5 acres.

Lee Blondeau 30. North Tracie Drive inquired if there were going to be any more Zoning Ordinance work sessions before the final draft is brought to the Public as he is concerned that his property will be classified as conditional use instead of permitted use thus making it non-conforming.

Tom Murray reported that if deemed necessary another work session will he scheduled before the Public Hearing. Tom Murray also reported that at this time a Public Hearing is scheduled to review the Final Draft of the Zoning Ordinance on Monday, August 13, 2007 at 6:00 PM in the Silvercreek School Auditorium.

VIII. COMMISIONER'S COMMENTS

Tom Shaw, Vice Chairperson, inquired if the Township should look at the fee it charges to hook into the water/sewer system to see if we're in line with other Townships.

Township Staff will research this item.

Al Denton reminded everyone that the Township Board Public Hearing regarding Dr. English's proposed PUD Development will be held on Monday, July 16th, 2007 at 7:00 PM.

IX. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission – May 15th, 2007 Minutes
- B. Marquette Township Planning Commission Minutes – May 23rd 2007, June 13th, 2007.

X ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Sec.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, August 13, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Dave Cotton,
Dennis Magdanz, Ken Tabor, Steve Kinnunen,

Absent: Estelle DeVooght

Staff Present: Randy Yelle, (Zoning Administrator), Jennifer Thum (Director of
Planning and Community Development), Laurie Vashaw-Eagle (Recording
Secretary)

II. APPROVAL OF JULY 9th MEETING MINUTES

Dennis Magadanz pointed to a correction under VII. New Business A) c. change “he” to “the”. The paragraph under New Business A) last paragraph, last sentence should state Ayes 6. Nays 0. With no further corrections noted Dave Cotton motioned to approve the minutes from the 7-9-07 meeting. The seconded was provided by Dennis Magadanz.
Ayes 5 Nays 0 Motion approved.

III. ADDITIONAL ITEMS / APPROVAL OF AGENDA

Dave Cotton requested that under Old Business the Committee add A) Zoning Ordinance – Wind Energy/Outside Wood Burning Stove 5 acre requirement. With no further Additions to the agenda, Ken Tabor motioned to approve the agenda seconded by Dave Cotton.
Ayes 5 Nays 0 Motion approved.

IV. PUBLIC HEARINGS

A. Conditional Use Permit #60A Alder Storage Properties – Revising original C.U.P. to construct two additional Buildings

Dick Arnold of 312 County Road 545, reported that he has no objections to the additional buildings, but would like to see the stumps and trees that can be seen from the highway from the initial construction of the storage buildings be cleaned up before new construction begins.

Mark Maki of 370 Karen Road questioned this conditional use request, as there was another storage facility constructed with out the conditional use process. Mr. Maki referred to Zoning Ordinance, Section 106, which he feels was not complied with. He reported that he was denied access to the site plan before it was approved by the Township. He then came into the office after a Board Meeting and filed a complaint with the police asking why the ordinance was not complied with and stated that he never received a response.

Gloria Hoog of 108 Alderbrook Dr. stated that she lives behind the Alder Storage Buildings and stated she would like to know exactly where the two storage buildings will be located on the property. Ms. Hoog agreed with Mr. Arnold’s clean up comments and would like to see the area cleaned up. Ms. Hoog also wants the area around the buildings to remain cleaned up and presentable and inquired if there were any plans for the small pond on the property.

Cristal Silta of 429 North Third St explained that the brush pile will be cleaned up by either bulldozing it or burning it. Ms. Silta reported that she will follow the recommendations of the Township in regards to cleaning up the previous construction materials, brush, tress, etc.

Gloria Hoog questioned how big the buildings will be and how many more will be built in the future.

Cristal Silta apologized for taking so long to clean this up. She explained that she was hoping to put another building up, but couldn’t afford it last year. The two new buildings

will be bigger than the initial buildings, but will be built 30 ft. from the property line, and in accordance with the zoning ordinance requirements. Ms. Silta also explained that she may build additional buildings in the future, which will be determined by demand and economic feasibility.

Mark Maki reported that he sent a fax to the new Planning Director on 7/13, 7/24, and 7/26 requesting some information and asked for verification from the Planning Director that she received the fax. Mr. Maki stated he hasn't received a response pertaining to his fax or information request. Mr. Maki also stated that he has sent letters to Randy Yelle in the past with no response to those either. Mr. Maki asked if Jennifer Thum or Randy Yelle could address his concerns about denying him access to public records. He questioned if the staff are receiving the faxes or if the fax machine is broken. Al Denton asked Mr. Maki to come in the Township office and make an appointment to meet with Greg Seppanen in regards to his request.

VI. OLD BUSINESS

A. Revision to The Zoning Ordinance - Wind Energy and Outside Wood Burners

Dave Cotton motioned, seconded by Ken Tabor to reinstate into the new Zoning Ordinance a 5 acre minimum with set backs for outdoor wood burners which was omitted during the previous Zoning Ordinance meeting.

Ayes 5 Nays 0 Motion Carried.

VII. NEW BUSINESS

A. Conditional Use Permit #60A Alder Storage Properties – Revising original C.U.P. to Construct Two Additional Buildings

Ms. Silta explained that the curbs and paving between the buildings were initially done on July 23, 2007. Ms. Silta reported that she has been in contact with Jeff Rautiola of MDOT and explained the delay associated with the contractor in completing the paving project. Ms. Silta has spoken with the contractor and he told her the project is scheduled to be completed this Wednesday or Thursday. Ms. Silta also explained the landscaping will be completed once the paving is complete.

Steve Kinnunen motioned, Dave Cotton seconded, that after review of Conditional Use request #60A, the STAFF/FILE REVIEW-SITE DATA AND ANALYSIS, Sections 211, 403, and 701 of the Zoning Ordinance, the site plan and application provided and subsequently finding compliance with the standards for approval of the request found in Section 701 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #60A as an amendment to Conditional Use #60A with the following conditions:

1. Alder Storage Properties adheres to the MDOT requirements that the Township Planner sent to Christal Silta, on July 16, 2007. The letter outlines the items that MDOT is requiring of Ms. Silta. The MDOT requirements need to be completed before the issuance of a zoning compliance permit.
2. Alder Storage Properties maintains the landscape areas that are shown on the plan dated 7/27/07.
3. Alder Storage Properties maintains a 30 ft. buffer in the rear of the property where it abuts residential property. The visual screen shall consist of the surviving conifers and either an opaque wooden fence, a chain link fence with interwoven redwood or cedar slats or a vegetative screen consisting of Lilac, Arbor Vitae and Forsythia planted on 3-ft. centers. Plants shall be a minimum of 30 inches tall at planting.
4. During construction, proper best management practices are placed on site to ensure that soil does not go into the pond.
5. The proposed swales in the rear of the property are to be constructed to ensure proper drainage of the site.
6. Alder Storage Properties plants the required 2.5% of landscaped open space within the 40 foot front yard setback.
7. That any lanes providing access to storage doors be left with a 20'

unobstructed area to allow customer access/maneuvering as well as providing access for emergency vehicles.

8. That the applicant provides the Fire Department with a final set of building Plans detailing the fire breaks within the buildings.
 9. That any security lighting shall be designed to reflect light downward and away from adjoining residential properties in accordance with the requirements of Section 500 of the Zoning Ordinance.
 10. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.
 11. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal, State, and Local Agencies, are acquired.
 12. Alder Storage Properties will clean-up said property now and after the new construction including removal of brush, trees, debris, etc.
- Ayes 5 Nays 0 Motion approved.

B. Lee Blondeau, Zoning for Blondeau Trucking

Lee Blondeau, 30 Tracie Lane, gave a historical overview of Blondeau Trucking in Chocolay Township and wanted to straighten out some problems that have historically plagued this property. Mr. Blondeau explained that this business has been in Chocolay Township since the early 1960's. Mr. Blondeau also pointed out that when Blondeau Trucking first began, there was no Zoning Ordinance in Chocolay Township. In 1977, the Zoning Ordinance was revised and Blondeau Trucking was zoned as a permitted use property. In the mid 1980's problems began and the disputes ended up in Court. This property then became a non-conforming property. After a lengthy court battle, the property became a conditional use brokered by the Court and included restrictions on the number of trucks they could operate out of this property.

Mr. Blondeau reported that this property does not clearly fit into one specific category listed in the Zoning Ordinance. Technological advances have made the heavy trucks less loud, they have less breakdowns, there is no smoke coming from the trucks as did in the past, etc. Mr. Blondeau explained that Blondeau Trucking operates primarily as a maintenance facility with little to no truck traffic during the day unless there are repairs to be made to the trucks.

Mr. Blondeau explained that he is here to try to avoid future problems with this property and the zoning. Mr. Blondeau is asking staff to work with him to allow Blondeau Trucking to operate under a permitted use rather than a conditional use.

Al Denton asked Randy Yelle if there is any available property in Chocolay Township that would allow Blondeau Trucking to operate under a permitted use. Mr. Yelle explained that there is no available property in Chocolay Township that he is aware of where Blondeau Trucking could relocate and operate as a permitted use..

Al Denton questioned Lee Blondeau in regards to how many trucks the court is allowing for this business. Mr. Blondeau reported that he is not sure of the exact number. Mr. Denton instructed Mr. Blondeau to verify the number and not exceed what the court has restricted.

Al Denton stated that this business has been in the Township for many years and since there is no property zoned in the Township for this type of business nor is there any property available that could accommodate this type of business in the Township, he supports the township doing something to try and work with Lee Blondeau. The Township will work with Mr. Blondeau regarding problems that may arise in the future and also try to find an area in the Township where this type of business could operate or make an area in the Township to allow this type of business to operate and flourish.

Mark Maki questioned the Planning Commission if they are allowing a spot zone for the 8 acres that houses Blondeau Trucking. He also questioned the various actions of the Chocolay Board members, the Township Planning Commission, and the Administrators in regards to his right to the Freedom of Information Act requests. Al Denton asked Mr. Maki to contact the Township Office and set up an appointment to discuss his concerns with Greg Seppanen and himself.

Tom Shaw reported that he has not heard many complaints against Blondeau Trucking, but has personally witnessed unfounded accusations against them. Mr. Shaw has known Lee Blondeau to be willing to work with anyone who has a complaint to try to solve any issues amicably and satisfactorily.

VII. PUBLIC COMMENT

Dick Arnold of 312 County Rd. 545 wanted to commend the Planning Commission on their willingness to work with residents and business owners as well as looking out for the best interest of Chocolay Township.

VIII. COMMISSIONER'S COMMENTS

No comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission – July 3rd, 2007 Minutes
- B. Marquette Township Planning Commission Minutes – June 27th, 2007.
- C. Planning and Zoning Magazine

XI. ADJOURNMENT

The meeting adjourned at 8:37 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Sec.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, October 8, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadanz, Ken Tabor

Absent: Dave Cotton (excused), Steve Kinnunen,

Staff Present: Jennifer Thum (Director of Planning and Development), Laurie Vashaw-Eagle (Recording Secretary)

II. MINUTES

Dennis Magadanz motioned to approve the minutes from the August 13th, 2007 meeting, seconded by Ken Tabor with no corrections.

Ayes 5 Nays 0 Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Estelle DeVooght requested to add the Comprehensive Plan to the agenda under Old Business (B). With no further additions to the agenda, Ken Tabor motioned to approve the agenda, seconded by Tom Shaw.

Ayes 5 Nays 0 Motion approved.

IV. PUBLIC HEARINGS

A. Rezoning #140 – Request to rezone property from R-3 to C-3

Jennifer Thum, Director of Planning and Community Development, reported that Randy Yelle, Zoning Administrator, received a request for a change in the Chocolay Township Zoning Map from Minnesota Towers Inc., (Randall Mattson). The site is located in section 7, T47N-R24W, Parcel #52-02-108-009-00, Township of Chocolay, County of Marquette, Michigan, lying north of M-28 East. This parcel is zoned R3, Residential, being requested to be rezoned to C-3, Commercial. If adopted C-3 would become Industrial, as per the proposed Zoning Ordinance, as directed by the adopted Comprehensive Plan. The applicant is proposing to rezone the parcel to C-3 to then apply for a conditional use permit to allow for a wireless cell tower. The Comprehensive Plan, page 10-2, "Future Land Use Map", shows no industrial zoning in that area.

Section 101 of the Chocolay Township Zoning Ordinance addresses towers under;

Wireless Communication Facilities, All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment building, and public, private and commercial mobile radio service facilities.

Section 211 (C) allows for Wireless Communication Facilities, subject to the conditions of Section 527, within the C3, RP, and PL zoned districts as a Conditional Use. (See attached copy of Section 527).

The following items were noted as some general considerations that should be taken into account when evaluating this rezoning:

1. Is the land use proposed in the rezoning request consistent with the uses designed for said property within the township's comprehensive plan?
2. Is the proposed district and all of its allowed uses compatible with the surrounding area?
3. Can the property be used for a use already permitted within the district?

The following information was given by MTA's Township guide to planning and zoning and also supported by the Chocolay Township Zoning Administrator:

Reviews of rezoning should not be accompanied by a site plan. It is easy to become distracted by discussions of landscaping, setbacks, and other issues. Site plans should not be considered as part of a rezoning review, except as part of a contract, or conditional, rezoning or as planned unit development. **Absent** a specific contract voluntarily offered by the applicant, a rezoning approval cannot be conditioned upon a particular use, plan or other action. Once rezoned, the property can be used for any use permitted in the new zoned district. The site plan review should take place only after the rezoning is approved, the two should not be processed simultaneously.

Permitted Principal Uses within the C3 zoned district are: Motor vehicle sales, service and rental, construction & farm equipment sales, sales of mobile homes, campers, recreational vehicles, boats & monuments, wholesale and storage uses, food packing and bottle works, commercial printing and newspaper offices, contractor's yards and shops, laundry, cleaning and dyeing plants. This does not take into consideration the Conditional Uses allowed with Planning Commission approval.

If approved, any of the permitted principal uses would be allowed, and the Chocolay Township comprehensive plan does not support C3 or Industrial Zoning in that area, and the area is bordered by residential zoned property. The Zoning Administrator recommends denial of this request.

Mr. Randall Mattson of Minnesota Towers, explained that Minnesota Towers is a company that builds towers primarily for cell phones. Mr. Mattson is instructed by the company to explore and make arrangements to building tower(s) within a specific search ring stipulated by the company who hires them. Mr. Mattson contacted Dr. Peura to see if he would be willing to lease a portion of his land to build a 175 ft. cell phone tower as his property is within the specific search ring. Mr. Mattson and Dr. Peura also met with Randy Yelle, Zoning Administrator, to see what the best course of action he would recommend to accommodate a tower of 175 feet high that would be within the zoning ordinance. Mr. Yelle suggested Mr. Mattson and Dr. Peura's best course of action would be to submit a request to the Planning Commission to try to rezone the property from R3 to C3. Mr. Mattson stated that a C1 rezoning only allows for a 75 ft. tower. Dr. Peura stated that he's not a construction person and only intends to lease the space and not do anything else with it. Mr. Mattson also stated that if he has to move the tower even one quarter of a mile it may interfere with the intent of providing better service to the company's customers and it will require a larger tower to be installed. The company would prefer to minimize the size of these towers.

V. PUBLIC COMMENT

Lee Blondeau, 30 Tracie Lane, stated that land zoned in Chocolay Township that would allow this type of tower is extremely sparse.

VI. OLD BUSINESS

A. Update on Alder Storage

Jennifer Thum, Director of Planning and Community Development, provided an update in regards to the zoning compliance of Alder Storage. As of last month, Ms. Silta has complied with all the MDOT requirements for the driveway in order to get the MDOT permit and a zoning compliance from Chocolay Township. When Jeff Rautiola informed the Township that everything was satisfactory with MDOT, we then issued a zoning compliance to Ms. Silta. As of this week, the footings have been installed and the floor added to one of the units. It seems that she will have one building built by the end of this fall.

Ms. Thum stated that the Township did have an issue with Ms. Silta, as she cut down all the trees in the rear that served as a buffer to the residential district. These were supposed to remain. When asked why she did this, she replied, "I had to cut them down in order to create the swales." This was not true as Ms. Silta could have

created the swale without cutting down the trees. Mr. Yelle and Ms. Thum were tempted to put a temporary stop work order on the site, but were able to reach an agreement with Ms. Silta.

It was agreed that Ms. Silta would plant enough Spruce trees on 5 ft. centers to replace the rear buffer and to plant the additional buffer that was called for on the final plan. This called for Lilac, Arbor Vitae, and Forsythia planted on 3 ft. centers. Mr. Yelle and Ms. Thum will monitor Ms. Silta's site to ensure that everything is planted correctly and that she follows the required conditions attached with her approval.

B. Comprehensive Plan in New Ordinance

Estelle Devooght stated that she had some concerns with the July, 2007 Draft Zoning Ordinance in regards to the comprehensive plan. The Commission members stated that a September, 2007 Final Draft Zoning Ordinance was recently provided to everyone to review before the October 29, 2007 meeting. Ms. Devooght stated that she will hold any comments until she reviews the most recent version of the Final Draft Zoning Ordinance.

VII. NEW BUSINESS

A. Rezoning #140 – Request to Rezone Property from R-3 to C-3

Jennifer Thum showed a map of the Township pointing out the C-3 zoning districts to help clarify the rezoning request of Dr. Peura's property and the surrounding districts. Ms. Thum pointed out that Dr. Peura's property is zoned R-3, but all of the property in front of him is zoned C-1 (commercial). Ms. Thum also reported that all residents and businesses were notified within 300 feet of Dr. Peura's property in regards to Rezoning Request #140. Dennis Magadanz asked where the access drive would be located to access the tower. Mr. Mattson stated that the access drive will be off M-28 East. He also stated that Dr. Peura owns both lots (approximately 30 acres) surrounding the proposed tower site.

Ken Tabor questioned why the property would need to be rezoned to C-3, and stated that if the property was rezoned to C-3 it could open up the property for other things and not just the tower.

Al Denton stated that another option would be to go before the Zoning Appeals Board, but there are no guarantees that the request will be approved there.

The Planning Commission members in attendance stated that they're uncomfortable rezoning this property to C-3 because of possible future problems with this type of zoning on this parcel of property.

Dr. Peura asked the members their opinion on whether he should keep the R-3 zoning and request a variance of the height restrictions from the Zoning Board of Appeals? Dr. Peura also stated that he is looking for possible options or suggestions to accommodate the building of this tower on his property.

Jennifer Thum suggested that this be tabled so she could meet with the assessor to see if it would be possible to section off a small parcel of Dr. Peura's property for just the tower. Ms. Thum will look into the legalities and report back to the Commission at the November meeting.

Al Denton stated that the Township would like to work with Dr. Peura and Mr. Mattson to try to accommodate their request to build a 175 ft. tower without having to rezone the property to a C-3 zoning district.

Tom Shaw made a motion, seconded by Ken Tabor to table this so staff can research the options available to Dr. Peura and Mr. Mattson's request to build the 175 foot tower and report back their findings at the November meeting.

5 Ayes 0 Nays Motion approved to table this until the November meeting.

B. U.P. Engineers and Architects – site plans review on an “as needed basis”

Jennifer Thum, Director of Planning and Community Development, reported that recently there has been some issues with existing site plans pertaining to drainage. As a result, U.P. Engineers and Architects were contacted about the possibility of them assisting with site plan review when needed. Ms. Thum believes that outside professional engineering assistance would be best to help ensure that proper draining is on all new sites. It's the Township's responsibility to ensure that the proposed site's drainage does not affect any of the neighboring properties. She stated that the Township would hire U.P. Engineers and Architects, if they believed that the site plan needed a more extensive review.

Currently, it is the Township's responsibility to pay for outside consulting advice. However, under the new ordinance there will be a provision that where the Township can require the applicant to either help with the consultant fees or to cover them completely. Ms. Thum believes the Township will be seeing more and more development, and having an outside agency assisting in the plan review would be beneficial.

“An escrow fee may be required to obtain a professional review of any other project with may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public roads, other infrastructure or services, or an adjacent property and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.” (Zoning Ordinance, Draft 7/21/07).

Ms. Thum stated that enclosed in the meeting packets is some information from U.P. Engineers and Architects; the short form of agreement that proposes to provide review services on an as needed hourly basis and their current rate schedule. She also reported that the services that would most likely be used would be Landscape Architect, Planner and Engineer I on the rate schedule.

Estelle Devooght stated that she had a problem with one specific company being awarded all of the business.

Jennifer Thum stated that she understood and would be happy to put the services out for bids.

The Planning Commission members discussed that if the applicant pays for engineering or architectural services, they should be allowed to choose the company they wish with Board input / approval. The Board asked Ms. Thum to create a list of engineers to be considered by the Township and the applicant. The Board also asked Ms. Thum to look into developing a reasonable system to address this item as there are issues pertaining to who would have ownership of the documents, etc. Ms. Thum will research what other Townships do in these types of situations.

Estelle Devooght made a motion seconded by Ken Tabor to table this issue until the November meeting.

5 Ayes 0 Nays Motion approved to table this until the November meeting.

C. 2007 Road Ranking Rankings

Jennifer Thum, Director of Planning and Community Development and Martin Caceres, Director of Public Works submitted a memo to the Planning Commission members in regards to the 2007 Road Rankings.

Ms. Thum reported that with the 2008 budget looming and the upcoming millage vote, the Township needs to prioritize the next road projects so the needed funding can be identified and work can begin with the Road Commission on these future projects. Ms. Thum provided in the meeting packet a spreadsheet detailing the roads that were identified through field inspection, which should be prioritized for completion. Ms. Thum reported that the Township staff have ranked the roads

according to the Township's road ranking system and is asking the Planning Commission to review the rankings to determine their recommendations.

Dennis Magadan stated that CR 545 – West Branch Road should not be ranked on our list as it's a primary road and is the county's responsibility.

No other comments/recommendations were made by the Planning Commission members.

Estelle Devooght made a motion to accept the 2007 Road Rank List with the omission of CR 545 and seconded by Dennis Magadan.

5 Ayes 0 Nays Motion approved.

VIII. PUBLIC COMMENT

Mark Maki, 370 Karen Road, questioned a zoning ordinance change pertaining to contractors yards and shops. Mr. Maki stated that after reviewing the meeting minutes from April and July he was unable to find anything pertaining to this being added to the new zoning ordinance.

Lee Blondeau, 30 Tracie Lane, commented that he attended a meeting where this issue was discussed and he remembers a few contractors attending the meeting.

IX. COMMISSIONER'S COMMENTS

Tom Shaw, Vice Chair, requested that Jennifer Thum research similar tower issues and resolutions in other areas and report back her findings at the November meeting.

Al Denton, Chairperson, reported that the Zoning Appeals Board held a Special Meeting on October 4, 2007 regarding an appeal pertaining to a possible non-compliance of height at a home being constructed at 601 Lakewood Lane. The case was initially heard in Circuit Court and Judge Weber sent it to the Chocolay Township Board of Appeals to be heard first. Randy Yelle, Zoning Administrator, performed the measurements and determined the grade to the best of his abilities. After modifications were made, Mr. Yelle determined the height of the house as it stands today is in compliance with the Zoning Ordinance and the appeal was denied by the Zoning Board of Appeals.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission Minutes – August 7th, 2007/August 21st, 2007
- B. Marquette Township Planning Commission Minutes – July 5th, 2007/July 18th, 2007
- C. Letter from Mark Maki
- D. Planning and Zoning Magazine

XI. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, November 12, 2007 @ 7:30 PM
DRAFT COPY**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadanz, Steve Kinnunen, Dave Cotton

Absent: Ken Tabor

Staff Present: Jennifer Thum (Director of Planning and Development), Randy Yelle, (Zoning Administrator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF OCTOBER 8th & OCTOBER 29th MEETING MINUTES

Tom Shaw motioned to approve the October 8, 2007 meeting minutes as written, seconded by Estelle DeVooght.

Ayes 6. Nays 0. Motion approved.

Estelle DeVooght motioned to approve the October 29, 2007 meeting minutes as written, seconded by Steve Kinnunen.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned to approve the agenda as written seconded by Dave Cotton
Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARING

A. Conditional Use Request #78, Proposal for a Home Occupation to Fix Transmissions on Automobiles and to Work Out of His Garage

Mr. Gregory Martin began his presentation by provided a handout of his invoices for the year to the Planning Commission members and explained his conditional use request proposal for a home occupation to fix transmissions and to work out of his garage. Mr. Martin explained that he's been performing this service since approximately 2001 and was unaware he needed approval from the Commission. Mr. Martin reported that he feels that the main concern is pollution. He did explain that he used to blow parts outside, but no longer does this. He also explained that all of the work he performs is done inside. Over the past year, Mr. Martin has done 52 transmission, which averages out to 1 per week. Mr. Martin did state that he will get in compliance with the DEQ. He also explained that he and his wife conducted a noise test today by having his wife go to various areas of the neighborhood to see if she could hear him blowing parts out inside of his garage. The noise could only be heard when she was in the front yard of their home, but the highway noise was just as loud. Mr. Martin also stated that the drain in his garage could be checked for oil or chemicals and none would be found as he doesn't accept transmissions unless they are drained of their fluids. Mr. Martin wanted to clarify that he does not fix cars in his garage; he only performs work on transmissions. He also wanted to clarify that he only occupies half of his garage as a work area and the other half is used for personal vehicles and recreational vehicles. Mr. Martin stated that the 4 vehicles in his driveway are his and wife's and they are all licensed and registered so his business does not cause a lot of traffic.

B. Conditional Use Request #79, Proposal to Build an Accessory Housing Unit onto an Existing Single-Family Dwelling Unit

Jill Leonard reported that she and her husband have submitted all the necessary paperwork and have been very careful to comply with all of the requirements associated with this request. Ms. Leonard stated the addition is for her mother and would encompass less than 30% of the existing structure and will be less than 1,000

square feet. Ms. Leonard also stated that they are more than willing to return to the Planning Commission in 5 years for a reconsideration of the conditional use request.

V. PUBLIC COMMENT

Paul Kyto, 1475 East M28, stated that he has been a neighbor of Mr. Martin for many years and has no problem with noise or felt concerned about oil getting into the ground water. He also stated that he has never been bothered by Mr. Martin fixing transmissions in his garage.

Gary Heinzelman, 1471 E. M28, stated that he did notice a little air noise in the Summer, but has no problem with Mr. Martin fixing transmissions in his garage, but he did ask the Commission to consider following the zoning ordinance as it's written.

Lee Blondeau, 30 Tracie Lane, requested to get the Planning Commission to discuss their thoughts in regards to the changes to the new ordinance pertaining to the rezoning of the Blondeau Trucking property. Mr. Blondeau requested that this issue be added to the agenda. Albert Denton responded that the agenda is pretty full for this evening, but if there's time the Commission will address this.

Stan Wittler, 124 County Road 545, stated his concerns about the 20 acre rezoning requirement in the new ordinance to build a home. He also questioned why 20 acres and not 5 or 10 acres? Mr. Wittler stated that this seems quite excessive and doesn't appear to serve the public's best interest. Estelle DeVooght stated that this change was decided to try and curb urban sprawl. Randy Yelle explained that the 20 acre requirement came out of public hearings that were held in 2005.

Mr. Dan Wietala, 645 Lakewood Lane, stated that he looked at the applicant's proposal and also the zoning administrator's letter and stated he doesn't support the approval of the Conditional use Proposal #78 due to chemical use. The area is zoned residential and there's always a fear of chemical use and he feels it is too risky to the ground water. Mr. Wietala feels the Township doesn't need to encourage these types of home occupations. He also stated that he hopes everyone who lives in this area is careful with chemicals since everyone has wells

Stephanie Gencheff, 597 Lakewood Lane, stated that this property doesn't really bother her, but an R1 district should remain R1. The only mitigating circumstance Mr. Martin has given is that he only works out of his home 1 day/week. Ms. Gencheff stated she doesn't think that this is enough of a reason to allow a commercial business in an R1 district.

VI. OLD BUSINESS

A. Bayou Court Condominiums

Jennifer Thum, Township Planner, thanked Mr. Keller for providing an updated site plan to the Township. She explained that when she visited the Bayou Court Condominiums recently there was some noticeable changes that were not part of the original site plan. Ms. Thum explained to Dan Keller owner of the Bayou Court Condominiums that when you make changes to the site plan you have to go back to the Planning Commission for approval of these changes. Mr. Keller was unaware that he needed to do this and is present at the meeting tonight to explain the changes, answer any questions, and listen to any suggestions. Ms. Thum stated that the main concern at this point is the increase in the grade and how the drainage might affect the residents on either side of the condominiums and she asked Glen Van Neste to take a look at the property and provide his opinion.

Mr. VanNeste explained that he went to the property and in his opinion the side of the property closest to the Bayshore Veterinary Clinic should not experience anything different from run off then they did before. The residence on the opposite side of the property could possibly have a problem with run off from the roof if there was an unprecedented storm. Mr. VanNeste did state that the Bayou Court Condominiums have constructed a retention pond, installed a retaining wall, and added gutters to the roofs to channel excess run off to the bayou behind the

condominiums, but these don't take care of the potential run off problem for the residence most at risk.

Estelle DeVooght questioned where the retention wall was located and does it stop the normal run off?

Glen VanNeste replied that the retaining wall does not channel the water.

Dan Keller stated that they've made changes to the gutters to channel the water to the center of the Condominiums and then to the bayou. He also stated he believes that the top of the retaining on the residence side can be modified so water can stay on their property and into a pipe already in the ground and then to the planters.

Albert Denton asked Mr. VanNeste if there may be a landscape solution to this problem by building another wall to channel the run off on the other side of the property nearest to the residence?

Glen VanNeste stated that he felt that could be a solution.

Dave Cotton asked about the retention pond in the front and does the water from a normal rain go to the back of the property.

Dan Keller stated that the rain from the retention pond in the front is not channeled to the back.

Jennifer Thum and Randy Yelle will work with Dan Keller to try to fix the resident drainage problem. Ms. Thum will provide an update to the Planning Commission at the December meeting.

B. Cellular Tower

Jennifer Thum, Township Planner, reported that Mr. Mattson (Minnesota Towers),

Randy Yelle and she have been looking for a suitable site to place a 175 ft. cellular phone tower near the intersection of US Highway M28 and US 41. Ms. Thum stated that the area being looked at within the specific range needed by Minnesota Towers, in her opinion, are not suitable for this type of tower.

Albert Denton suggested the property behind the Silver Creek Academy which is by the Township park, or by the Travelodge motel or behind Meister's green house, but he's not sure of the zoning. Mr. Denton asked Ms. Thum or Randy Yelle to look into the land behind Meister's Greenhouse and contact them as that land is in the same general area. Mr. Denton also suggested looking into the area by the Varvil Center on US Highway M28 to see if that area might be in the range Minnesota Towers is looking at for the tower. Mr. Denton also asked the public that if they have any suggestions, please call Chocoy Township.

C. Request for Proposal for Engineering Services

Jennifer Thum, Township Planner, reported that she wanted to update the Commission on this item. Ms. Thum has obtained samples of RFP's from different counties and is working on creating one specific to Chocoy Township. Ms. Thum will present this at the December meeting for review and changes. Ms. Thum stated that she will also include a grading scale at the end of the RFP for awarding engineering services and the awards should be based on the company knowing the area and should not go to the cheapest service.

VII. NEW BUSINESS

A. Conditional Use Request #78, Proposal for a Home Occupation to Fix Transmissions on Automobiles and to Work Out of His Garage

Jennifer Thum reported that Mr. Gregory C. Martin has requested Planning Commission approval of a Conditional Use Permit to allow for approval of a

home occupation to repair and rebuild transmissions on his property located at 632 Lakewood Lane. As required under the conditional use procedure, a notice has been published in the paper and all property owners within 300' of the property have been notified. Ms. Thum also stated that several letters were received against this proposal and a letter of support from Mr. and Mrs. Love. This proposal has the potential to be hazardous and could be detrimental to ground water, wildlife, etc. This type of business is not permitted in an R1 district and is only permitted in a commercial district.

Mr. Gregory Martin stated that there are numerous businesses being operated on Lakewood Lane and reiterated that he understands the environmental concerns and is more than willing to work with the DEQ to be in compliance. He also stated that this business does not generate any oil, as he won't accept transmission with oil. Mr. Martin has taken precautions for oil and mineral spirit concentration. He also stated that he doesn't generate enough business to rent or buy property and that is why he is seeking this conditional use request. Mr. Martin also stated he did some research on the computer and according to the DEQ standards, he has so little amounts of oil that it barely registers. He also stated that he has taken extra precautions in case of a small oil spill.

Dave Cotton stated that it appears that Mr. Martin is an expert for this type of specialty work and this doesn't seem like it's an automotive repair shop.

Steve Kinnunen stated his concerns about Mr. Martin taking business away from businesses that are zoned for this type of work in Marquette County.

Mr. Martin stated that he is fulfilling a niche and is now assisting Marquette Transmission & Auto Repair, as they don't have a person that does this type of work.

Estelle DeVooght stated that there are not many people in Marquette County who fix transmissions.

Randy Yelle cautioned the Commission about allowing this type of business in an R1 District, which could create many problems in the future.

Albert Denton, Moved, Seconded by Steve Kinnunen, that after review of Conditional Use request #78, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Sections 211, 107, and 701 of the Zoning Ordinance, the application and staff comments provided, and subsequently **not finding compliance** with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission **denies** Conditional Use request #78 for the following reasons:

1. The proposed home occupation is not a fitted use under the R-1 Zoning District and allowing this type of use would go against the Township's Zoning Ordinance.
2. The applicant would be handling hazardous material such as Transmission fluid and oil that could be detrimental to the groundwater.
3. The proposed home occupation has the potential to interfere with the general enjoyment of the neighboring properties.
4. The proposed home occupation really does not improve the surrounding neighborhood.

Ayes 5. Nays 1. Motion to deny this request approved.

Estelle DeVooght explained to Mr. and Mrs. Martin why she voted no on Conditional Use Request #78. Ms. DeVooght stated that many people in the Township have home occupations and have never gone to the Township for approval. Ms. DeVooght also stated that she doesn't agree with the way this request materialized or how it was handled.

B. Conditional Use Request #79, Proposal to Build an Accessory Housing Unit onto an Existing Single-Family Dwelling Unit.

Jennifer Thum reported that David and Jill Leonard, 990 Valley Road, have

requested the Chocolay Township Planning Commission to review a Conditional Use Permit to allow for approval to construct an accessory housing unit addition to allow for an elderly parent to live with them. As required under the conditional use procedure, a notice has been published in the paper and all property owners within 300' of the property have been notified. Jennifer Thum also stated that Fred Benzie from the Health Department asked that she include that if 2 or more bedrooms are added that Mr. and Mrs. Leonard will have to have their septic system reviewed to make sure it can handle the additional capacity.

Dave Cotton Moved, Albert Denton Second, that after review of Conditional Use request #79, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Sections 211, 107 and 701 of the Zoning Ordinance, the application and staff comments provided, and subsequently **finding compliance** with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission **approves** Conditional Use request #79, with the following conditions:

1. That the proposed accessory housing unit does not increase the floor area of the single-family dwelling unit by over 30%.
2. Upon approval of this accessory unit, the owner(s) shall file an affidavit with the Registrar of Deeds giving notice that the accessory housing unit of the involved parcel is for temporary use by a parent(s) or grandparent(s) related to the owner.
3. This conditional use is good for 5 years. After that time is up the applicant is required to come back to the Planning Commission for an extension.
4. Upon the cessation of use of the accessory housing unit by the parent(s) or grandparent(s) of the owner-occupiers of the single-family home, said accessory housing unit shall be removed or converted to remove the individual floor plan elements, that are functionally create a separate dwelling unit.
5. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.
6. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal, State, and Local Agencies, are acquired.

Ayes 6. Nays 0. Motion approved.

David Leonard, 990 Valley Road, stated that when he purchased the house he checked the septic system and found they were already in violation as they had a steel tank for their septic tank. Mr. Leonard stated that he has upgraded his septic system to a concrete tank from a steel tank that holds up to 1,500 gallons rather than the 1,200 gallon requirement by the Health Department. Mr. Leonard stated to the Commission that he believes they have met all of the requirements asked of them by the Township. Mr. Leonard asked about clarification of #6. Mr. Denton instructed Mr. Leonard to contact Randy Yelle and he will explain #6 to him in detail.

C. Private Road Language

Randy Yelle explained to the Commission that he just received today, the draft zoning ordinance revisions, the County road specifications and the comprehensive plan. Mr. Yelle stated that the Planning Commission members should consider tabling this until the December meeting so they can review the new language.

Dave Cotton motioned, Dennis Magdanz seconded to table private road language until the December meeting.

Ayes 6. Nays 0. Motion Approved.

D. Height Definition Language

Randy Yelle explained to the Commission that he just received today, the draft zoning ordinance revisions, the County road specifications and the comprehensive plan. Mr. Yelle stated that the Planning Commission members should consider tabling this until the December meeting so they can review the new language.

Dave Cotton motioned, Dennis Magdanz seconded to table height definition

language until the December meeting.
Ayes 6. Nays 0. Motion Approved.

E. Proposed Zoning Ordinance

Randy Yelle explained to the Commission that he just received today, the draft zoning ordinance revisions, the County road specifications and the comprehensive plan. Mr. Yelle stated that the Planning Commission members should consider tabling this until the December meeting so they can review the new language.

Dave Cotton motioned, Dennis Magdanz seconded to table height definition language until the December meeting.
Ayes 6. Nays 0. Motion Approved.

VIII. PUBLIC COMMENT

Tom Thomas, 673? Appleway Trail, stated that he feels the existing private roads should not be affected by the new ordinance.

Tom Shaw explained that the changes in the new ordinance pertaining to private roads will be from the point the new ordinance is put into effect and shouldn't change the private roads that were already approved unless they want Marquette County to assume responsibility for them.

Lisa Niemala, 111 Lara Lei Trail, stated that she feels the current roads should be grandfathered in and not subject to the new ordinance changes. Albert Denton and Steve Kinnunen explained that Mr. and Mrs. Niemala's private road has already been presented and approved by the Planning Commission and the new ordinance will not affect that approval.

Chris Nettleton, 130 Maple Road, stated that he submitted an application for a conditional use request for a bed and breakfast at the end of September. He would like to know why this request is not on tonight's agenda.

Randy Yelle stated that he needed Mr. Nettleton to submit some further documents and this has now been done. Mr. Yelle will contact Mr. Nettleton at the beginning of next week. Mr. Yelle also stated that he believes this be on the December Planning Commission meeting agenda.

Frasier Simpson, 231 Kawbawgam Road, asked is a road or a driveway is being built behind Kawbawgam Road?

Randy Yelle stated that Paul Smith has a 66 ft easement to his property in back of the easement and is putting in a driveway as he wants to build a home back there. Mr. Yelle has been unable to contact Mr. Smith to speak to him about it.

Elizabeth Delene, 232 Kawbawgam Road, stated that she came to the Township office to inquire about Mr. Smith obtaining a permit to put in a driveway on the property located on Kawbawgam Road and the Township, but they were unable to assist her at that time. She then contacted the County and they don't have a permit for this project either. Albert Denton replied that he believes this is a County issue and not a Township one so the County will need to address this issue.

Stephanie Gencheff, 597 Lakewood Lane, stated that she feels that the Bayou Court Condominiums is an atrocity and the drainage problems they are experiencing is of their own making. She encouraged the Commission to require grading permits before the work is actually done. If Bayou Court Condominiums was going to build a plateau to place condominiums on, why didn't they have to take into consideration the average surrounding grade?

Patricia Martin, stated that she is very dismayed by what happened pertaining to Conditional Use Request #78. It appeared to her and her husband that the decision was already made before they were able to present their request. Ms. Martin stated that they paid \$250 to be able to request conditional use #78 and that is a lot of money to pay. She also stated that when she came to the Township office to get

copies of the letters that were submitted pertaining to Conditional Use #78, the letters were in 2 different envelopes and she feels she wasn't given all the letters. Ms. Martin requested a written response on how the recommendation was done within 10 days. She also requested information on how to appeal tonight's decision within 10 days.

Stan Wittler, 124 County Road 545, asked if the new ordinance will require a 66 ft right of way for a private residence on the property? His concern is not only the 66 ft. right a way but whether he will be required to pay for a private road so his son can have access to the property if he decides to build a home on this property.

Estelle DeVooght stated that she was under the impression that the new private road ordinance pertaining to driveway requests such as Mr. Wittler's was going to be changed to better reflect the changes the Planning Commission discussed previously.

Lee Blondeau, 30 N. Tracie Lane, stated that he would like to make a formal request to rezone his property from a C1 Commercial district to a permitted use. He stated that Blondeau Trucking has been at the same location for over 50 years and at this point in time there is no other available land in the Township to move and expand. Randy Yelle stated that he will meet with the Township Attorney to see if this property could be approved as a conditional use and report back to at the December meeting.

IX. COMMISSIONER'S COMMENTS

There were no Commissioner's comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette Township Planning Commission minutes – September 12th, 2007, September 26th, 2007, October 3rd, 2007 Minutes**
- B. Proposed Planning Commission Budget 2008**
- C. Planning and Zoning Magazines**

XI. ADJOURNMENT

Tom Shaw motioned, seconded by Dave Cotton to adjourn the meeting. The meeting adjourned at 9:07 p.m.

Albert Denton, Chairperson

Laurie Washaw-Eagle, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, October 29, 2007 @ 7:00 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadan, Ken Tabor, Steve Kinnunen

Absent: Dave Cotton

Staff Present: Jennifer Thum (Director of Planning and Development), Randy Yelle, (Zoning Administrator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF OCTOBER 8th MEETING MINUTES

Albert Denton motioned to table until the November 12, 2007 meeting, the approval of the minutes from the 10-8-07 meeting seconded by Dennis Magadan.

Ayes 4. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Dennis Magadan motioned to approve the agenda as written seconded by Steve Kinnunen. Ayes 4. Nays 0. Motion approved.

IV. PUBLIC HEARING

Final Draft of Zoning Ordinance

Pat Coleman, U.P. Engineers and Architects, summarized revisions and additions to the Final Draft Zoning Ordinance, which is the result of many months of work, public hearings, work sessions, etc. The revised final draft zoning ordinance addressed all of the recommendations made related to the comprehensive plan that was created for Chocolay Township last year, which called for the creation and consolidation of various zoning districts. Some of the zoning district changes are RP and OS were zoned agricultural. The RR2 district was eliminated by modifying the agricultural forestry district to include the same uses and to allow minimum lot sizes of uses by right of 20 acres. The RR1 district was eliminated by consolidating that into the agricultural forestry or R2 district to be consistent with abutting property. Lakeshore (LS/R) is now called Waterfront Residential for Lake Superior and some of the inland lakes and streams. Also, consolidated R1, 2, and 3 to R1, created R2 for all of Harvey where most residential was non-conforming, but will now be conforming in terms of their lot sizes to eliminate a lot of variance requests and Zoning Board of Appeals requests. R4 was renamed to multifamily residential, C3 was renamed Industrial and what used to be public land will be changed to municipal properties (MP).

A lot of the text was cleaned up in the draft ordinance. In the past there was a convoluted process if you did have a non-conforming lot, you would first have to have it classified as Class A or Class B. This will be changed to you're either conforming or non-conforming. The height definition and methodology was revised for determining height. We tried to make this definition very clear. Mr. Coleman stated that a lot of definitions to clarify their meaning. In the Comprehensive Plan one of the goals was to encourage Rural cluster development was encouraged rather than spreading this out all over the Township and language was added to allow this in certain zones.

The Township for the past few years has been working with other local governments in Marquette County to in regards to access management on M-28/US 41 as more and more development occurs there will be a need for more driveways and then the road will become more congested and more accidents will occur. Access management is to try to reduce to a minimum the number of curb cuts on the highway. Any future development on M-28 or US 41 will be subject to access management provisions that are in the new ordinance.

There is a lot of concern pertaining to outdoor wood boilers and wind energy conversion as energy costs increase and the Township has created some regulations that would allow for wind energy conversion and outdoor wood boilers under certain conditions.

Another big proposed change is if someone wants to build a private road it must be built to county standards so the county will take over the maintenance and responsibility for that road. The new ordinance will eliminate the private road requirements and require that all development would be located on public roads. There is also a section that is added to the ordinance to regulate fences.

STAFF COMMENTS:

No staff comments at this time.

BOARD COMMENTS:

No Board comments at this time.

V. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane, inquired that if R4 is rezoned to multifamily residential, is there still an R3? Mr. Coleman responded that this was consolidated into the R1. In a rural cluster development subdivision the multifamily residential district and the agricultural forestry district have minimum lot sizes of 1 acre, but when you go into the R1 you are dealing with a lot smaller lot size with a minimum lot size of 25,000 sq. feet and if she owned 5 acres and decided to sell it to a developer he could then put 8 units on it and put all the units on one half of the 5 acres will this be possible. Ms. Gencheff questioned set backs in an R1 district and the ordinance only addresses set backs as 500 foot set back from a farm and doesn't pertain to a and R1 residential district. She also voiced her concern about open space being encouraged in a rural cluster and the way a rural cluster is laid out it could affect the properties on either side of it and she feels that the Township should require open space to be along the perimeter. She strongly objects to a cluster development subdivision to be allowed in an R1 district where a minimum lot size is 25,000 sq. ft. and the Township could end up with less density and a much denser population then the residents of Chocolate Township would want.

Maggie Meiss, 105 Wright Street, voiced her concerns about the truck traffic affecting the air quality in her neighborhood pertaining to the contractor's yards and stated that the traffic that goes by her house currently has created a vibration resulting in her foundation cracking. She also expressed concern about the truck traffic and noise that goes on all night, which is not supposed to be allowed from 9PM to 5 AM. If someone would like to put a trucking business in this area, they should be required to put them in an Industrial Park and not in a residential area.

Jim Clark representing Dr. John English, questioned the elimination of private roads except for an AF property if in a PUD district could you still do a private road with a PUD plan? Mr. Clark stated that this requirement would add significant cost to the development and it should be required recorded in the deed that the owners would have to maintain the road and he doesn't see the purpose for a public road within a PUD. He voiced his opposition of the wording in the new ordinance and there should be some sort of exception for the PUD designation upon approval of the Planning Commission. Another concern Mr. Clark has the huge gap in the residential land by the elimination of the rural residential districts i.e., R1 25,000 sq. ft, R2 10,000 sq. ft, and FR 20 acre sites, etc. There seems to be a big gap between high density residential living and rural living. Mr. Clark stated that he also opposes the RR2 designation (pg 44), which he feels should be possibly zoned as transitional zones. Mr. Clark also voiced his concern that in a cluster development the cost of the road required by the ordinance would be more expensive then the land and if you did a PUD it would cost the average person \$10,000 to \$15,000. It seems there is no middle ground for required lot sizes. Mr. Clark also suggested the Township require property owners on a private road to have a covenant provision to maintain road maintenance or require that property owners be required to create a performance bond to insure the road will be built to standard. Mr. Clark also stated that another way that a private road could be handled is by completing a Land Division with Private Road Application and place a covenant upon the application stating that maintenance provisions for every lot and needs to be dictated, and keep the same standards as are already there as they're good standards. Another mechanism that can be used would for the Township to require the property owners to put up a bond for the road and maintenance. If the road is not kept up the bond will be used.

Glenn Van Neste, 1402 Kimber Street, asked if you bring the private road up to county road specifications, does that include black topping? What if you only own 1 parcel of land and it's only going to be 1 parcel and your driveway is 200 ft. because it goes along one lot to get to another parcel of land in the back, are you going to require county road specifications? Mr. Coleman stated no as long as you have frontage. Mr. Van Neste asked what if you have an easement? Mr. Coleman stated that an easement might qualify as frontage. Mr. Van Neste stated that this would be very burdensome so someone building on one lot. He also cautioned about the use of the word "Lot", "Parcel" and "Unit" as they should be used appropriately in the ordinance as there has been many court cases in the State of Michigan for inappropriately using these words. The word "Site" when it comes to condominiums and should be eliminated from the ordinance. The word "site" is not recognized by the State of Michigan the word "condominium" is the correct term.

John English, 450 E. Ohio Street, stated that he has a question about the public/private road issue and commented about the front page of the Mining Journal in regards to the County not having the resources to take care of some of the Township's roads and his question is that if Chocolay is requiring the private roads to be up to county standards are they responsible to service the road and if they are what is the Township telling us.

Bob LaJeunesse, 407 Little Lake Road, commented that Marquette Township does not have the funding to take care of the roads they have much less more roads. Mr. LeJeunesse also stated that he disagrees with the private road ordinance as he has property in the Varvil Center and this change will make that road non-conforming.

Lee Blondeau, 30 Tracie Lane, questioned where did the access management plan originate from? Mr. Coleman explained that it was created with the input of Chocolay, Marquette, Marquette Township, Negaunee and Negaunee Township. In summary the management plan means that every existing parcel of land less than 500 ft. will be allowed 1 driveway and every parcel of land greater than 500 ft. will also be allowed 1 driveway but may be required to build frontage roads, connected parking lots or other types of other alternative access points. The existing driveways in Chocolay Township will be allowed to stay, but if the MDOT decides to do a project they will negotiate with the owners to reduce the driveway access(es) to make it more safe. Mr. Blondeau questioned Private Roads (pg. 49) in regards to all existing lots on private roads becoming non-conforming and appears that it will be burdensome to property owners. Mr. Blondeau questioned the "I" district and stated that the Township should consider expanding this district as currently there is no open space for more "I" district. Mr. Blondeau also inquired as to the timeline that the new zoning ordinance will become effective. Al Denton stated that this is the last public hearing that will be held by the Planning Commission and once the Commission approves the new ordinance, it will be sent to the Township Board for their approval before it is enforced.

Leroy Blondeau, 1 Heidi Drive, stated that he has developed Edward Trail, which is a private road and was put in properly and still has 3 more parcels to sell will these lots be non-conforming? He stated that the road is a good road and is maintained and feels that he should not have to bring the road up to county standards. He suggested that the Township have its own specifications for private roads. Mr. Blondeau stated that when building a private road you're going to encounter two different standards i.e., county specs and the Township specs, which are different. He is opposed to the new ordinance pertaining to private roads and stated that the Township should have their own specifications for private roads and not make them all non-conforming with the new ordinance.

Bob Cambensy, 306 N. Sixth Street, commented that he feels the Township is making a mistake pertaining to making parcels non-conforming. He feels this will be more burden on the Zoning Appeals Board and will create a lot of problems. He voiced his concern pertaining to required acreage in an agricultural district, but has concerns with the elimination of the 5 acre zoning. Height definitions (pg. 9) and voiced his concern about measuring from the "original ground" and stated that some people will remove dirt and/or grade the lot to increase or decrease the original ground. The definition should be made more clear such as incorporating that "height measurements need to be taken prior to the breaking of the ground" or consideration could be given to determining a grade by how far the development is from the lot line. Mr. Coleman stated that he could provide some alternative definitions for consideration. Mr. Cambensy also commented that the County doesn't want nor does it have the resources to maintain frontage roads.

John Swanson, 2366 U.S. 41 South, requested clarification pertaining to pg. 49 in regards to frontage road requirements and easement or other right-of-way not less than 66 feet and would this apply to commercial property. Mr. Coleman stated that if the property doesn't have frontage on a public street or a public road then you would have to create an access road that meets county standards.

Gary Niemela, 111 Laralei Drive, provided a short history of his property and the building of his private road so his kids could play safely and he and his wife could walk their dogs safely. Mr. Niemela has taken extra precautions to preserve the trees and vegetation on his property. Mr. Niemela voiced his concerns in regards to private road safety concerns and feels that they are unfounded as he's had to deliver building materials on many private roads and has never encountered the inability to do this. He also questioned if Marquette County has the resources to take on more roads once the revised zoning ordinance is put into effect. He stated that making private roads non-conforming especially for those who maintain a good and well-maintained road is unfair. He stated that he feels it is important for the Township and the residents to give each other respect and consideration before making a lasting and costly decision.

Stanley Wittler, 124 County Road 545, made a suggestion to the Planning Commission to look into a better way to inform the public so the public can be better prepared for such meetings. He also stated that not all properties are directly on public roads and why should someone need 20 acres to build a home? Why eliminate the 5 acres? He also stated that the Township should let more people give input into the Zoning Ordinance changes.

Janet Amundsen, 2029 M-28 East, commented on the rural cluster development is for low density, and a rural cluster subdivision talks about high density (pg. 52) and stated that parking lots, paved areas, roads, etc. should not be part of the open space. On page 53 it should be required that not only the quality of the water, but the quantity of water should also be looked at for rural cluster developments. She also stated that she disagrees with 55C, which could give the developer a bonus of 52% to develop and 48% open spaced. She asked for clarification of the overlay for snowmobile trails and the requirement of a 50 ft. set-back and she questioned set-back from what? Mr. Yelle explained that this requirement is for snowmobile trails on private property and not the State trails. Ms. Amundsen also pointed out a couple text errors, i.e., "4.11 PUD" on page 22 there is no 4.11 as it ends with 4.10 and PUD is under 4.09 and it goes from 4.7 to 4.10 so there's some discrepancy there. On page 14 where it states See Section 6.5 for zoning districts, this should be 6.6.

Mark Maki, 370 Karen Road, commented on pages 20 and 21 in regards to the zoning districts. On page 20 there's an agricultural/forestry district and what has been added to the zoning ordinance at some point in time after April, 2007, for building contractor yards and shops. His concern is that if this ordinance is passed a large contractor could go into a residential part of the Township and put up a contractor's yard with approval of a conditional use from the Planning Commission and a Public Hearing. Mr. Maki questioned contractor's yards and shops being added to the commercial district. Mr. Maki stated that why would you encourage someone to put up a contractor's yard next to a nice restaurant?

Mr. Coleman stated that it's not in the ordinance yet as this is a draft and Mr. Maki's concerns will be noted. He also questioned #8 on page 20 under conditional uses other uses deemed by the planning commission being in the same general character as those permitted by a conditional use. How would that process work? How does the Planning Commission make that determination? Would it be before the public hearing on the issue or during the process? Mr. Coleman stated that the determination would be made during the process automatically then it will be considered a conditional use and goes before the Planning Commission and the community.

Mr. Coleman in summary stated that the main issues he's hearing out of this public hearing and the new zoning ordinance are private roads, rural cluster development, access management, and lot sizes. He stated that the Township Planning Commission will deliberate all of these issues and make changes as appropriate.

VI. OLD BUSINESS

No old business to address at this time.

VII. NEW BUSINESS

No new business to address at this time.

VIII. PUBLIC COMMENT

Refer to V.) Public Comment for all public comment.

Lee Blondeau, 30 Tracie Lane, provided the Planning Commission members with a copy of “Michigan’s new Contract Zoning Laws”, which gives municipalities and developers more flexibility and options than ever to promote efficient, sensible, and thoughtful land use.

IX. BOARD COMMENTS

Steve Kinnunen commented that the standards are already there for private roads and seem to be working well. Mr. Kinnunen also stated that the Township should obtain and compare the revised Marquette County’s Road Standards against Chocolay Township’s standards. Mr. Kinnunen stated that he feels we should stay with the new standards.

Estelle DeVought commented that the Planning Commission needs to follow the Ordinance and not grant permission for slight variations as this will cause problems in the future.

Mr. Coleman, the Board Members and staff discussed whether they should allow private roads in the Township or stay with the current private road standard. The property owners must be required to meet the Township specifications/standards. Discussion also ensued in regards to how the Township would be able to monitor private roads for maintenance and compliance with the specifications/standards. Chocolay Township does not have anyone at this time to be able to monitor private roads. Mr. Coleman stated that some of the definitions that were discussed will be made clearer and the corrections will be made. Mr. Coleman also stated to the Board Members not to just think of the current situation you should think that the property owner’s should legally protect by easement other owners on the property so they have access to their property from a public right-of-way and to avoid land locking.

Tom Shaw commented that other Townships must be having these same type of challenges and Chocolay Township should research this.

The Planning Commission will obtain Marquette County’s Road Commission standards and research how other Townships are handling these types of issues. The Planning Commission will decide if they want to keep the private road requirements as they are and put a provision in there for inspection. Mr. Coleman cautioned that if you send someone out to inspect the road, the Township would be assuming responsibility that it was in fact built properly and if anything goes wrong, the property owners are back complaining or keep the new public road standard in with revisions. Discussion also ensued that there are other options that property owners can take in regards to the private road standard. Mr. Coleman stated that the Township has the mechanisms that state if property owners want to develop there is the PUD, which gives much flexibility or there is the rural cluster subdivision provisions. The items to be discussed further at the November 12, 2007 meeting and will include lot size i.e., MMR - should we stay with the 20 acres for multifamily dwellings such as mobile home parks, staff will research if there is a better way to define height measurement, private roads, and rural cluster development. Information will be gathered and provided to the Commission members prior to the next November 12, 2007 meeting.

Albert Denton motioned, seconded by Ken Tabor to address the above items at the November 12, 2007 meeting.

Ayes 5. Nays 0. Motion approved.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

No informational items or correspondence to address at this time

XI ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
SPECIAL ZONING ORDINANCE
WORK SESSION
Thursday, January 3, 2008 @ 7:00 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dennis Magadanz,
Dave Cotton, Ken Tabor

Absent: Vice Chairman Tom Shaw, Steve Kinnunen

Staff Present: Jennifer Thum (Director of Planning and Development), Randy Yelle,
(Zoning Administrator), Laurie Vashaw-Eagle (Recording Secretary)

II. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Dennis Magadanz motioned to approve the agenda as written seconded by Estelle DeVooght.

Ayes 4. Nays 0. Motion approved.

III. PUBLIC HEARING

There are no public hearings scheduled at this time.

IV. PUBLIC COMMENT

There was no public comment.

V. OLD BUSINESS

A. Work Session for Zoning Ordinance

Paul Coleman explained that the page number in the index portion of the 1/2/08 Final Draft of the Zoning Ordinance are incorrect due to the old version of the Zoning Ordinance conversion being somewhat of a problem. Once all of the changes are made Mr. Coleman will have the entire document reformatted. Mr. Coleman also pointed out that the most recent changes are bolded and in italics throughout the document.

Al Denton reported that the work session will consist of going through the 1/2/08 version of the Final Draft of the Zoning Ordinance page by page both manually and Jennifer Thum will follow along on the computer making suggested changes/corrections.

Mr. Denton noted that on the back of the cover there is a new "Note to the Reader" providing a brief explanation of the necessitated numerous changes since May 9, 1977 when the zoning ordinance for the Charter Township of Chocolay Township was originally adopted.

Page 1 – I. "Purpose, Title, Severability, Effective Date, Relationship to Other Laws, Administrative Standards and Procedures" should not be entirely capitalized.

Page 15 Section 3.1 - second paragraph last two words in the paragraph change “this ordinance” to “the Township”.

Page 22 Section 4.10 – Special Uses in Designated Zoning Districts – Section 4.10 A.1 last word in the paragraph should be changed to Section 4.10 from Section 4.18.

Page 24 Section 5.3 – US-41/M-28 Access Overlay District – Mr. Coleman explained that this was written by the Michigan Department of Transportation to address increasing development and traffic along US-41/M-28, which will increase traffic volumes and introduce additional conflict points, which will erode traffic operations and increase the potential for traffic crashes. The Access Management addition to the zoning ordinance is approximately 25 pages long. Chocolay Township will be the first to enact this in their zoning ordinance. The MDOT’s purpose is to work with property owners to avoid traffic risks.

Page 47 Section 6.4 – Nonconforming Lots of Record. Clarification was requested pertaining to the sentence that reads “Contiguous parcels under the same ownership are considered combined as necessary to eliminate or reduce to the maximum extent possible all nonconformities.” After much discussion it was agreed that the sentence will be changed to read “Contiguous parcels under the same ownership are considered combined as necessary to eliminate or reduce to the maximum extent possible all *dimensional* nonconformities.”

Page 47 Section 6.4, sixth sentence down beginning with “provision is to limit density.” delete “in areas of historically small lots.”

Page 47 Section 6.5 – Remove Section A.1)C and B.1)C and in A.1)D add the word “coal” after “wood pellets without additives.”

Page 48 Section 6.7 – Change title to read “Road Frontage Requirements” rather than “Frontage Road Requirements”.

Page 49 Section 6.7 third paragraph, second sentence “Property owners with lots on existing private roads . . . “should be changed to read “Property owners with lots on existing “*approved*” private roads.

Page 49 Section 6.7, fifth paragraph down, second sentence beginning with “all areas . . . “and replace it with, “For the purpose of this covenant seasonal road, private road, right-of-way, easements and/or any unapproved access of 300 feet or more are considered one in the same.”

Page 107 Section XV – Zoning Board of Appeals—Powers, Duties, Rules – in the second paragraph, first sentence where it states “not more then two” the word “then” should be changed to “than.”

Page 112 Section 18.4 – Exemptions from Sign Regulations – change the dashes in front of each item to numbers.

Page 115 Section 18.12 “Fences” – There was much discussion pertaining to fence regulations in the Township and it was questioned if there was truly a need for such indepth regulations.

Estelle DeVooght made a motion to delete the entire Section 18.12 “Fences”, seconded by Ken Tabor.

Ayes 2. Nays 3. Motion failed.

Dave Cotton stated that he feels there needs to be fence regulations especially in the R1 and R2 districts as there have been problems in the past. It was decided to table the fence regulations/guidelines so they can be looked into further, rewritten, and presented to the Planning Commission for comments and/or approval

Page 117 Section XVIII. Zoning Maps delete 19.3 “Beavergrove Map” as there isn’t a map for Beavergrove.

VI. NEW BUSINESS

A. Mr. Tom Shaw Resigned, New Vice-Chairperson

Al Denton reported that Tom Shaw resigned as Vice Chairperson due to a job promotion, which will not allow him to attend the meetings. The Chocolay Township Planning Commission will be seeking a new vice-chairperson.

VII. PUBLIC COMMENT

Lee Blondeau requested the Planning Commission’s explanation as to why Blondeau Trucking cannot be zoned as a permitted principal use rather than a conditional use. Mr. Blondeau feels that being zoned as a conditional use lacks flexibility for his particular parcel and his business.

Dave Cotton explained that in his opinion zoning the Blondeau Trucking parcel as Industrial could bring unwanted business to that parcel in the future and therefore he is against rezoning this to a permitted principal use.

Al Denton stated that there is a court order against Blondeau Trucking to restrict him to a specific number of trucks. Mr. Denton stated he is also against zoning the Blondeau Trucking parcel from a conditional use to a permitted principal use as he would like to have Blondeau Trucking come to the Planning Commission with changes they may wish to make in the future for approval as appropriate.

Lee Blondeau explained some of the history involving plans to rebuild the garage and clean up the contaminated soil, but was turned down by the Township and he would like to avoid this type of problem in the future.

Paul Coleman explained that there is not much difference between a site plan review and a conditional use. Mr. Coleman explained that even if a permitted principal use was granted there’s still uncertainty that a future project would be approved.

There was much discussion pertaining to private roads, but no changes will be made to the zoning ordinance.

Mr. Tom ??? commented that he would like to thank the Planning Commission for being so open to comments and changes to the zoning ordinance from the public.

VIII. COMMISSIONER’S COMMENTS

Estelle DeVooght inquired as to why Conditional Use Request #78 – Home Occupation to Fix Transmissions on Automobiles and to Work Out of His Garage (Mr. Gregory Martin) paid the \$250.00 fee and attended the Planning Commission meeting on November 12, 2007, if the Zoning Administrator had already closed him down.

Al Denton replied that Randy Yelle, Zoning Administrator informed Mr. Martin that his conditional use request would most likely be turned down as it is located in an R1 district and would not be in compliance in a R1 district.

Dave Cotton thanked the public in attendance for their input

IX. INFORMATIONAL ITEMS AND CORRESPONDENCE

None.

X ADJOURNMENT

Dennis Magadanz motioned, seconded by Ken Tabor to adjourn the meeting. The meeting adjourned at 9:40 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, January 14, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dennis Magadanz, Ken Tabor

Absent: Steve Kinnunen, Dave Cotton

Staff Present: Tom Murray - Community Development Coordinator, Randy Yelle - Zoning Administrator, and Laurie Vashaw-Eagle - Recording Secretary

II. APPROVAL OF NOVEMBER 12th & JANUARY 3rd MEETING MINUTES

Dennis Magadanz motioned to approve the November 12, 2007 meeting minutes as written, seconded by Ken Tabor.

Ayes 4, Nays 0, Motion approved.

Dennis Magadanz motioned to approve the January 3, 2008 special meeting minutes as written, seconded by Ken Tabor.

Ayes 4, Nays 0, Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Al Denton requested that VII. C & D be moved under V. Public Comment. With this change made, Al Denton motioned to approve the agenda as written, seconded by Estelle DeVooght.

Ayes 4, Nays 0, Motion approved.

IV. PUBLIC HEARINGS

A. Conditional Use Permit #77

Holly Petrillo and Chris Nettleton are requesting the Planning Commission to review a conditional use request #77 to allow for a four bedroom Bed and Breakfast at their property located at 130 Maple Road. The applicants were not in attendance for this public hearing.

B. Chocoley Downs Golf Course, Rezoning #141

Bob Cambensy, Engineer representing the Chocoley Golf Club, described that they are requesting a proposed rezoning of Chocoley Downs from a R-1 to PUD. The entire parcel is 122.5 acres and the applicant(s) is proposing 33 single-family individual homes, four areas of 10 townhouses, and one area of 8 townhouses. Mr. Cambensy described that the 33 single-family homes will be built on 1 ½ acre parcels equaling 22 acres and the townhouses will be built on the remaining 5 separate areas of the proposed development which will be built in phases (see preliminary plans). Mr. Cambensy wanted everyone to know that this plan is very preliminary at this point and much of it could change in accordance with the various agencies that will need to be involved and their recommendations.

V. PUBLIC COMMENT

A. Conditional Use Permit #77

Brian Anderson, 108 Maple Road, stated he didn't receive a letter as he's not within 300 ft. of the parcel, but he does have some concerns pertaining to the Bed and Breakfast and Kawbawgam Lake access, which is now considered private and may be considered as a public lake. Mr. Anderson also stated his concern about increased traffic on Maple Road as it is a very small road with an incline that has a very short sight distance. Mr. Anderson also felt that this type of change to Mr. Nettleton's property may affect the other residents marketability of their property.

Larry Shell, 120 Maple Road, stated that he has spoken to Mr. Nettleton about his plans to add the additional rooms to his property. Mr. Nettleton explained to Mr. Shell that as he has been researching the past construction history on the property, he is finding that a lot of the construction done previously was done without building permits and he's working a correcting these issues. Mr. Shell commented that he feels Mr. Nettleton would be a responsible bed and breakfast owner, but does have concerns of noise, the "blind hill", dog issues with the bed and breakfast as the neighbors allow the dogs to roam (with permission) through each others yards. With road conditions i.e., as the road still hasn't been plowed since the weekend snow, and most important, what might happen if Mr. Nettleton sells this property to someone else.

B. Chocolay Downs Golf Course, Rezoning #141

Pam Erickson, 120 Dana Lane, questioned Mr. Cambensy if there are plans to put in another road to come out on M-28.

Bob Cambensy, Engineer, stated that the owners of Chocolay Downs will work with the Planning Commission and follow their recommendations.

Miller Shuck, 4 Redfox, Chocolay Downs, stated his concern about the additional traffic, which according to his approximation, would involve 162 vehicles per day using the road within the development. Mr. Schuck voiced his concern that another exit should be looked into for safety reasons.

Sunday Walden, 2052 M-28 East, asked how much green space will there be from the south edge of the development.

Bob Cambensy, Engineer, stated that he doesn't have the exact figure, but did state that there is additional property on the south side of the property, but part of it is very swampy. At this point in time, there are no plans to do anything with the south side except possibly put in a non-motorized trail.

Kim Erickson, 120 Dana Lane, stated his concern about the demand on the water supply in the area for this type of development especially if there is a drought. Mr. Erickson stated his concern about the possibility of his well going dry and he doesn't feel he should be responsible for the expense to replace it if it is a result of the development's demand on the water supply. Mr. Erickson also stated his concern about the septic systems for the town houses and the potential impact of these on the water. He also questioned why the development doesn't just rezone the areas where the townhouses will be built instead of the whole area as his concern is someone coming in later and putting townhouses in the entire development?

Bob Cambensy, Engineer, stated that many tests will be conducted by the Health Department and the DEQ to see what the effect on the water and drainage will be to the neighboring properties. Mr. Cambensy also stated that he will work with the required agencies to look into different types of waste systems for this development that would have the least impact on the water and environment. Mr. Cambensy also wanted to clear up a misconception pertaining to the possibility of new future owners of the property changing the proposed development to add all townhouses or something else. If there is a proposed change to an approved site plan, the revised site plan would need to come back to the Planning Commission for approval.

Sunday Walden, 2052 M-28 East, asked what a Type III well was

Bob Cambensy, Engineer, stated that a Type III well, according to the law at this Time said there can be no more than 14 units to a Type III well.

George Voce, Jr, 192 Dana Lane, stated that he built his home on M-28 in 1974 and knows the history of the area and its water problems. Mr. Voce wanted to go on record stating that he is firmly against this development as there are still far too many unanswered questions in regards to water, fertilizer and drainage issues. Mr. Voce also stated that he thought the property was approved for 1 house per 5 acres?

Pam Erickson, 120 Dana Lane, stated her concern in regards to there only being one entrance/exit to this large development and how will this affect emergency services to these homes.

Tom Murray, Staff, stated that he received 2 letters of opposition from Mr. Gregory Welch, 172 Dana Lane and John and Gretchen Clossner.

Sunday Walden, 722 M-28 East, asked about storm drains.

Bob Cambensy, Engineer, stated that there is virtually no run off involved with this particular property.

Tom Murray, Staff, commented that before a plan is approved he would like clarification of the development phasing and parameters.

Tom Murray, Staff, questioned that if the development is approved and completed, will the entire golf course still be 60 acres?

Bob Cambensy, Engineer, stated “yes”.

Al Denton, Planning Board, questioned the open space on the golf course and also stated that the golf course had to be 60 acres to be in compliance with the ordinance. He did not believe the current zoning district allows for multiple uses.

Bob Cambensy, Engineer, stated that there is no specifics in the ordinance pertaining to what open space can be used for. Mr. Cambensy also stated that one of the reasons for the PUD request is so the property can be developed into a combination of uses.

(C & D Moved from VII. New Business to V. C. & D. per Motion Approved under III.)

C. Conditional Use Permit #77

Dennis Magadanz Moved, Al Denton Seconded, that after review of Conditional Use Request #77, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Sections 211, 107, and 701 of the Zoning Ordinance, the application and staff comments provided, the applicant not being in attendance for questions, and subsequently the applicant not having spoken with the Marquette County Health Department to go over septic tank concerns, the Planning Commission will table Conditional Use Request #77, for the following reasons:

1. The applicant’s have not spoken with the Marquette County Health Department to have an inspection done at their home to ensure that their septic tank can support the addition of 4 bedrooms. This could result in the applicant’s having to upgrade their current septic tank system.
2. The applicant’s are also recommended to speak to the health department to have their onsite water well evaluated by a licensed well driller and modified as necessary to meet the current State of Michigan, Water Well Construction and Well Pump Installation Code for a Type III Public Water Supply.

Ayes 4 Nays 0 Motion approved to table this until the next meeting.

D. Chocloy Downs Golf Course Rezoning #141

Ken Tabor Moved, Dennis Magadanz Seconded, that following the review of Rezoning Request #141, and the STAFF/FILE REVIEW, and holding a public hearing, the Planning Commission recommends to table Rezoning Request #141 for the following reason:

1. The applicant will work with Township staff to obtain more information pertaining to a access road to the west end of the development to connect to M-28 and not go through an existing residential subdivision to establish another entrance/exit for the proposed Chocloy Downs development due to increased traffic concerns and emergency vehicle accessibility.

Ayes 4 Nays 0 Motion approved to Table this until the next meeting.

VI. OLD BUSINESS

A. Request for Proposal for Engineering Services

A revised proposal for engineering services with the corrections and revisions determined from the November 12th Planning Commission meeting were reviewed with no additional changes, revisions, or comments from the members in attendance.

Al Denton made a motion to approve the proposal for engineering services as written Dennis Magadanz seconded.

Ayes 4 Nays 0 Motion approved.

B. Proposed Zoning Ordinance

The proposed ordinance changes from the January 3, 2008, meeting are complete and the draft with the corrections was received at the Township office today.

Section 18.12 Fence of the proposed ordinance was revised (see fence changes in meeting packet) and reviewed by staff and the Planning Commission. Dennis Magadanz made a motion seconded by Ken Tabor to approve the fencing ordinance changes as written and present the Proposed Zoning Ordinance in its entirety to the Township Board for their review and approval.

Ayes 4 Nays 0 Motion approved.

VII. NEW BUSINESS

A. Tom Shaw's Recognition

Due to Tom Shaw's absence, this will be tabled until the next meeting

B. Vice Chair Nomination

Al Denton made a motion to nominate Dennis Magadanz as the new vice chair, seconded by Ken Tabor. Dennis Magadanz accepted the nomination.

Ayes 4 Nays 0 Motion approved.

VIII. PUBLIC COMMENT

No public comment.

IX. COMMISSIONER'S COMMENTS

Al Denton stated that there needs to be 2 entrances/exits for Rezoning Request #141, Chocoy Downs development, to accommodate emergency vehicles. Mr. Denton asked Mr. Cambensy and the Township staff to work together to determine possible easements opportunities to establish another entrance/exit to the west end of the development.

Al Denton questioned the status of the Minnesota Towers Cell Tower placement (Rezoning Request #140 from the 10/8/07 meeting).

Randy Yelle said he will look into this as Jennifer Thum was working on this.

Al Denton questioned staff on the status of the Alder Storage Property stipulations they were required to follow in regards to disposing of the large pile of brush on the property and the replanting of trees that were removed. (10/8/07 meeting)

Randy Yelle stated that he has provided a first notice of violation and will follow-up on this.

Al Denton questioned the status of the stipulations for the Bayou Court Condominiums (11/12/07 meeting).

Randy Yelle stated that he will monitor the landscaping stipulations in regards to the Bayou Court in the spring when planting can be done.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette Planning Commission minutes – November 13, 2007 and November 20th, 2007.
- B. Planning and Zoning Magazine
- C. 2008 Meeting Schedule

XI. ADJOURNMENT

Dennis Madaganz motioned, Al Denton seconded to adjourn the meeting. The meeting adjourned at 9:25 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Secretary



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on February 4, 2008.

The meeting was cancelled.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, March 10, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dennis Magadanz, Ken Tabor, Steve Kinnunen, Mr. Milton

Absent: Dave Cotton

Staff Present: Tom Murray (Planning and Community Development), Randy Yelle, (Zoning Administrator), Jennifer Thum, (Planning and Community Development), Laurie Vashaw-Eagle (Recording Secretary)

Welcome: The Planning Commission welcomed Mr. Milton as a new Commissioner.

I. APPROVAL OF JANUARY 14, 2008 MEETING MINUTES

Dennis Magadanz motioned to approve the January 14, 2008 meeting minutes as written, seconded by Estelle DeVooght.

Ayes 6. Nays 0. Motion approved.

II. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Ken Tabor motioned to approve the agenda as written seconded by Dennis Magadanz.

Ayes 6. Nays 0. Motion approved.

III. PUBLIC HEARINGS

No public hearings at this time.

IV. PUBLIC COMMENT

No public comment at this time.

V. OLD BUSINESS

A. Proposed Zoning Ordinance - Corrections and Additions

The final proposed zoning ordinance revisions from the 2/18/08 Township Board meeting were reviewed. These changes included revising the building height definition and requiring a proposed maintenance agreement for private road applications. Due to concerns over building height on a filled site, it was suggested that a requirement be made related to this matter. The proposed final changes are provided below:

Add to Definitions, page 4

Building Height: The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hop, and gambrel roofs.

Add to Section 11 Landscape and Grading Requirements, page 100

Section 11.11 Building Grades, Fill to Increase Height

Filling with earth or other materials to an elevation above the established or natural grade of adjacent land is prohibited without the express written approval of the Zoning Administrator. The intent of this provision is to prohibit the erection of buildings taller than the natural grade plus what the height restriction of this Ordinance would otherwise permit. All water runoff shall be stored on site; no water shall be directed into public storm drains, sanitary sewers or abutting property unless

owned by the applicant. Where a new building is constructed between two existing buildings or on a vacant lot adjacent to an existing building, the natural grade shall be used to determine the finished grade for the new building and the required yard space.

Add to 6.7 Road Frontage Requirements, page 53 paragraph 4

Applications for private road approval must be received at least 45 days prior to the meeting date at which said road shall be considered for approval. The application shall include scaled drawings prepared by a licensed engineer in sufficient detail to enable the Township Planning Commission and its representative or consultant to determine if the proposed road meets the County Road Commission standards. The application shall also include a proposed "Maintenance Agreement" which will be executed and filed with the property deed at the time of sale of a property fronting on the proposed private road. The proposed "Maintenance Agreement" will outline the responsibilities of each property owner and an arrangement for the sharing of costs related to all maintenance of the proposed private road.

Ken Tabor motioned to approve seconded by Dennis Magadanz the final draft revisions/additions as listed to the Zoning Ordinance.

Ayes 6. Nays 0. Motion approved.

VI. NEW BUSINESS

No new business at this time.

VII. PUBLIC COMMENT

Bob Cambensy, 306 North Sixth Street, Marquette, commented that he felt that the building height definition revision really won't accomplish anything different then in the past and will put an unnecessary burden on the Zoning Administrator. Mr. Cambensy also stated that the Planning Commission should consider modifications to the proposed definition of "Height" and add a section and a definition for "Modification of Grade or alteration from original or natural grade."

Height should be defined as "the vertical distance from the average finished ground surface *adjacent to the building, to the highest point of the roof. *or within ____ feet of the wall (3 feet?). The vertical distance described above could be defined from a "maximum altered grade line slope from the grade at the property line."

More important that the actual definition of "Height" would be a definition for "Grade - alteration from natural grade." This could be defined as the allowable alteration of the finished grade of a lot and should be related to a distance from the property line. Mr. Cambensy stated that he suggested at the February Township Board meeting, that it is reasonable to allow an alteration of the grade from the property line at a slope upward of maybe 1 in 6, or 1 in 8 or maybe 1 in 10 (pick a number). This could also be done with two different slopes maybe 1 in 8 for the first 20 feet, and then maybe steeper beyond 20 feet. This would be the allowable alteration of the natural grade from the property line for determination of the building height.

This could serve a useful purpose for lots along a hillside whereby if the natural grade sloped, but you allowed a 1 on 8 slope for height determination the maximum height could be defined as 30 feet from the 1 on 8 line, even though the natural grade is steeper. This would help to soften the visual effect.

Now aside from the allowable height of the building and where it should be measured from, is also the issue of what should be allowed for changing the grade, such as a retaining wall an example of which is the Bayou Condominiums. Something like "The maximum height of a retaining wall at the property line shall be 2 ft. The maximum height of a retaining wall shall not exceed a line drawn at a 1 on 2 slope from the natural grade at the property line

A variance could be granted with a waiver signed by the adjacent property owner. Mr. Cambensy stated that he just threw out some suggested numbers for allowable slopes. You may choose others. He stated that he thinks this should apply to residential areas and where residential zoning is adjacent to other zoning districts. Other zoning districts should allow steeper grades from the property line, both for maximum altered grade line and for maximum grade from property line from which building height is measured.

VIII. COMMISSIONER’S COMMENTS

Steve Kinnunen regretfully submitted his resignation from the Planning Commission effective immediately due to increased job duties.

Al Denton requested an update on the status of the Minnesota Towers Cell Tower placement (Rezoning Request #140 from the 10/8/07 meeting).

Jennifer Thum stated that Cellular One was purchased by AT&T and Minnesota Towers will contact the Planning Commission once the status of the cell tower request is known.

Al Denton requested an update on the status of the Alder Storage Property stipulations they were required to follow in regards to disposing of the large pile of brush on the property and the replanting of trees that were removed. (10/8/07 meeting)

Randy Yelle stated that he has provided a first notice of violation and Jennifer Thum stated she will follow-up on this when she returns to work from her LOA toward the end of the month.

Al Denton questioned the status of the stipulations for the Bayou Court Condominiums (11/12/07 meeting).

Randy Yelle and Jennifer Thum stated that they will monitor the landscaping stipulations this Spring and the runoff when the Spring thaw happens in regards to the Bayou Court Condominiums.

IX. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette Planning Commission minutes – December 18, 2007, January 8, 2008, and January 15, 2008
- B. Planning and Zoning Magazine – January. 2008/February, 2008

X ADJOURNMENT

Dennis Madaganz motioned, Al Denton seconded to adjourn the meeting. The meeting adjourned at 8:10 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, April 14, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dennis Magadan, Ken Tabor, Kendell Milton

Absent:

Staff Present: Jennifer Thum, (Planning and Community Development), Laurie Vashaw-Eagle (Recording Secretary) and Greg Zyburt (Police Chief)

II. APPROVAL OF MARCH 10, 2008 MEETING MINUTES

Dennis Magadan motioned to approve the March 10, 2008 meeting minutes as written, seconded by Ken Tabor.

Ayes 5. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Al Denton requested to add to the agenda a "wording change to the proposed Final Draft of the Zoning Ordinance" under New Business, item "D". Ken Tabor motioned to approve the agenda with the requested addition to the agenda, seconded by Dennis Magadan.

Ayes 5. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

Albert Denton reported that the Public Hearing pertaining to Blondeau Trucking was withdrawn and tentatively placed on the May 12, 2008 meeting agenda.

V. PUBLIC COMMENT

Jim Beckman, 6208 US 41 South, reported that he and his wife were attending the meeting for the Public Hearing in support of Blondeau Trucking.

VI. OLD BUSINESS

A. ENGINEERING RFP

Jennifer Thum explained that staff put together a list of potential Engineering/ Consulting firms that will be sent a letter to submit a proposal to the Township. Ms. Thum said she hopes to end up with 3 companies that the Township could chose from for engineering/consulting situations. Ms. Thum asked the commissioners to review the list and suggest changes, make additions or approve the list as written.

Dennis Magadan motioned to approve the list as written seconded by Ken Tabor.
Ayes 5. Nays 0. Motion approved.

VII. NEW BUSINESS

A. SNOWMOBILE TRAIL #417

Jennifer Thum reported that at the Township Board meeting on March 17, 2008, Marc Schwengel from the Alger County Snowmobile and Off-road Vehicle Association approached the Board about the use of snowmobile trail #417 east of the Ojibway Casino. The Association would like to use this specific portion of the trail for ORV's and 4 x 4's.

Estelle DeVooght asked about clarification of "4 x 4".

Ms. Thum responded that she believed it meant 4 wheelers, but will clarify.

Greg Zybur, Township Police Chief, stated that if Snowmobile Trail #417 use is approved for ORV's and 4 x 4's it could open up grant opportunities for the Township.

Due to Mr. Schwengel not being in attendance Ken Tabor motioned to table this until May, 2008, so staff could obtain more information and research other options seconded by Dennis Magadanz.

Ayes 5. Nays 0. Motion approved.

B. PLANNING COMMISSION BYLAWS

Jennifer Thum reported that due to a number of commissioners being absent from meetings and recent resignations that she felt it necessary to review the Bylaws and determine if changes are needed. Ms. Thum proposed one change to Article IV, Section 5, A member who misses three (3) consecutive regular meetings or a total of four (4) regular meetings in any 6-month period *without excuse by the Chair* is subject to replacement. Each member who knows that their attendance at a meeting will not be possible shall notify the Planning Director of the anticipated absence and the reason therefore. The Planning Director will communicate with the Planning Commission Chair to discuss excusing the member for good cause. If a member fails to meet attendance standards, the Planning Commission shall declare the position vacant, notify the Township Supervisor and request that the governing body appoint a new member.

Dennis Magadanz motioned to approve the addition of "without excuse by the Chair" into the Bylaws, under Article IV, Section 5, seconded by Ken Tabor.

Ayes 5. Nays 0. Motion approved.

C. BAYOU CONDOMINIUM

Jennifer Thum reported on a letter from Dan Keller dated November 12, 2007, stating that the "Bayou Court Condominiums and owners of said building and association recognize that the maintenance and liability in reference to the elevation of the buildings located at 351 W. Main Street, Marquette, MI 49855, lies solely with the Bayou Court owners and association and not with Chocolay Township or any associated township governing parties. Ms. Thum reported that the run off water will be monitored by the Township and Van Ness Engineering.

D. Word Change to Final Draft of Zoning Ordinance Section 11.11

Al Denton requested that in Section 11.11 on page 100 of the Final Draft of the Zoning Ordinance the word "stored" be changed to "detained".

Ken Tabor motioned to approve the word change in Section 11.11, page 100 of the Final Draft of the Zoning Ordinance, seconded by Dennis Magadanz.

Ayes 5. Nays 0.

VIII. PUBLIC COMMENT

Jim Beckman, 6308 US 41 South, suggested that the Township look into off road vehicles being allowed to operate in the Township limits on designated trails such as what Ishpeming has done as well as other Townships.

IX. COMMISSIONER'S COMMENTS

Albert Denton reported that the Final Draft of the Zoning Ordinance will be presented at the next Township Board meeting for approval next week.

Jennifer Thum reported that a group of commissioners, staff, etc. will be touring the Blondeau Trucking facility in Gladstone tomorrow.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Michigan's New Planning Act
- B. Planning and Zoning News

XI. ADJOURNMENT

Dennis Magadanz motioned, Ken Tabor seconded to adjourn the meeting. The meeting adjourned at 7:55 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, May 12, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dennis Magadanz, Ken Tabor, Kendell Milton, Steve Kinnunen, Andy Smith

Absent:

Staff Present: Jennifer Thum, (Planning and Community Development), Randy Yelle, (Zoning Administrator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF APRIL 14, 2008 MEETING MINUTES

Dennis Magadanz motioned to approve the April 14, 2008 meeting minutes as written, seconded by Estelle DeVooght.

Ayes 7. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned to approve the agenda, seconded by Dennis Magadanz.

Ayes 7. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

A. C.U.P. #80 Blondeau Trucking

George Meister, Engineer for TriMedia Consultants, stated that Blondeau Trucking is requesting a Conditional Use to demolish the old truck garage and construct a new similar building to consist of 3 drive through truck bays, install a wash bay, widen the driveway to establish a safer area for pulling onto U.S. 41, landscape the area, patch the asphalt, and address the contamination issues,

David Blondeau, owner of Blondeau Trucking, showed some of the photographs from their Gladstone operation and stated that the construction of a new building would be similar except the roof would be within the Chocolate Township Zoning Ordinance height restriction of 30 ft. Mr. Blondeau stated that the 3 drive through bays would virtually eliminate the noise the residents are hearing now.

Mr. Blondeau also reported that he would use the same contractors as he used to build the Gladstone garage and they will construct the garage according to what the state, DEQ, and Township requires. Mr. Blondeau stated that he would like to increase the number of trucks they operate from 20 to 25 or 30 to offset the large investment he will be making to construct the new building and make the area more appealing. Mr. Blondeau is looking for support from the Planning Commission before he proceeds further and incurs unnecessary expenses. He stated that Blondeau Trucking has been in the Township for 62 years and hopes to be here for many years to come. If the Township supports his request, he will then begin work with the DEQ and follow their recommendations. He will also begin work on having a detailed site plan drawn up to present to the Planning Commission for approval in the future. Mr. Blondeau also stated that he would like to demolish the old building this Summer and not begin construction on the new building until Fall. He hopes to have the entire project complete within 2 years.

Dennis Magadanz asked about the sand trap maintenance schedule.

David Blondeau stated that he will follow the same type of schedule he uses in

Gladstone, which will be to have the sand trap cleaned whether it needs it or not, every 2 years or whatever is required.

Andy Smith, asked about the hours of operation that Blondeau Trucking uses.

Dave Blondeau said they usually begin at 5:00-5:30 AM and all outside work is moved indoors by 9:00 PM.

V. PUBLIC COMMENT

Dave St. Onge, TriMedia Consultants, reported that Blondeau Trucking is trying to clean-up the former diesel fuel spill. Mr. St. Onge has worked with Blondeau Trucking since 1996 to address the ground water contamination issue. Demolishing the existing building would allow the remaining contamination to be addressed and eliminated.

Mark Maki, 370 Karen Road, stated that he is very familiar with the history of Blondeau Trucking and the contamination issue. Mr. Maki stated that Blondeau Trucking is a trucking and transportation company and not a contractor's yard. Mr. Maki inquired how to how this got into the zoning ordinance. He stated that Blondeau Trucking has been trying to get their property rezoned for many years, but were always turned down by Mr. Summer's the Township Attorney. He also stated that there is a stipulated injunctive order against Blondeau Trucking.

Stan Huebert, Owner of the Dry Dock Tavern, stated that if anyone would be affected by the Conditional Use request by Blondeau Trucking it would be him and his business. Mr. Huebert stated that he feels Dave Blondeau and the Blondeau family are honest hard working people and he fully supports their request.

Calvin Atwell, asked what type of contaminants are on the property?

Dave St. Onge, stated that it is diesel fuel contamination of the ground water.

Bob Young, former Main Street resident, asked why 12 years have gone by trying to alleviate the contamination issue? Mr. Young also asked if the wells are being monitored in the area?

Dave St. Onge, TriMedia Consultants, stated that there is a cluster well on Kellogg Street that is monitored as well as the well located on Blondeau's property. He also stated that Blondeau Trucking is not the only entity involved in the contamination from 12 years ago as there was multiple businesses involved, i.e., Harvey Oil, Shaw's Service Station, etc. Blondeau Trucking is and has been working to treat the contamination and also monitors the wells of the residents around their business. The removal of the old building will allow for more aggressive treatment and elimination of the problem.

VI. OLD BUSINESS

A. SNOWMOBILE TRAIL #417

Jennifer Thum reported that at the Township Board meeting on March 17, 2008, Marc Schwengel from the Alger County Snowmobile and Off-road Vehicle Association approached the Board about the use of snowmobile trail #417 east of the Ojibway Casino. The Association would like to use this specific portion of the trail for ORV's.

Jennifer Thum reported that she did some research into Snowmobile Trail 417 and is not sure why they are requesting support by the Township as she believes they are within the law to utilize the trail for ORV's

Due to no one from the DNR being in attendance Estelle DeVooght, Moved, Dennis Magadanz, Second, to table this item until someone from the DNR can attend and inform the Township why they need their support and answer any pertinent questions.

Ayes 7. Nays 0. Motion approved.

VII. NEW BUSINESS

A. BLONDEAU TRUCKING, C.U.P. #80

Blondeau Trucking has requested Planning Commission review of a Conditional Use Request to demolish two homes, the existing moving and storage facility and build a new building for their trucks and a new moving and storage building located at 5025 US 41 South, Chocolay Township.

Dennis Magadanz Moved, Ken Tabor Second, that after review of Conditional Use Request #80, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Sections 211, 403, and 701 of the Zoning Ordinance, the site plan and application provided, and subsequently finding compliance with the standards for approval of the request found in Section 701 of the Zoning Ordinance, the Planning Commission approves Conditional Use Request #80 with the following conditions:

1. Blondeau Trucking maintains a 30 ft. buffer where it abuts residential property. TriMedia will provide Chocolay Township with an “as planted” plan showing what was planted and where. Approved plantings will be maintained throughout the duration of the permit.
2. That Blondeau Trucking is permitted to keep 25 trucks on site.
3. Approved hours of operation will be from 5:00 AM to 9:00 PM.
4. That Blondeau Trucking keep Chocolay Township apprised of their correspondence with the DEQ.
5. During construction, the applicant should make sure that best management practices are placed onsite. Blondeau Trucking will need to fill out an application with the Marquette Conservation District for their Soil Erosion Control Permit.
6. Blondeau Trucking will provide the Fire Department with a set of plans indicating where utility shut offs are located and where flammable/hazardous materials will be stored. All flammable liquids shall be kept in metal cabinets. Finally, the Fire Chief will tour the facility upon completion.
7. If the Police Department determines that Blondeau Trucking is making too many left-hand turns after 7AM, Chocolay Township will be allowed to revisit the issue.
8. Once comments are received from the MDOT Corridor Committee, these comments will be reviewed by staff and TriMedia and incorporated into the plans.
9. Trimedia will work with Chocolay Township staff and our Engineering Consultants, Mike Pond from STS to ensure that all Township concerns are met and to work with Mike Pond and our DPW supervisors throughout this process.
10. That any lighting shall be designed to reflect light downward and away from adjoining residential properties in accordance with the requirements of Section 500 of the Zoning Ordinance.
11. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.
12. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal, State, and Local Agencies, are acquired.

B. INVESTMENT FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT FACILITIES

Jennifer Thum, Director of Planning and Community Development, reported that she was made aware of a possible grant/loan from the federal government for communities that want to work on projects that expand and upgrade infrastructure to attract new industry, technology developments, redeveloping Brownfield's, promoting eco-industrial development and supporting heritage preservation development. Ms. Thum would like approval from the Planning Commission to move forward with this project, and allow the Planning Department to research this grant/loan opportunity to see if it's something that could benefit Chocolay Township.

Steve Kinnunen Moved, Dennis Magdanz, Seconded that the Planning Commission supports the Planning Departments desire to research this grant/loan opportunity through the federal government in order to attract new industry to Chocolay Township.

Ayes 7. Nays 0. Motion approved.

VIII. PUBLIC COMMENT

Mark Maki, 370 Karen Road, stated that there are 3 signs erected at Lakanen Land and it is his understanding that there was a sign ordinance in the Township and would like to know why this isn't being addressed. He also stated his concern about a contractor's yard located on the top of Green Garden Hill that is not in compliance with the zoning ordinance.

IX. COMMISSIONER'S COMMENTS

Andy Smith, new Planning Commissioner, gave a brief description of his background. Mr. Smith grew up in Chocolay Township, went to college out of state, then returned to raise a family. He is the owner of Smith Paving in Marquette and employees 45 people.

X. DIRECTOR'S REPORT

Jennifer Thum reported that she is going to Houghton tomorrow for software training to assist in generating road condition reports by entering various data elements as she travels throughout the Township.

Ms. Thum reported that U.P. Engineering submitted an invoice that was \$7,000 more than their original quote for drawings of maps, etc. for the Township. The Township was able to negotiate the cost down to \$2,000.

Ms. Thum reported that the Engineering proposals to provide services to the Township are due Monday, May 19th. The list of proposals will be provided to the Commission at a future meeting.

Ms. Thum reported that a request for a Home Occupation to be operated on Lakewood Lane (Martin's) granted in Court. The Township of Chocolay is going to appeal this decision.

Jennifer Thum reported that the Chocolay Downs Project has obtained an easement for a second access road by the Varvil Center. This will be revisited at the June meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News
- B. Water Testing Results

XII. ADJOURNMENT

Dennis Magdanz motioned, Al Denton seconded to adjourn the meeting. The meeting adjourned at 8:40 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, June 9, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dennis Magadanz,
Ken Tabor, Kendell Milton, Andy Smith,

Absent: Steve Kinnunen, (excused)

Staff Present: Jennifer Thum, (Planning and Community Development),
Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF MAY 12, 2008 MEETING MINUTES

Dennis Magadanz motioned to approve the May 12, 2008 meeting minutes as written, seconded by Kendell Milton.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Ken Tabor motioned to approve the agenda as written, seconded by Dennis Magadanz.

Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

No public hearings at this time.

V. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane, made reference to a letter from the past that she read and discussed with Mr. Seppanen that pertained to the court injunction restricting Blondeau Trucking from any future expansion in the Township.

Al Denton reported that his understanding was that when the letter was written, the Township indicated it would cease the lawsuit that was filed, if Blondeau Trucking agreed to no further expansion. Brendan

Stephanie Gencheff also stated that she believed Blondeau Trucking did not follow procedure at the May '08 meeting by adding a request for additional trucks during their public hearing when it was not on the agenda to be addressed.

Stephanie Gencheff also inquired as to how far down Blondeau Trucking will excavate to address the contamination?

Mr. Denton replied that Blondeau Trucking and their engineering firm will address that issue once the buildings are torn down and they can see what contamination actually exists.

Stephanie Gencheff also asked if the reason Blondeau Trucking was approved to house up to 25 trucks at the May, 2008 meeting was due to the cost of the project?

Mr. Denton stated that Blondeau Trucking is paying for the entire project themselves as they cannot obtain grants, etc. for this type of project and they will need the extra trucks running to help pay for it. Mr. Denton also reported that the ultimate goal is that Blondeau Trucking will clean up the contamination, have less noise, be able to run a better operation and benefit the Township.

VI. OLD BUSINESS

A. SNOWMOBILE TRAIL #417

A letter dated June 3, 2008, from Mr. Schwengel and Mr. Katona from the Alger County Snowmobile and Off-Road Vehicle Association was reviewed by the Commissioners requesting support for Trail #417 for ORV usage. The Alger County Snowmobile and Off-Road Vehicle Association is permitted to put the trail in, but are requesting support from the Township Planning Commission, which would allow Chocolay Township the opportunity to apply for grants for damage restoration, maintenance, law enforcement and safety/education programs. Mr. Schwengel and Mr. Katona did not attend the meeting.

Al Denton motioned and Dennis Magadanz, seconded, to support the request for Snowmobile Trail #417 for ORV usage.

Ayes 6. Nays 0. Motion approved.

B. BLONDEAU TRUCKING , UPDATE FOR PLANNING COMMISSION

Jennifer Thum presented to the Commissioners for review and questions, a proposed site plan from Trimedia Consultants. Ms. Thum reported that the Michigan Department of Transportation did have Trimedia Consultants change the driveway on the north and add storm gutters and drainage to make sure that the driveway is in compliance with the ADA standards as well as maintain the bike path. The sewers are still being worked out. Ms. Thum asked the Commissioners if they had any questions involving the site plans thus far. Ms. Thum also asked if the Commissioners had any questions pertaining to the interior or the exterior of the building? There were no questions at this time. Blondeau Trucking also stated that they will not exceed the height requirements stated in the new zoning ordinance.. Ms. Thum reported that she requested this to be submitted in writing. Blondeau Trucking will also close the driveway on the north side of the property.

Ms. Thum reported that the landscape plans are being worked on and she will submit those once they are received. The Commission discussed the drains and the drain schedule and the fencing around the property. Ms. Thum also pointed out that she will speak to them pertaining to no handicapped parking being shown on the site plan, which is a requirement.

Al Denton reported that David Blondeau is working closely with the Township to make sure everything will be in compliance with the Township Ordinance.

C. ENGINEERING RFP

Jennifer Thum reported on the RFP proposals that were submitted. Ten requests were sent out and 4 were received. The proposals received were reviewed and discussed by the Commissioners and Township staff. Township staff is looking for two or three firms to represent the Township for site plan reviews, to review our private roads and on an as needed basis from that point. The firms that the Township staff would recommend are U.P. Engineering and Architects and STS Consultants. If a third firm is needed, ECI of Ishpeming would be considered.

Ken Tabor, motioned, Dennis Magadanz, seconded, that the Planning Commission support the decision to hire the following consultants, STS Consultants and U.P. Engineering and Architects “on an as needed basis,” to serve as our Engineering firms for site plan review and private road inspections.

Ayes 6. Nays 0. Motion Approved

VII. NEW BUSINESS

No new business to address at this time.

VIII. PUBLIC COMMENT

(See Section V) Public Comment listed above)

IX. COMMISSIONER'S COMMENTS

Al Denton stated that he would like to make a recommendation seconded by Dennis Magadan to the Township Supervisor that Estelle DeVooght be reappointed as a Commissioner and Ken Tabor as a Trustee to the Chocolay Township Planning Commission for another term.

Al Denton also reported that the Chocolay Township Bike Registration is scheduled for Friday, June 13, 2008 from 3:00 PM to 6:00 PM under the Township Pavilion. There will also be tours of the newly remodeled Township hall with refreshments.

X. DIRECTOR'S REPORT

Jennifer Thum reported that she informed Neil Jandron from Chocolay Downs that he will need to submit a survey showing where the easement for their project will be. Mr. Jandron must also seek approval from the DNR to cross the snowmobile trail. If the DNR doesn't approve his request to cross snowmobile trail, then he will have to start over looking for another entrance/exit for the proposed Chocolay Downs project.

Ms. Thum reported that she met with Moyle Development the company whose site plan was previously approved to construct the McDonald's Restaurant and an additional building that could house approximately 5 businesses. Moyle development will be attending the July Planning Commission meeting to resubmit their plans for re-approval as the first approval has expired. Ms. Thum reported that they also may be looking for approval of additional buildings.

Jennifer Thum and Al Denton will be attending a workshop at Northern Michigan University on 6/10/08 titled "The Michigan Planning Enabling Act" and will report back to the Commission what they learned.

The Martin's Home Occupation appeal has been submitted and the Township is waiting on Judge Weber's decision.

Ms. Thum also reported that the proposed Pedestrian Tunnel is tentatively scheduled to be on the August meeting agenda.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Suggested Wording for Home Occupation Ordinance, please read.
- B. Minutes from Pedestrian Tunnel Design Meeting

XII. ADJOURNMENT

As there was no further business to discuss, Estelle DeVooght motioned, Al Denton seconded to adjourn the meeting. The meeting adjourned at 8:05 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, July 14, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dennis Magadanz, Ken Tabor, Kendell Milton, Andy Smith, Steve Kinnunen

Absent:

Staff Present: Jennifer Thum, (Planning and Community Development), Randy Yelle, (Zoning Administrator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF JUNE 9, 2008 MEETING MINUTES

Dennis Magadanz motioned to approve the June 9, 2008 meeting minutes as written, seconded by Estelle DeVooght.

Ayes 7. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned, seconded by Dennis Magadanz to approve the agenda as written

Ayes 7. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

A. CHOCOLAY DOWNS LLC

Neil Jandron stated that Chocolay Downs LLC is still negotiating to obtain an easement from Marquette County and the DNR. Representatives for Chocolay Downs LLC, Marquette County Road Commission, Jennifer Thum and Randy Yelle will meet tomorrow to discuss various options for the ingress/egress for this proposed development.

B. ZONING AMENDMENT #34-08-01, HOME OCCUPATION

Proposed Amendment:

1. II. Definitions: (Page 9)

- a. **Home Occupation:** A commercial activity, in a residential zoning district, carried on by an occupant of a dwelling unit as a secondary use subordinate and incidental to the use of the dwelling unit as a residence (Section 6.9)

2. Section 6.9; page 53. Home Occupations

- a. Home Occupations are permitted as a Conditional Use in R1, R2, MFR, LSR, and AF districts when in conformance with the following requirements:
 - 1. **Uses Allowed:** Uses that comply with all of the standards of this subsection and those provided for under conditional uses, unless specifically prohibited elsewhere in the zoning ordinance. No more than one home occupation is permitted per parcel.
 - 2. **Size:** A home occupation may not occupy more than twenty-five percent of the gross area of any one story, structure, or dwelling used for the home occupation.

3. **Prohibited Uses:** The following uses are prohibited as home occupations in the R1, R2, MFR and LSR districts:
 - a. Any type of repair, assembly or storage, sale or manufacture of vehicles, machinery, equipment, engines, or household appliances, or any other work related to motor vehicles and their parts.
 - b. Animal Boarding Facilities includes kennels, commercial stables and all other similar uses.
 - c. Restaurants are prohibited as home occupations in all districts.
4. **Location:** All work and activities associated with home occupations must be conducted either inside the principle dwelling unit, or in accessory building or garage.
5. **Exterior Appearance:** There shall be no evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted.
6. **Operational Impacts:** No home occupation or equipment used in-conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage or the use of hazardous substances or materials.
7. **Traffic:** No traffic shall be generated by any home occupation in greater volume than would normally be expected in a residential neighborhood.
8. **Registration:** Any person conducting a home occupation shall notify and register with the Zoning Administrator, within thirty days of the beginning use, or within sixty days of the effective date of this Ordinance, whichever is later.

C. ZONING AMENDMENT #34-08-02, SIGN REGULATION

Proposed Amendment:

Section 18.4 Sign Exemptions from Sign Regulations

(L) Political signs which are intended to advertise a public election, issues to be balloted upon in that election, promoted individuals and/or parties participating in the election are exempt providing that no sign shall have an area exceeding four square feet in area. Sign area may be increased to thirty-two, provided that the sign is so located that no portion of the sign is located on the public right-of-way or lands of which are being used for public right-of-way and further provided that all political signs be removed within ten days after the election, and provide that all signs authorized are authorized for 90 days prior to any election.

D. ZONING AMENDMENT #34-08-03, FLOOR AREA RATIO

Jennifer Thum (Planning/Community Development) requested that this be tabled until the August meeting due to an error in the ground ratio definition.

V. PUBLIC COMMENT

A. CHOCOLAY DOWNS LLC

Miller Shuck, 4 Redfox, Chocolay Downs, expressed his concerns about there needing to be a 2nd entrance/exit as there is only one way out of the development at this time.

Neil Jandron, Chocolay Downs LLC, explained that there is an easement meeting

scheduled for tomorrow.

Miller Shuck, 4 Redfox, Chocolay Downs, inquired about there being a separate road to be used for the construction equipment going in and out of the development when the townhouses are being built. He also inquired if the construction crew or Chocolay Downs LLC will take care of the dust, any adverse road conditions, etc. during the construction phase.

Al Denton reported that Chocolay Downs LLC would be required to have a road that is built to county specifications and standards, but it would be the responsibility of the Chocolay Downs LLC to address construction issues.

Lori Cass, Alholm Erecting, 1145 E. M-28, expressed her concerns about the possible easement and the road being classified as a Class "A" road, which could affect large steel trucks coming into the Industrial Park and their shop when road restrictions are in place.

Nancy Holdwick, 1419 E. M-28/Hiawatha Street, expressed her concerns about another entrance/exit being put on M-28 and the traffic. She explained that drivers on M-28 are using the turning lane(s) as passing lanes and fears that another turning lane will only encourage more unsafe passing on the highway. She feels this entrance/exit could impact her safety trying to turn left into her driveway from the highway.

B. ZONING AMENDMENT #34-08-01, HOME OCCUPATION

Mark Maki, 370 Karen Road, inquired as to what specific language is proposed to be changed?

Randy Yelle reported that the Township needs to be more specific as to what types of businesses can be allowed to operate within the residential area of the Township.

C. ZONING AMENDMENT #34-08-02, SIGN REGULATION

Mark Maki, 370 Karen Road, inquired why Zoning Amendment #34-08-01 needs to be changed for political signs? He also stated that he has brought numerous sign violations to the Township's attention?

Al Denton asked Mr. Maki to compose a list of the sign violations and where they're located and drop it off at the Township office so they can be addressed.

D. ZONING AMENDMENT #34-08-03, FLOOR AREA RATIO

No public comment.

VI. OLD BUSINESS

A. CHOCOLAY DOWNS LLC

Jennifer Thum reported that Rezoning #141 is a request from Chocolay Downs LLC Sanjay Sethi, President of CGC Development LLC, for the proposed rezoning of Chocolay Downs from R-1 to a PUD. The entire parcel is 122.5 acres and the applicant is proposing 33 individual single family homes, four areas of 10 townhouses and one area of 8 townhouses. The Planning Commission previously reviewed this site plan on January 14, 2008 and it is on this month's agenda with a proposed second ingress/egress. The applicant is proposing to connect Brewer Drive with Hiawatha Road, rather than connect to Timber Lane and go through an existing subdivision. Ms. Thum doesn't feel that the existing subdivision should be impacted with the additional traffic of another subdivision. However, the Comprehensive Plan states that, streets should be interconnected for the following reasons:

- Residents have choices to access arterials
- Kids can walk from Home A to B
- Kids can walk or bike to school more safely
- Easy access to neighborhood stores
- More efficient for snow plowing
- Easier access for emergency vehicles
- Larger sense of neighborhood

Ms. Thum stated she has reservations about connecting an existing subdivision to a new one. The subdivision that is referred to is the Fernwood subdivision that contains the following roads: Timber Lane, Ridgewood, Pinewood Trail, Jennifer Lane, Fernwood, Candee, Vedy and Candice. Ms Thums' concerns are:

- This subdivision has a lot of families who utilize the roads for recreational activities as walkways, playing with children and their pets.
- The proposed development will add additional traffic, which will cause problems, as the road will be considered as a cut through street.
- Additional people traveling at excessive speeds, will pose the threat of additional accidents between vehicles and pedestrians/animals.
- The applicant will have to pave part of Timber Lane and bring it up to County Road Standards as the last part is unpaved.

Steve Kinnunen motioned Dennis Magadanz seconded to table this until the August meeting due to there being nothing new to review and to wait on the results of a meeting scheduled for tomorrow to discuss options for the ingress/egress.

Ayes 7. Nays 0. Motion approved to table until the August meeting.

B. ZONING AMENDMENT #34-08-01, HOME OCCUPATION

Kendall Milton motioned Dennis Madaganz seconded to adopt Zoning Amendment #34-08-01.

Ayes 7. Nays 0. Motion approved.

C. ZONING AMENDMENT #34-08-02, SIGN REGULATION

Due to no motion being made the proposed change to Zoning Amendment #34-08-02 has failed.

D. ZONING AMENDMENT #34-08-03, FLOOR AREA RATIO

Jennifer Thum requested that this be tabled until the August meeting due to an error in the ground ratio portion of the definition.

VII. NEW BUSINESS

A. MOYLE DEVELOPMENT GATEWAY PLAZA

Jennifer Thum reported that part of this site plan was previously approved on November 6, 2006, but since then the site plan has expired. However, the applicant met with Al Denton, Denny Magadanz, Randy Yelle and herself to ask about an extension this year, and we granted them one. The site plan is on this month's agenda for re-approval. The site plan was approved with the following conditions:

- 4 additional spruce trees shall be planted within the two parking lot islands located west of the building
- Underground electrical service is required
- Tree removal resulting from the relocation of the southwest frontage road shall be replaced on a 1:1 ratio

- Parking for the retail structure located west of the property shall not be diminished so as to place that facility out of compliance with requirements of the Zoning Ordinance.

Due to no one in attendance from Moyle Development Gateway Plaza this item will be tabled.

Al Denton motioned Steve Kinnunen seconded, to table this until all the details are in place and ready to present to the Planning Commission.

Ayes 7. Nays 0. Motion approved to table.

B. PROPOSED LANGUAGE FOR LIQUOR LICENSE STANDARDS

Jennifer Thum presented the proposed Liquor License Standards to the Planning Commission members. Ms. Thum stated that there is an additional liquor license available to the Township due to the increase in population and two businesses in the Township have contacted the Township in regards to obtaining the liquor license. Ms. Thum reported that this type of license is less expensive than buying one from another Party, when they become available. Ms. Thum reported that there should be Township rules and guidelines in place for individuals to obtain a liquor license, when one is available, so the Township is not accused of favoritism. Ms. Thum will include the proposed application that would accompany the rules and regulations in the August meeting packet.

Al Denton commented that the proposed standards are very long.

Dennis Magadanz questioned a statement on page 18 (g) second to the last sentence that states "it determines that the issuance of an additional liquor license" Can a person obtain more than one liquor license?

Jennifer Thum will look into this and provide clarification.

A requested change from 1 to 3 years is proposed to page 16 under Term of License (f).

Dennis Magadanz motioned Ken Tabor seconded that after review of the proposed language for the Township Liquor License Standards and a few suggested changes stated above, the Planning Commission supports the proposed Township Liquor License Standards and will hold a public hearing on August 11, 2008.

Ayes 7. Nays 0. Motion approved.

VIII. PUBLIC COMMENT

No public comment made at this time.

IX. COMMISSIONER'S COMMENTS

Ken Tabor commented that he feels the home occupation Zoning Amendment #34-08-01 is too restrictive the way it's written.

Al Denton commented that Mr. Tabor could submit a proposal outlining changes to Zoning Amendment #34-08-01 for consideration by the Commission. He also stated that technically anyone who is considering a home occupation needs to come to the Planning Commission for approval.

X. DIRECTOR'S COMMENTS

Jennifer Thum reported that she will be presenting the Parks and Recreational Plan for

review by the Planning Commission in the Fall of 2008. Storm sewer issues will also be discussed in the near future.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. ZBA Minutes from March 22, 2007, dealing with Moyle Development Signs.

XII. ADJOURNMENT

Dennis Magadanz motioned, Ken Tabor seconded to adjourn the meeting. The meeting adjourned at 8:35 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, August 11, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Steve Kinnunen, Estelle DeVooght, Dennis Magadanz, Dr. Ken Tabor, Kendell Milton, Andy Smith

Absent:

Staff Present: Jennifer Thum, (Planning and Community Development), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF JULY 14, 2008 MEETING MINUTES

Dennis Magadanz motioned to approve the July 14, 2008 meeting minutes as written, seconded by Estelle DeVooght.

Ayes 7. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned to approve the agenda as written seconded by Dennis Magadanz.

Ayes 7. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

A. NIEMELA, CUP #81, WOOD BOILER

Mr. Gary Niemela, 111 Lara Lei Trail, is requesting approval from the Planning Commission to install a wood boiler on his property. Mr. Niemela stated that he owns 80 acres and would only burn natural material in his wood boiler. Mr. Niemela also stated that he's looking to install the wood boiler to help decrease his heating costs.

B. CHOCOLAY DOWNS GOLF COURSE, CUP #82, CLUBHOUSE

Bob Cambensy provided a presentation for Conditional Use #82 for construction of a clubhouse with a restaurant for use by the public and golf course members next to the pro shop at Chocolay Downs Golf Course. There will be no changes to the existing parking lot except the applicant will need to paint lines or install parking signs. They will also add additional parking spaces that are needed for the clubhouse. There will be a service drive put in next to the clubhouse for delivery truck traffic next to Lot 14 located on the northeast corner of the property. The exterior of the clubhouse will match the exterior of the pro shop. The lighting for the area will be minimal and the lighting will be pointing downwards and should not affect any properties adjacent to the proposed clubhouse.

C. LIQUOR POLICY AND PROCEDURES

Jennifer Thum stated that at the July meeting a motion was approved to hold a public hearing on liquor license policy and procedures. This public hearing is being held due to a new class C liquor license that just became available to the Township due to an increase in population. Two local businesses are interested in applying for the available liquor license. This policy was also presented to the Township Board who approved the item for public hearing after removal of all language dealing with the Township reviewing the licenses every three years.

V. PUBLIC COMMENT

A. NIEMELA, CUP #81, WOOD BOILER

Jennifer Thum presented a letter from Mr. Eric Rose a neighbor of Mr. Niemela's opposing Conditional Use Request #81. Jennifer read the letter into the minutes. Mr. Rose is concerned about the types of materials that will be burned in the wood boiler and the potential health hazard they may present to his family. Mr. Rose is also not in favor of a 15 foot smoke stack, as in his opinion, would be an eyesore to him. The letter will be in the Planning Commission minutes book for 2008.

B. CHOCOLAY DOWNS GOLF COURSE, CUP #82, CLUBHOUSE

George Voce, 192 Dana Lane, asked what type of water or well will be installed?

Bob Cambensy stated that they will work with the County Health Department and follow their recommendations.

Kim Erickson, 120 Dana Lane, asked why they are rezoning for a clubhouse?

Al Denton stated that the rezoning request is a separate issue and will be addressed under old business.

Dave Gregory, asked about the original clubhouse plan that was posted on the bulletin board of the pro shop as this is different?

Neil Jandron, Chocolay Downs LLC, stated that it is slightly different, but is a better design than the one that was posted in the pro shop.

George Voce, 192 Dana Lane, stated that he is pro development, but is concerned with water and sewer issues in that area and wants to state his concerns for the record.

Neil Jandron, Chocolay Downs LLC, stated that he wants to be a good neighbor and wants to do things the right way to not harm the nearby residents in any way.

Estelle DeVooght, Planning Commissioner, asked if the Clubhouse will serve food and liquor?

Neil Jandron, Chocolay Downs LLC, stated that they will be serving food and if they can obtain a liquor license, they will also serve alcohol.

D. LIQUOR POLICY AND PROCEDURES

Mark Maki, 370 Karen Road, asked why the Planning Commission is dealing with liquor license ordinance and not the Township Board?

Ms. Thum stated that this is not an ordinance, but a policy and procedures. Ms. Thum stated that if another liquor license becomes available the Township will have something in place to address how people can apply for the license.

Randy Gentz, Homestead Golf Course, stated that he's reviewed the application and doesn't have a problem with it.

I. OLD BUSINESS

A. NIEMELA, CUP #81, WOOD BOILER

Jennifer Thum reported that Mr. and Mrs. Gary Niemela have petitioned the Chocolay Township Planning Commission to consider issuance of a Conditional Use Permit under the terms of the Charter Township of Chocolay Zoning Ordinance to install and operate an outdoor wood boiler. The proposed location is on an 80 acre parcel located in a

Residential (R-1) district at 111 Lara Lei Trail in Chocolay Township. Boilers/units and outside wood burning are a Permitted Principal Use in the MFR I, AF and MP Zoned Districts, a Conditional Use in the R-1, MFR, C1 and MP Zoned Districts.

Steve Kinunen, Moved, Al Denton, Seconded, that after review of Conditional Use request #81, the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and Outdoor wood burning boilers and applicants, Section 6.5 and the Conditional Use Permits Section 16 of the Zoning Ordinance, the site plan and application provided, and subsequently finding compliance with the standards for approval of the request found in Section 16 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #81 with the following conditions:

1. The wood boiler will be located at least 75 feet from any and all lot/property lines, easements and right-of-ways.
2. The chimney height will not be less than 15 ft. measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling, within 100 feet, whichever is greater.
3. Mr. and Mrs. Gary Niemela will only burn wood that is in the natural state and does not contain additives.
4. The wood burner will not be located in the front yard.
5. Mr. and Mrs Gary Niemela will notify the Planning Director and the Zoning Administrator when the wood burner has been installed so it can be inspected.
6. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.
7. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal, State and Local Agencies, are acquired.
8. Township staff can visit Mr. Niemela's property at any time after the installation to perform an inspection to be sure he is in compliance with the conditions set forth for the wood boiler approval.

Ayes 7. Nays 0. Motion approved.

B. CONDITIONAL USE PERMIT REQUEST #82 - CHOCOLAY DOWNS GOLF COURSE CLUBHOUSE

Jennifer Thum reported that CGC Development LLC, (Chocolay Downs Golf Course) has petitioned the Chocolay Township Planning Commission to grant Conditional Use Permit #82 under the terms of the Charter Township of Chocolay Zoning Ordinance to allow for the construction of a new clubhouse. CGC Development LLC is proposing that this clubhouse be used as a restaurant for the general public and members of the golf club. The proposed clubhouse is to be located northwest of the existing pro shop. Jennifer read her report and stated the applicant met all eight of the general standards listed in Section 16 of the Township Zoning Ordinance. Jennifer Thum stated that before the Planning Commission meeting, she talked with Bob Cambensy and they have addressed their concerns and brought a revised plan to tonight's meeting. This proposal is located on one parcel in a Residential (R-1) district, at 125 Chocolay Downs Golf Drive in the Charter Township of Chocolay.

Ken Tabor, Moved, Dennis Magadanz, Seconded, that after review of Conditional Use Request #82, the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, Sections 211, 403, and 16 of the Zoning Ordinance, the site plan and application provided, and subsequently finding compliance with the standards for approval of the request found in Section 16 of the Zoning Ordinance, the Planning Commission approves Conditional Use Request #82 with the following conditions:

1. The dumpster shall be located on a concrete stand, and surrounded by a wood or masonry fence or wall all least six feet in height.
2. CGC Development LLC will install a service drive located between Lot 14 and the clubhouse. The service drive will also include some type of turn-around for delivery trucks and the fires trucks. CGC Development Engineer and the Planning Director will work out the design of the turn around.

3. CGC Development LLC will install a landscape buffer between Lot 14 and the service drive.
4. The height of the proposed building will not exceed the Township Zoning Ordinance.
5. CGC Development LLC paint parking lines or install parking bumpers in the existing parking lot and the gravel lot by the cart storage barns. CGC Development LLC can also paint parking spaces on the access drive down to the cart storage barns.
6. CGC Development LLC is required to have a total of 72 parking spaces.
7. CGC Development LLC will paint the necessary handicap parking spaces.
8. CGC Development LLC will provide a copy of their approval for the Type II well and for the actual restaurant from the Marquette County Health Department to the Planning Director.
9. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.

Ayes 7. Nays 0. Motion approved.

C. REZONING 141, CHOCOLAY DOWNS LLC, SANJAY SETHI, PRESIDENT OF CGC DEVELOPMENT LLC

Jennifer Thum read her report, she stated that Rezoning #141 is a request from Chocolay Downs LLC, Sanjay Sethi, and President of CGC Development LLC for the proposed rezoning of Chocolay Downs from R-1 to a PUD. The entire parcel is 122.5 acres and the applicant is proposing 33 single family individual homes, four areas of 10 townhomes and one area of 8 townhomes. Jennifer stated that they are still working things out with the road commission and will keep the commissioners informed. Jennifer Thum met with Mr. Cambensy and Neil Jandron to work things out and to make sure the applicants knew what the township was looking for. Jennifer Thum stated that she feels that the applicant has addressed her concerns, and they now just have to wait for outside agency approval.

Bob Cambensy stated that in January Rezoning #141 was brought to the Planning Commission for approval. At that time this item was tabled due to the Planning Commission asking Chocolay Downs LLC, to look into a second access road for this development. Mr. Cambensy reported that Neil Jandron is working with the County Road Commission and the DNR to either obtain an easement over the old railroad grade by the Varvil Center or find an alternate route for this development to put in a second access/exit. Mr. Cambensy stated that they also eliminated Lots #15 and #26 that were on the original site plan to use as open space. The set backs were adjusted slightly to meet the new zoning ordinance. Everything else from the original site plan remains virtually the same. Mr. Cambensy stated that the sewer treatment for the development if approved will be monitored by the DEQ. Mr. Cambensy stated that this is only the first step of the process and if this is preliminarily approved then they will need to work with many different agencies to obtain their approval before any construction can begin.

Al Denton asked if the cul de sac would be able to accommodate fire trucks?

Bob Cambensy stated that the cul de sacs will be built to County Road specifications.

Al Denton asked about the phasing time frame?

Bob Cambensy stated that their hope is for the first phase to be completed in 4 years; 2nd phase 3-4 years after that; and the 3rd and final phase approximately 10 years. This will also depend on the how long it takes to sell the lots in each phase.

Steve Kinnunen asked if anyone has looked at the increased traffic flow this development will create? He would like the applicant to do a traffic study for this area, to see if any road improvements need to be made.

Dennis Magadanz asked about the green space and is not sure if non-motorized trails can be used as green space.

Kim Erickson, 124 Dana Lane, voiced his concern about how this development could affect the wells and septic systems as well as the ground water.

Bob Cambensy stated that the Health Department is the entity that needs to approve this and the development will have to meet all of their standards.

Kim Erickson, 124 Dana Lane, stated that if Chocolay Downs wants to be a good neighbor then he would like a written guarantee that if the wells on Dana Lane get contaminated that Chocolay Downs will be put in new wells and he would be happy to support the development.

Pam Erickson, 124 Dana Lane, asked if the citizens will have access to the DEQ and Health Departments results?

Neil Jandron, Chocolay Downs, stated he would be happy to share the results with the citizens.

Bob Cambensy, again stated that they are only seeking preliminary approval from the Township and then they must go to the Health Department and DEQ next. Dennis Magadanz, Moved, Al Denton, Seconded, that following the review of Rezoning Request #141, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board approve Rezoning Request #141 and give the site plan preliminary approval with the following conditions:

1. The lot sizes are subject to change, health department might require one-acre sites from the Chocolay Downs LLC.
2. The Chocolay Downs LLC will provide a phasing schedule that explains the timeframe, and subsequent time limitations, for each phase to the Township.
3. The Chocolay Downs LLC will work with all outside agencies for the water and septic systems.
4. The Chocolay Downs LLC will make an effort to provide an access road to M-28 that does not connect through an existing residential subdivision.
5. The Chocolay Downs LLC will keep the Township up-to-date on all talks with the health department and the DEQ on the proposed sewage and water systems. .
6. The Chocolay Downs LLC will provide language on how each of the townhouse sections and the single-family lots will be owned. This is in relation to the homeowners associations for the homes and the townhouses.
8. The Chocolay Downs LLC will install picnic tables in the open space areas, Lot 15 and Lot 26. The Chocolay Downs LLC will maintain the walking paths.

Ayes 7. Nays 0. Motion approved.

D. MOYLE DEVELOPMENT GATEWAY PLAZA

Jennifer Thum reported that part of this site plan was previously approved on November 6, 2006, but since then the site plan has expired. However, the applicant met with Al Denton, Denny Magadanz, Randy Yelle and myself to ask about an extension this year, and we granted them one year extension. The site plan is on this month's agenda for re-approval of the final site plan. The original site plan from 2006 was approved with the following conditions (there was a site layout of the original site plan at the Planning Commission meeting):

- 4 additional spruce trees shall be planted within the two parking lot islands located west of the building
- Underground electrical service is required
- Tree removal resulting from the relocation of the southwest frontage road shall be replaced on a 1:1 ratio

- Parking for the retail structure located west of the property shall not be diminished so as to place that facility out of compliance with requirements of the Zoning Ordinance.

George Meister, TriMedia Consultants, showed the drawing of the original site plan that was approved in 2006 with a few new revisions.

George Meister then moved on to talk about the new plan, which will add buildings and financial institution to the original site plan. He then stated that the furthest building to the east on the plan will be removed from the site plan to allow for trucks to turn around, wells, utilities, etc. A storm sewer with a retention pond will be on the northeast side and will be metered out so it doesn't discharge too fast. As they are not sure of the mixture of businesses that will be in the complex, they are looking at a couple different ways to handle parking space requirements. Moyle Development is looking for reapproval of the original site plan with a few revisions.

Steve Kinnunen asked about the traffic flow?

George Meister, TriMedia Consultants, explained that most of the traffic will come from the entrance that will be located on M-28, but there will also be an entrance/exit that will be behind the Holiday Station. Signage will also be put up to assist in directing the flow of traffic.

Jennifer Thum read her review of the new proposed site plan that is an expansion to the original site plan from 2006. The applicant has met her concerns and the applicant has agreed to install more native landscaping in order to compensate for the applicant having too much impervious surface. Jennifer Thum will send the site plan to the Superior Watershed group for their suggestions on the native landscape plants.

Steve Kinnunen, Moved, Ken Tabor, Seconded, that after review of the standards of Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission reapproves the original Site Plan Review Request #05-01 (Gateway Plaza) with the following conditions:

1. Moyle Development, Gateway Center plant 4 additional spruce trees within the two parking lot islands located west of the building.
2. Moyle Development, Gateway Center install underground electrical services.
3. Tree removal resulting from the relocation of the southwest frontage road shall be replaced on a 1:1 ratio
4. Parking for the retail structure located west of the property shall not be diminished so as to place that facility out of compliance with requirements of the Zoning Ordinance.
5. The above condition is subject to review and approval of the Zoning Administrator, prior to Moyle Development, Gateway Center obtaining Zoning Compliance.
6. That Moyle Development, Gateway Center, obtain a permit from the Michigan Department of Transportation for the right-of-way improvements in front of the parcel along US 41.

Ayes 7. Nays 0. Motion approved.

George Meister, Engineer for Tridmedia Consultants is requesting for Moyle Development, Gateway Plaza preliminary approval for the additional properties (second phase of the development) located to the east.

Jennifer Thum stated that the additional buildings would have to be built to meet the Township Ordinance height requirements of no higher than 30 ft. She also inquired as to the development putting in a bike path to meet up with the existing bike path. Ms.

Thum requested that Moyle Development, Gateway Plaza keep the Township staff notified of their plans for landscaping, the watershed, right-a-ways, etc.

George Meister stated that this would not be a problem and that Moyle Development is more than willing to work with the Township to meet their requests.

Ken Tabor asked about the lighting?

George Meister stated that the lighting will be downward mounted on the buildings.

Al Denton, Moved, Dennis Magadanz, Seconded, that after review of the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, to provide preliminary approval for the second phase of the additional properties for Moyle Development, Gateway Plaza.

Ayes 7. Nays 0. Motion approved.

D. LIQUOR LICENSE POLICY AND PROCEDURES

Jennifer Thum presented the suggested policy and procedures outlining how Chocolay Township should handle applications for new liquor licenses. As of right now there are two possible applicants for the newly acquired Class C liquor license. At the last Township Board meeting, the trustees removed all language dealing with the Township reviewing the licenses every three years. They decided that they will leave this up to the Michigan Liquor Control Commission. Ms. Thum also enclosed in the Commissioner's packets a sample application from the City of Northville, and crossed out the items that would not apply.

Ken Tabor, Moved, Dennis Magadanz, Seconded, that after review of the proposed Township liquor license policy and procedures, the Planning Commission supports the proposed policy and procedures and will forward it onto the Township Board for their approval. At our next scheduled Planning Commission meeting we will hold a public hearing for the applicants seeking the new Class C Liquor License.

Ayes 7. Nays 0. Motion approved.

VII. PUBLIC COMMENT

Mark Maki, 370 Karen Road, asked about the Blondeau Trucking Garage requested expansion and stated that it shouldn't have been approved as the expansion site plan was never presented for approval. He also stated that in 1994 there was an agreement made between Blondeau Trucking and the Township that they would never expand at their present location. Mr. Maki stated that he asked at the July meeting how contractor's yards were put into the ordinance? Mr. Maki stated that he's reported numerous instances of noncompliance about many things i.e., size of signs, contractor's yards, etc. and he feels no one is acting on them. Mr. Maki stated that he was instructed to put his concerns in writing and send them to the Township for review. Mr. Maki stated he has done that and has not received any replies. Mr. Maki also inquired as to how Ace Hardware was able to construct a mini storage building and wants to know how mini storage buildings got into the ordinance, which wasn't in the first 3 drafts of the ordinance, but appeared in the final draft?

VIII. COMMISSIONER'S COMMENTS

Andy Smith questioned Mr. Maki's concerns and comments in regards to Contractor's yards, mini storage barns, etc. being snuck into the Zoning Ordinance.

Al Denton explained that the Planning Commission and the Township Board worked on the revisions to the Zoning Ordinance for two years. Mr. Denton explained that there were several public hearings held during this time, which resulted in many additions and deletions to the Zoning Ordinance and language changes to better clarify many areas of

the Ordinance, which then was forwarded to the Township Board for final approval.

IX. DIRECTOR’S COMMENTS

Jennifer Thum reported that she is researching to see if the Township can apply for an Industrial Park Grant through the U.S. Department Economic Development Ms. Thum stated that the U.S. Department of Economic Development may try to come up to look at our tentative plans. She also reported that due to the unemployment in the Upper Peninsula, and the percentage being lower then the national average, Chocolay Township is eligible to apply. Ms. Thum will keep the Commissioners updated on this.

Ms. Thum also reported that she is requesting approval to attend a seminar next year Entitled “Engineering for the Non-Engineer” in Madison, Wisconsin. Ms. Thum will provide a summary of the seminar to the Commissioners if she’s able to attend.

Ms. Thum reported that the first part of the Boardwalk down by the Marina will need to be redone as the volunteers used the wrong type of bolts and it is coming apart. She reported that she is working with Art Lauren from Marquette Community Corrections to complete this project.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, June 2008.
- B. Letter from the County Road Association of Michigan
- C. Minutes from the Marquette Township Planning Commission

XI. ADJOURNMENT

Dennis Magadanz motioned, Al Denton, seconded to adjourn the meeting as there was no further business to address. The meeting adjourned at 9:10 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, September 8, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dennis Magadanz,
Dr. Ken Tabor, Kendell Milton, Andy Smith

Absent:

Staff Present: Jennifer Thum, (Planning and Community Development), Laurie
Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF AUGUST 11, 2008 MEETING MINUTES

Ken Tabor motioned to approve the August 11, 2008 meeting minutes after 2
noted corrections, seconded by Estelle DeVooght.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Dennis Magadanz motioned to approve the agenda as written seconded by Ken
Milton.

Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

No public hearings scheduled.

V. PUBLIC COMMENT

No public comment.

VI. OLD BUSINESS

A. MOYLE DEVELOPMENT, GATEWAY PLAZA

Jennifer Thum reported that she was contacted by Moyle Development's
Engineer, George Meister from Tri Media Consultants about the grading
that is going on at their proposed site. Currently, they are grading the
portion that was given final approval (again). They would like to start
grading the other part, east of the wetlands as soon as possible. The
applicants do have their wetland permit and the needed grading permit.
The applicants engineer did call the Marquette Conservation District and
stated that they had final approval for everything. Actually, they only had
final approval for the original portion of the proposed site plan. At this
point, Moyle Construction is asking the Planning Commission's
permission to allow them to excavate the portion that only has preliminary
approval. Personally, as long as they have the correct permits and they
install the needed best management practices, I don't have a problem with
this.

Ken Tabor Moved, Dennis Magadanz seconded, to allow Moyle
Development, Gateway Plaza to excavate the second part of the proposed
site at US 41/M 28.

Ayes 6. Nays 0. Motion approved.

B. CEDA GRANT UPDATE

Jennifer Thum reported that she is working with CUPAD and the U.S. Department of Economic Development on a grant to begin work on an Industrial Park building. Ms. Thum stated that this is a very slow and time-consuming project. She hopes to be able to move forward with this next year and will keep the Planning Commission informed about the progress.

C. BLONDEAU CONSTRUCTION MODIFICATION

Jennifer Thum reported that Dave Blondeau (Blondeau Trucking Company) contacted her on September 4, 2008 and would like approval to increase their proposed storage building by 20 ft. The building size of 60' x 80' was approved previously, but Mr. Blondeau would like to construct the building 60' x 100'. According to our Zoning Ordinance, this is not a minor alternation and needs Planning Commission approval. Mr. Blondeau stated that this is needed to accommodate everything they plan to store inside the building.

Dave Blondeau, Blondeau Trucking, explained that they would like to increase their cold storage building by 20 feet, which will not change the building location on the original site plan. Mr. Blondeau also stated that this will not affect any of the required setbacks.

Dennis Magdanz Moved, Ken Tabor Seconded, to allow Blondeau Trucking Company to expand their proposed cold storage building by 20 ft. This alternation will not alter the basic design of the land or interfere with the required setbacks of the site.

Ayes 6. Nays 0. Motion approved.

VII. NEW BUSINESS

A. NEW CLASS "C" LIQUOR LICENSE

Jennifer Thum reported that two applicants have applied for the available "New" Class "C" Liquor License, Chocolay Downs Golf Club and Gentz (Homestead) Golf Club. Each applicant has filled out the application and attached a site plan of the proposed area where liquor will be served.

Randy Gentz stated that his family has been in the area for the past 116 years and would like to have the opportunity to obtain a liquor license. Cathy Gentz read a letter describing Gentz (Homestead) Golf Club and how the liquor license could enhance and possibly expand their business. If they receive the liquor license it would also allow them to hire 2-3 more employees.

Dennis Karjala, Chocolay Downs Golf Course (Royal English LLC), stated that they are seeking consideration for the liquor license, which would be a great addition to their new clubhouse. He also stated that if the liquor license were obtained by they would add 6-8 additional employees.

Al Denton asked both parties about their membership numbers and if they participate in community service projects?

Both parties have between 200-300 members not including the public and both participate in community service projects for youth, special Olympics, etc.

At this point the Planning Commission asked everyone to step out to

discuss this matter. When everyone was called back in, the Planning Commission stated that they feel both parties are rated equally according to the criteria.

No motion was made to support Gentz (Homestead) Golf Course.

Al Denton/Estelle DeVooght – No motion carried.

No Motion was made to support Royal English LLC.

Al Denton/Dennis Magadanz – No motion carried.

The Planning Commission asked if either party would object to a flipping a coin due to both parties being equally qualified for the Class C Liquor License.

Neither party objected. A coin was tossed and won by Gentz Golf Club.

Ken Tabor Moved, Al Denton Seconded that by the flip of a coin a letter of support on behalf of the Gentz Homestead Golf Course, to receive the New Class C Liquor License above all others. This letter will be presented to the Chocolay Township Board on September 15, 2008 with a public hearing to be held at that time. The Township Board will either concur with the Planning Commission's recommendation, go with the other applicant, or ask the Planning Commission to review the applications again.

Ayes 6. Nays 0. Motion approved.

B. KEN MILTON REAPPOINTMENT

Jennifer Thum reported that the term of Kendal Milton (who replaced Tom Shaw) expired May 24, 2008 and Mr. Milton will need a letter of support from the Commissioners to be reappointed.

Dennis Magadanz Moved, Al Denton Seconded, to allow the Director of Planning and Community Development to write a letter of support on behalf of the Planning Commission asking for the re-appointment of Kendal Milton and present the letter to the Township Supervisor.

Ayes 6. Nays 0. Motion approved.

C. RENAMING OF WARD TRAIL

Jennifer Thum reported that this private road before you is due to the new owner, Mike Colleur, wanting to change the name to Royal Oak. Ms. Thum has spoken with the Marquette County Dispatch and they would like to see something added after Royal Oak, such as Trail or Lane. Ms. Thum reported that she has some reservations about the name as it's the same name as a major city downstate. If the applicants were to add something after the name, it would help deter people's mail going downstate and vice versa.

The Planning Commission asked Ms. Thum to contact Mr. Ward and speak to him about this request and the status of Mr. Colleur purchasing Ward Trail. Ms. Thum will report back at the next meeting.

VII. PUBLIC COMMENT

Randy Gentz thanked the Planning Commission for their support for the Class C Liquor License.

VIII. COMMISSIONER'S COMMENTS

No comment at this time by any of the commissioners.

IX. DIRECTOR'S COMMENTS

Jennifer Thum asked if the Planning Commission members had any objections to canceling the January, 2009 and December, 2009 Planning Commission meetings. Ms. Thum stated that these meetings usually don't have much to address and it would save the Township money. The Planning Commission members had no objections to this.

Ms. Thum extended an invitation to Estelle DeVooght to attend the Township Board meeting on September 15th as the Township would like to present Ms. DeVooght with an award for longevity. Ms. DeVooght has been a part of the Township Committees for the past 35 years. The Planning Commission thanked and congratulated Ms. DeVooght for her service.

Ms. Thum reported that Carol Fulscher will attend the next Planning Commission meeting to discuss and answer questions pertaining to Heritage Trail.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, July 2008.

XI. ADJOURNMENT

Al Denton motioned, Dennis Magadanz, seconded to adjourn the meeting as there was no further business to address. The meeting adjourned at 8:05 p.m.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, October 13, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dr. Ken Tabor,
Kendell Milton, Andy Smith, Steve Kinnunen

Absent:

Staff Present: Jennifer Thum, (Planning and Community Development),
Randy Yelle, (Zoning Administrator), Laurie Vashaw-Eagle
(Recording Secretary)

II. APPROVAL OF SEPTEMBER 8, 2008 MEETING MINUTES

Ken Tabor motioned to approve the September 8, 2008 meeting minutes as written, seconded by Estelle DeVooght.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned to approve the agenda as written for October 13, 2008, seconded by Ken Tabor.

Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

A. POLITICAL SIGN, ZONING AMENDMENT 34-08-02

No public comment.

B. HOME OCCUPATION, ZONING AMENDMENT 34-08-01

Dick Arnold, 312 Co. Rd. 545 West Branch Road, stated he's opposed to the way the Home Occupation ordinance currently reads and that it's degrading the R1 and R2 districts. Mr. Arnold stated he was under the impression that the ordinance only allowed for things like insurance agents, a hair dresser with one chair, etc. There are many other businesses being operated in the R1 and R2 zones that should not be allowed. Mr. Arnold also stated that another concern of his is when a home occupation starts, the neighbors are never contacted. He feels if a home occupation starts up, the ordinance should state that the neighbors need to be notified to be allowed a say. Mr. Arnold also stated his dissatisfaction that the ordinance allows for 500 feet of mining, which could be very unsafe.

C. CONDITIONAL USE PERMIT #83

Kenlyn Hubbard, 121 Wintergreen Trail, is requesting a conditional use permit to install an outdoor wood burner to assist her with her heating costs as she uses propane, which is very expensive.

V. PUBLIC COMMENT

No public comment.

VI. OLD BUSINESS

A. MOYLE DEVELOPMENT, GATEWAY PLAZA

Jennifer Thum reported that she was contacted by Brian from Moyle Development, Gateway Plaza who requested to have this tabled until the November meeting. Ms. Thum stated Moyle Development Plaza is working with Township staff and the Superior Watershed Group to determine an adequate landscaping plan for the development that will not only look nice, protect the wetlands, and address water and sewer issues.

Steve Kinnunen Moved, Estelle DeVooght, Seconded to table this until the November meeting.

Ayes 6. Nays 0. Motion approved.

B. RENAMING OF WARD TRAIL

Jennifer Thum reported that she followed-up on this from the last meeting. Ms. Thum spoke with the Township Assessor and Frank Ward and verified that Mike Colleuer does own the appropriate portion of the road and is allowed to change the name if he so choses.

This private road is before you, due to the new owner Mike Colleuer requesting to change the name of Ward Trail to Royal Oak. Ms. Thum spoke with the Marquette County dispatch and they would like to see something added after Royal Oak, such as Trail or Lane. Ms. Thum stated she does have reservations about the name as it's the same name as a major city downstate. If Mr. Colleuer were to add something after the name, it would help deter people's mail from going downstate and vice versa.

Andy Smith stated that he owns approximately 600 feet of "Ward Trail" and has granted Mr. Colleuer an easement. Mr. Smith stated for the record that he does not oppose the name change of the road.

Al Denton Moved, Steve Kinnunen Seconded, to change the name to "Royal Oak Trail" in place of the previous name of "Ward Trail". The Planning Commission will recommend this new name to the Township Board.

C. HOME OCCUPATION ZONING AMENDMENT

Jennifer Thum reported that at the last Township Board meeting, the Board asked the Planning Commission to revisit the proposed Home Occupation ordinance. A couple of the members were questioning the definition and wanted further clarification as to why repair, assembly on household appliances are prohibited. The Township Board was not convinced that the new proposed ordinance was the best way to control home occupations. Ms. Thum posted a notice in the newspaper to inform the public that the Planning Commission will be discussing this issue again to try and come up with a solution to redefine the definition and work on the prohibited uses.

After much discussion, the Commissioners agreed to having zoning ordinance #34-08-01, Section 6.9, page 53, #3 read:

Prohibited Uses: The following uses are prohibited as home occupations in the R1, R2, MFR and LSR districts:

- a. Any type of repair, assembly or storage, sale or manufacture of vehicles, Machinery, engines, or any other work related to motor vehicles and their parts.
Removed from the current ordinance would be the words “household” and “appliance”.

Ken Tabor Moved, Andy Smith Seconded, to recommend approval of the verbage change listed above and forward it to the Township Board for their approval of the revised verbage for Home Occupation Zoning Amendment #34-08-01.

D. POLITICAL SIGN ZONING AMENDMENT

Jennifer Thum reported that on July 14, 2008 the Chocloy Township Planning Commission held a public meeting with a scheduled public hearing to obtain resident feedback on an important item in the Township: allowed square footage for political signs. The meeting was a follow-up to recent sign violations where political candidates were posting larger sizes then we permit, which is sixteen (16) square feet. (See attaching proposed language in public notice that was being discussed).

At the Planning Commission meeting, no motion was made to increase the allowed square footage for political signs. Therefore, the sign ordinance stays the same and the permitted square footage for political signs will be sixteen (16) square feet provided that the sign is so located that no portion of the sign is located on the public right-of-way.

At the September, 2008 Township Board meeting, the Board asked for the Planning Commission to revisit this issue to see if a motion could be made. At the October meeting, the Planning Commission should discuss in detail the ordinance and make a motion to hold a public hearing in November, 2008 on this issue or to have further discussion on this issue.

Ken Tabor, Moved, Kendall Milton, Seconded, to have staff publish the necessary notices to hold a Public Hearing in November to amend the political sign portion in the Chocloy Township Zoning Ordinance.

Ayes 6. Nays 0. Motion approved.

VII. NEW BUSINESS

A. CONDITIONAL USE REQUEST #83

Jennifer Thum reported that she and Randy Yelle, Zoning Administrator, went out to Kenlyn Hubbard's property, but unfortunately no one was home to meet with them. Ms. Hubbard meets all the requirements for the condition use request except for zoning ordinance, Section 6.5 (B) Conditional Use in the R-1 Zoned District 1. b, which states, "Minimum chimney height of 15 feet, measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling, within 1000 feet, whichever is higher".

Ms. Hubbard explained that her property is located where the elevation slopes downwards from the neighbor on one side of her. Due to this situation, meeting the zoning ordinance requirement of having her chimney 2 feet higher than the nearest neighboring principal dwelling will result in an approximate 40 foot chimney, which seems unrealistic and unsafe.

Ms. Thum requested to table this until the next meeting so she and Randy Yelle (Zoning Administrator) can go back to Ms. Hubbard's property to take measurements, try to meet with Ms. Hubbard's neighbors, and determine the required chimney height for the wood burner. Ms. Thum also wants to see where the wood-burner will be installed. Ms. Thum stated she will also assist Ms. Hubbard, if needed, to appeal to the Zoning Board of Appeals if this meets the criteria of a special circumstance for a variance request.

Steve Kinnunen, Moved, Al Denton, Seconded, to table this until the November meeting

Ayes 6. Nays 0. Motion approved.

VII. PUBLIC COMMENT

Dick Arnold, 312 Co. Rd. 545 West Branch Road, expressed his dissatisfaction with 3 of his complaints that haven't been addressed by the Township. The first violation is at Lot #7 Green Garden Road where people have done work on a structure without permits and are now living there. Second violation, is at 281 West Branch Road, involving junk cars (Ordinance 55), the occupant was supposed to be working with the Township to get in compliance with the ordinance, but nothing has been done. Third violation, is at 6884 US 41 S. and 6900 US 41 S. where business is being conducted. Mr. Arnold stated that there are 6 to 8 people who show up to work and this is zoned as a farming/agriculture district and running a business is not allowed there. Mr. Arnold stated he just wants the Township of Chocloy to enforce the law.

VIII. COMMISSIONER'S COMMENTS

Andy Smith inquired as to where the 1,000 feet incorporated in the zoning ordinance, Section 6.5 (B) Conditional Use in the R-1 Zoned District, 1. b. came from?

Al Denton stated that it was determined through a public hearing and complaints from residents with health problems, etc. pertaining to the smoke created from wood boilers or wood burners.

Steve Kinnunen asked if the Township has discussed the recent incident in Ishpeming pertaining to the Moose being euthanized?

Al Denton stated that this has been discussed and the Chief of Police has a plan in place to handle these types of situations if they should happen in the Township of Chocolay.

IX. DIRECTOR'S COMMENTS

Jennifer Thum reported that a Chocolay Downs traffic count was conducted and it was determined that a right hand turn lane is warranted for this type of development.

Ms. Thum also reported that the Township of Chocolay is not supporting the ORV Ordinance as they do not believe ORV's should be allowed to run on the road.

X. INFORMATIONAL ITEMS AND CORRESPONENCE

- A. Planning and Zoning News, August 2008.
- B. Township law E-Letter, Zoning and Land Use Update
- C. County ORV Ordinance

XI. ADJOURNMENT

Ken Tabor, Moved, Al Denton, Seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 8:40 p.m.

Albert Denton, Chairperson



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on November 3, 2008.

The meeting was cancelled.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, December 8, 2008 @ 7:30 PM**

I. MEETING CALLED TO ORDER at 7:35 PM/ ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor,
Kendell Milton, Andy Smith, Steve Kinnunen, Andy Sikkema

Absent:

Staff Present: Jennifer Thum, (Planning and Community Development), Laurie
Vashaw-Eagle, (Recording Secretary)

II. APPROVAL OF OCTOBER 13, 2008 MEETING MINUTES

Ken Tabor motioned to approve the October 13, 2008 meeting minutes as written,
seconded by Steve Kinnunen with a slight format correction in II.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned to approve the agenda as written for December 8, 2008,
seconded by Ken Tabor.

Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT #83 (Continuation)

Jennifer Thum reported that the applicant, Kenlyn Hubbard, had petitioned the
Chocolay Township Planning Commission to consider issuance of a Conditional
Use Permit under the terms of the Charter Township of Chocolay Zoning
Ordinance to install and operate an outdoor wood boiler. The proposed location is
on an 8.8 acre parcel located in a Residential (R-1) district at 121 Wintergreen
Trail in Chocolay Township. Boilers/units, outside wood burning are a Permitted
Principal Use in the MFR, I, AF and MP Zoned Districts, and a Conditional Use
in the R-1, MFR, C1 and MP Zoned Districts.

As required under the conditional use procedure, a notice has been published in
the paper and all property owners within 300 feet of the property have been
notified. At the last Planning Commission meeting, this item was tabled and Ms.
Hubbard was directed to go to the Zoning Board of Appeals for consideration of a
height alteration to the proposed wood boiler chimney.

**The Zoning Board of Appeals approved the wood boiler with the following
conditions:**

1. Outside wood boiler will not be in operation from April 30th
through October 1st.
2. Ms. Kenlynn Hubbard will receive an approved conditional
use permit from the Chocolay Township Planning Commission.
3. Ms. Kenlynn Hubbard will receive an approved Zoning
Compliance Permit from the Chocolay Township Zoning
Administrator.
4. The wood boiler's chimney height is to be 15 ft. from the grade of
the property.

Ms. Hubbard stated that she is confused by the process as she thought she was going to the Zoning Board of Appeals Committee to ask for a variance for the height of the chimney. The Zoning Board of Appeals did approve the variance request, but added conditions such as time limits when she can operate her wood boiler, which is confusing. Ms. Hubbard stated that she explained to the Zoning Board of Appeals the danger of having a chimney so high, which also would be more of a nuisance to the neighbors. Mr. Hubbard explained that having a chimney the height it would need to be to meet the ordinance, would also impact the efficiency of the wood boiler.

Steve Kinnunen explained that the ordinance was drafted with much research and input from other Townships similar in size to Chocoday Township. The ordinance is designed to protect neighbors from the smoke that comes from these types of wood boilers. Mr. Kinnunen also explained that a lot of people worked hard to get this variance request approved as Mr. and Mrs. Hubbard's property is non-conforming.

Andy Smith stated that being a neighbor of Mr. and Mrs. Hubbard he doesn't have a problem with them operating a wood boiler and doesn't even notice the smoke from the neighbors who already have them.

Al Denton stated that the reason the condition stipulating a time limit for operating the wood boiler is because in the summer, neighbors tend to have their windows open more and the smoke could bother them.

Estelle DeVooght stated that she feels it is wrong to put time periods to operate these types of wood boilers as they are self contained and usually also heat the owner's water.

B. POLITICAL SIGN, ZONING AMENDMENT 34-08-02

Jennifer Thum reported that on July 14, 2008 the Chocoday Township Planning Commission held a public meeting with a scheduled public hearing to obtain resident feedback on an important item in the Township: allowed square footage for political signs. The meeting was a follow-up to recent sign violations where political candidates were posting larger sizes than we permit, which is sixteen (16) square feet. (See attaching proposed language in public notice that was being discussed).

At the October 2008 Planning Commission meeting, no motion was made to increase the allowed square footage for political signs. Therefore, the sign ordinance stays the same and the permitted square footage for political signs is sixteen (16) square feet provided the sign is so located that no portion of the sign is located on the public right-of-way.

At last month's Township Board meeting, the Board asked for the Planning Commission to revisit this issue to see if a motion could be made. Therefore, at this month's meeting the Planning Commission will revisit this issue.

V. PUBLIC COMMENT

Dick Arnold, 312 Co Rd 545 West Branch Road, stated that he feels it is a mistake to grant any home occupation in the Township of Chocoday without letting the neighbors have a chance to comment and voice their opinion on it. Mr. Arnold also stated that home occupations can affect the value and curb appeal of the neighborhood.

VI. OLD BUSINESS

A. CONDITIONAL USE REQUEST #83

Ken Tabor motioned, seconded by Andy Smith that after review of Conditional Use Request #83, the Staff/File Review, Outdoor wood burner/boiler, Section 6.5, the Conditional Use Permit Section 16 of the Zoning Ordinance, the site plan and application provided, and subsequently finding compliance with the standards for approval of the request found in Section 16 of the Zoning Ordinance, the Planning Commission approves Conditional Use Request #83 with the following conditions:

1. The wood boiler will be located at least 75 feet from any and all lot/property lines, easements and right-of-ways.
2. The chimney height will not be less than 15 ft. measured from the grade to chimney top.
3. Ms. Kenlyn Hubbard will only burn wood that is in the natural state and does not contain additives.
4. The wood boiler will not be located in the front yard.
5. Ms. Kenlyn Hubbard will notify the Planning Director and the Zoning Administrator when the wood boiler has been installed so it can be inspected.
6. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.
7. Outside wood boiler will not be in operation from April 30th through October 1st of each year.
8. After a year, Chocolay Township staff will contact neighboring properties and Ms. Hubbard to see if there are any complaints concerning the wood boiler. If so, the Township will hold another public hearing to see if the wood boiler can continue to be in operation at 121 Wintergreen Trail.
9. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal , State, and Local Agencies, are acquired.

Ayes 5. Nays 1. Motion approved.

Al Denton abstained from voting as he's also a member of the Zoning Board of Appeals.

B. POLITICAL SIGN, ZONING AMENDMENT #34-08-02

The Planning Commission members discussed that 32 feet in size political signs are allowed in the surrounding townships. Therefore, the members agreed to increase the size of the political signs allowed in the Township of Chocolay from 16 feet to 32 feet.

Steve Kinnunen motioned and Ken Tabor seconded that after review of the pertinent material and holding a public hearing in October that the political sign size will be increased from 16 feet to 32 feet.

Ayes 6. Nays 0. Motion approved.

VII. NEW BUSINESS

A. ANNUAL REPORT

Albert Denton, Chairperson, presented in accordance with the rules of procedure, the 2008 Annual Report outlining the activities of the Charter Township of Chocolay's Planning Commission for the past year for approval.

Ken Tabor motioned, Estelle DeVooght seconded, to recommend approval of the 2008 Annual Planning Commission Report and to have staff present it to the Chocolay Township Board once the December, 2008 data is included.

Ayes 6. Nays 0. Motion approved.

B. RECREATION PLAN UPDATE

Jennifer Thum provided in the meeting packet a copy of the Township's 2004 Recreation Plan. J. Thum reported that in order for the Township to be eligible for any grants such as updating the old railroad bridge on M-28, we need to have an up-to-date Recreation Plan. Work has been started on the Recreation Plan, but Ms. Thum would like your input. Some of things that we will have to add and work on in the future are:

- Update the history section
- Update the contaminated sites
- Look at Park and Facility Guide and see if it needs updating

Ms. Thum also stated that the Township might want to explore adding a couple of questions to the recreational questionnaire for inclusion with next years' tax bill and have the residents send them back with their tax payment. (This would save on stamps!)

The questions could also be posted on our website to ensure that we get a good amount of feedback. Some of the questions could be:

- What park sites would you like to see more up-to-date playground equipment and picnic sites on?
- Suggestions on how to develop the Voce Creek and Brower property?
- Should the Township explore options of using Cherry Creek School or local churches for community events?
- Does the Township need to install better signage for our parks?
- Do you know where the Green Bay Street Park, Voce Creek, and Lake LeVassuer Park are located?

Al Denton motioned to table this until the February meeting to review, comment, and make recommendations. The document will be put on an overhead screen for the next meeting so each part of the plan can be reviewed, discussed and possibly revised. Jennifer Thum reported she will also send the Planning Commission members a map showing all of the recreational areas in the Township.

Ayes 6. Nays 0.

Motion to table this until the February '09 meeting.

C. TOP PRIORITIES 2009

Jennifer Thum reported that this is something she'd like to try to create for next year. Please think of at least (3) three things that you would like the Planning Commission to work on next year. For example, find land for an industrial park or to explore purchasing land near an existing one, another one might be to find a place locally that our seniors could meet for group exercise or new playground equipment at one or all of the parks. These are just some examples, please think of at least (3) three and bring them to our February meeting. This will be your homework assignment for our next meeting

Al Denton stated some suggestions for the 2009 Top Priority List, which are:

1. Update the Recreation Plan.
2. Research any property that may be available in the Township for an Industrial Park.
3. Research a large retail mall, grocery, or retail store that may want to locate in the Township.
4. Look at a Township Cemetery.
5. Do more with the marina and look at possibly 4 camping sites on the property.

Mr. Andy Sikkema stated that he would like to see more connections to the bike path possibly through Silver Creek Road.

Al Denton asked all of the Committee members to write down their thoughts and bring them to the February meeting for discussion.

D. 2009 BUDGET

Jennifer Thum provided the committee members with the proposed budget for the Planning Commission and the capital improvements for the Community Development Department. If you have any questions, comments, or suggestions, please don't hesitate to discuss them with the rest of the Planning Commission and Ms. Thum. Greg Seppanen (Township Supervisor) is asking for a \$10.00 pay increase for all Boards and Commission(s). There is no guarantee that this will go through.

E. 2009 MEETING DATES

Jennifer Thum provided the Commission members with the 2009 meeting schedule and the dates are as follows:

January - No meeting	July 13th
February 9th	August 10th
March 9th	September 14th
April 13th	October 12th
May 11th	November 2nd
June 8th	December - No meeting

Jennifer Thum requested that if you know that you will not be able to attend a meeting, please let her know as soon as possible.

F. VICE CHAIR POSITION

Jennifer Thum reported that during the month of October, Dennis Magadanz had to resign from the Chocolay Township Planning Commission Board, as a result of being hired by the Township. Ms. Thum reported that we need to fill that position.

According to the Planning Commission By-Laws, the Vice Chair is responsible for the following things:

- A. In the event of the office of Chair shall become vacant by death, resignation or otherwise, the Vice-Chair shall become Chair, for the unexpired term of this office. (Amended 7-97)
- B. In the event of the absence of the Chair or his/her ability to discharge the duties of his/her office, such duties shall, for the time being evolve upon the Vice-Chair. (Amended 7-97)

Ms. Thum stated that the only person not eligible to hold this office is Dr. Ken Tabor due to being a Board member.

Ken Tabor motioned, Estelle DeVooght seconded to recommend, Steve Kinnunen be appointed as the Chocolay Township Planning Commission Vice Chair.

Ayes 6. Nays 0. Motion approved.

G. MDOT LANDSCAPE PLAN

Jennifer Thum provided the Commission members with draft plans for landscaping the pedestrian tunnel, and bike path that will be constructed along US 41 South. Staff has reviewed the plans and the Superior Watershed group has also reviewed the Superior Watershed Group and Township staff has some questions and comments about the overall plan for US 41.

Landscape Comments - The tree mixture of Quaking Aspen, Birch, and Balsamic Fir, we are not too fond of. The Aspen and Birch tend to grow up quick and die young, where the Fir has a short life span and slow growth rate. The Sugar Maple is fine with us, the only concern is that it has a tendency for tar spots to appear, which we know does not hurt them, just looks bad. Also, I thought sugar maples might be salt sensitive, but not sure. A contractor will maintain the trees for one year and then they will be turned over to the Township. Staff is wondering if we have to check with the power companies to ensure they meet any of the requirements that they might have.

Ms. Thum spoke with Paul Albert, the City of Marquette Arborist and he stated that the trees that have been proposed are not applicable for their location. Some of the tree suggestions that Paul Albert mentioned in replacement of were:

Austrian Pine - You can see an example of these in front of the Marquette County Sewage Treatment Plant.

Blackhills Spruce - Variety of white spruce. You can see an example of these across from the Rock Cut, there is a Blackhills Spruce memorial tree.

Greenspire Little Leaf Linden - Tend to be branchy, will have to prune and not native.

Canada Red Cherry - Choke Cherry variety.

Red Oak - don't plant by bike path because of acorns.

Kentucky Coffee Tree - these were planted in the City and are doing great.

Ginko - grow slow, there is one by the Marquette Courthouse.

Tunnel Comments - The Planning Commission can make a recommendation on what the outside finished wall surface of the tunnel should look like, such as brick facing, stone, etc. Some examples were provided in your packet and colored examples are presented at this meeting. Staff would like to see stone (rough cut) or an imprinted mural though the cost for the mural would be HUGE. Staff went to view the tunnel in Marquette and the faux brick just looked weird, you could tell it was fake brick.

The Committee members reviewed pictures of various types of walls for the tunnel and most liked the rock walls versus the block or mural-type wall. After much discussion the committee provided permission for Jennifer Thum and Tom Murray to make a decision pertaining to picking out what type of stone should be used for the tunnel wall. Once they choose, they also need to speak to the neighbors before a final decision is made.

Seeding Mixture - Staff would like to see low ground shrubs in place of the seed mixture. There have been some examples of seed mixture around town that just look awful. Staff has found some examples of shrubs that fit into our Zone, and they are listed as salt resistant.

They are:

Mugo Pine -

Rosa Rugosa -

Sheep Lauren

Hopleys Orane (pontenella)

Mountain Cranberry

Winterberry

Junipers

H. CHOCOLAY RIVER BRIDGE

Jennifer Thum reported that the Township of Chocolay received a grant this past year from the Department of Natural Resources to construct a bridge over the Chocolay River to allow for motorized and non-motorized use. We are working with MDOT, DNR, and the DEQ for any permits that we might need. There could also be issues with funding due to the new ramp design, since the ramps will have to be elongated by about 50 feet on each side, due to natural grade of the bank. Ms Thum reported that the Township is hoping that the new bridge will allow the

snowmobilers to use the trail along M-28 as much as possible before they use the Lakewood Lane Trail.

VII. PUBLIC COMMENT

No public comment at this time.

VIII. COMMISSIONER'S COMMENTS

Andy Smith inquired as to how the change in the political sign size ordinance came about. Al Denton explained that the Township Board asked the Planning Commission to look at this ordinance due to many complaints received during the previous election by the people running for political offices. If there are a lot of complaints received pertaining to a specific part of the ordinance, then the Township Board, the Planning Commission or the Public can request a public hearing pertaining to that specific part of the ordinance.

Jennifer Thum asked for volunteers to serve on a subcommittee to look at alternative energy sources, i.e., wind, solar farms, etc. due to the economy this should be looked at before requests for these alternative sources become reality.

The Committee members directed Jennifer Thum to find a mutual agreeable date this month or in January to hold a meeting and inform everyone once the date is decided upon.

IX. DIRECTOR'S COMMENTS

Jennifer Thum reported that Moyle Development, Gateway Plaza have contacted her regarding the landscaping at the new development. Moyle Development, Gateway Plaza will be putting in a rain garden, which Ms. Thum feels will add a nice touch to the development.

Jennifer Thum reported that a request for a home occupation requested from Mr. Martin on Lakewood Lane, which was denied by the Planning Commission earlier this year. This went to Circuit Court and the request was granted by Judge Kangas due to the ordinance being too vague. The Township appealed the decision and Judge Solka overturned the decision. The Township is now waiting the 21 day period to see if Mr. Martin will re-appeal.

Jennifer Thum reported that she is going to work on enhancing the website. She will also add the recreation plan and information pertaining to different projects being looked at for the Township. Ms. Thum hopes this will produce more feedback from the public.

Ms. Thum also stated that the wood boiler ordinance was discussed in great length and as well as the correct process to follow when a request is received.

Ms. Thum also reported that a small piece of land was donated off Kawbawgam Road by Gary Wick, but it is landlocked. The State of Michigan is willing to give them an adjacent small piece of land that could possibly be used as a road into the land. Ms. Thum is looking into trying to obtain an easement to be able to access the land.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, October 2008
- B. County ORV Ordinance

XI. ADJOURNMENT

Al Denton, moved, Steve Kinnunen seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 8:55 p.m.



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on January 5, 2009.

The meeting was cancelled.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
Monday, February 9, 2009**

I. MEETING CALLED TO ORDER AT 7:30 PM/ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor,
Andy Smith, Steve Kinnunen, Andy Sikkema

Absent: Kendell Milton (excused)

Staff Present: Jennifer Thum (Planning and Community Development), Laurie
Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF DECEMBER 8, 2008 MEETING MINUTES

Albert Denton motioned to approve the December 8, 2008 meeting minutes as written, seconded by Andy Sikkema.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Estelle DeVooght motioned to approve the agenda as written for February 9, 2009, seconded by Steve Kinnunen.

Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

A. REZONING #142

Mr. William Beckman submitted a letter dated December 18, 2008 describing the background for of the property encompassing his rezoning request. He stated in his letter that the parcel has been in his family for more than 70 years. His grandfather bought it in the 1930's. A camp was constructed on the lake front portion of the parcel shortly after the purchase. The remaining two parcels remained vacant until four or five years ago, at which time the parcel between Lakewood Lane and M-28. The purchaser has since built a home on this lot. The remaining parcel lies south of Highway M-28.

It abuts Timber Crest on the west side and Varvil's addition on the east. When Varvil's subdivision was laid out there was supposedly a fifty foot barrier left between said property and said subdivision. Mr. Beckman described that when they checked as to where the barrier lay, it was found to not exist. At this point they were forced to hire a surveyor to establish the property lines. Upon doing so, it was discovered there was not fifty feet set aside between our property and Varvil's subdivision. When this property was plotted out, Mr. Varvil's surveyors had made an error and as a result he sold fifty feet of our property to the builders of Timber Crest. In order to settle this problem, there was an agreement to deed fifty feet of our property to Timber Crest. In return we were deeded fifty feet from Mr. Varvil on our east property line.

The fifty feet should never have been on our east side to begin with. It should have been on our west side as a buffer between our residential zoned property and the industrial zoned property on our west side. As a result we now have a parcel zoned R1 butting up to an industrial property. We also now own a parcel zoned residential which is useless as a building lot. Mr. Yelle and Ms. Tina Fuller visited this property when we were trying to find the fifty feet that didn't exist. They are both very familiar with the fact that this parcel is not a good site to build a home, because of the properties that adjoin it, namely, Timber Crest and Marquette Fence Company.

It is with these thoughts in mind that I am requesting this parcel be rezoned to industrial or commercial. We are willing to set aside fifty feet as a buffer between us and the residential property on our east side.

I respectfully request that you rezone this parcel so it can be used as a source of revenue for Chocoley Township, rather than a vacant parcel that will generate very little revenue for the Township.

Mr. Beckman also stated in his letter that it is his hope that the above is enough background to make a decision on this matter. If this is not acceptable, he is requesting that the Planning Commission table the hearing until May, 2009 when he returns from Florida.

V. PUBLIC COMMENT

Joseph Uren, 116 Dana Lane, commented that he is not in favor of any more property in this area being zoned as industrial or commercial due to issues with the existing businesses. Mr. Uren voiced his concern that he believes Timbercrest is burying illegal items in their landfill and has even brought pictures to the Township in the past to no avail.

Chuck Hudson, 104 Dana Lane, commented that he does a lot of walking in the area and has seen batteries, garbage, etc. on a trailer behind Timbercrest and then shortly thereafter it was gone. Mr. Hudson supports Mr. Uren's thinking that things are being buried illegally in the landfill behind Timbercrest.

Ms. Thum will follow-up on these concerns with staff.

VI. OLD BUSINESS

A. RECREATION PLAN UPDATE

Jennifer Thum reported that she attached a draft copy of the proposed Recreation Survey that she hopes can go out to the Township of Chocoley residents this year. She stated that work has been started on the Township's recreation plan and at next month's meeting she will show what has been put together so far in the hopes of getting some input. Please review the draft survey and let her know what you think. Any feedback would be appreciated. Ms. Thum also explained that she would like to send this out with the tax bills in the Spring/Summer. She is also working on trying to get the survey on the Township website where it can be filled in and submitted. The survey will also be announced in the Township Newsletter, at the CABA meetings, and forms will be available at the Township Hall.

Commissioners also suggested that Northern Michigan University be contacted to see if one of their classes might be interested in taking this survey on as a class project. Jennifer Thum will contact Northern Michigan University about this and report back.

B. TOP PRIORITIES 2009

Jennifer Thum requested the Commission member's suggestions for the Top Priorities List for 2009. The 2009 priorities are as follows:

1. Better playground equipment for the existing playgrounds in the Township.
2. Camping by the Marina – Jennifer Thum reported that there will be 2 designated camping spots by the Marina.
3. Pocket Parks – Possibly one by the Township Hall's Pavillion and/or a pocket park with a plaque describing the history of Chocloy Township.

The Commissioners will contact Jennifer Thum with more ideas pertaining to the Top Priorities for 2009.

VII. NEW BUSINESS

A. REZONING #142

Jennifer Thum reported that the applicants, William Beckman and Glenn and Dorothy Beckman have petitioned to amend the Chocloy Township Zoning Ordinance to rezone the following described parcel of property from the current zoning classification of "R-1" (Residential) to "I" (Industrial) or "C" Commercial.

STAFF COMMENTS: (See attached "STAFF/FILE REVIEW – SITE DATA AND ANALYSIS) and the Zoning Administrators report.

Estelle DeVooght questioned this request as she believes this was addressed in the past 3 or 4 years and there was a discrepancy pertaining to a 50 to 75 ft piece of property that did not have a deed.

The Commissioners asked Jennifer Thum to research this piece of property and see if there is a tax number or if the tax description matches the legal description. She will also research past meeting minutes pertaining to a request to develop this piece of property (possibly in 2004).

Andy Sikkema, moved Ken Tabor, seconded, that following the review of Rezoning Request #142, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends to table Rezoning Request #142 until the May, 2009, Planning Commission meeting as long as Mr. Beckman can provide proof of property ownership for the entire parcel being requested to be rezoned.

Ayes 6. Nays 0. Motion approved to table this until the May, 2009 meeting.

B. DISPOSING OF TREES AND STUMPS

Jennifer Thum reported that she had a discussion with Commissioner Andy Smith and he brought up a topic for discussion. Mr. Smith was wondering if anyone knew where and how to properly dispose of trees and their stumps. Currently, contractors can take them to the landfill, but that does get expensive. Ms. Thum reported that she will contact the MSU Extension office and the Superior Watershed Group for their thoughts on this subject.

Ms. Thum reported that she contacted a few different agencies and asked if they know how people are disposing of their trees and stumps. The answers she received were that people bury them to let them decompose and they obtain a burning permit to burn them.

Ms. Thum asked the Commissioners for any thoughts or suggestions. The commissioners in attendance were not aware of any ordinance that addresses this or of any other options that could be looked into at this time.

C. SIGN ORDINANCE

Jennifer Thum reported that after a discussion with Commissioner Andy Sikkema about the current DNR LED sign, he wanted to know where the Township Ordinance stands on this subject. The Township Ordinance states that, “No sign except time and temperature and similar signs shall have blinking, flashing, fluttering lights, exposed bulbs or other illuminating devices which have a changing light intensity, heightens or color, or any form of animation or moving device.” If the Planning Commission wishes, Ms. Thum will research other ordinances that cover this subject as well. Ms. Thum also reported that looking at the sign ordinance she can think of a situation that happened downstate and in Marquette Township involving the size of flags. Ms. Thum would like to research other ordinances that restrict the size of American flags at commercial establishments. She stated that if you drive by Perkin’s Restaurant in Marquette Township there is a huge American flag, which she thinks was not put up to be patriotic, but with the hopes to attract more customers by a huge sign (flag). The Marquette Township flag makes a lot of whipping or snapping noises which disturbs adjacent businesses and residents. Ms. Thum also explained that when she worked at a previous Township the sign ordinance did address the size of flags in relationship to the building. Ms. Thum is asking for support to research ordinances that do restrict the size of flags and bring them to the Planning Commission next month.

The Commissioners discussed that the Township doesn’t like large led signs as they are too much of a distraction to drivers. The Commissioners also approved for Ms. Thum to research and present at the next meeting, draft language for review pertaining to the size of flags in other areas. Follow-up at the next meeting.

D. MODEL RIPARIAN BUFFER IMPLEMENTATION PLAN

Jennifer Thum reported that enclosed in the meeting packet is the sample Riparian Buffer Plan that the Superior Watershed Group put together. A riparian buffer is a vegetated area near a stream, usually forested, which helps shade and partially protect a stream from the impact of adjacent land uses. It also plays a key role in increasing water quality in associated streams, river, and lakes, thus providing environmental benefits. Ms. Thum asked the Commission members if they would like to adopt something similar to their plan, to let her know and she will set something up with the Superior Watershed Group.

Albert Denton stated that he feels that this is usually incorporated into the site review and doesn’t feel there is a need to explore this further.

Ken Tabor stated he wouldn’t mind hearing a presentation from the Superior Watershed Group.

Jennifer Thum will contact the Superior Watershed Group to see if they are willing to attend the next meeting and provide a presentation.

VIII. PUBLIC COMMENT

David Blondeau, 30 N. Tracie, stated that he is a proponent for additional commercially zoned land in the Township of Chocolay. Mr. Blondeau stated that he feels commercially

zoned property in the Township is very limited and he fully supports additional zoned commercial property in the Township. Mr. Blondeau also stated that the old building on the Blondeau Trucking property is tentatively scheduled to come down by the end of February. He stated that he wanted to keep the Commission up-to-date on the status of the construction project.

IX. COMMISSIONER'S COMMENT

Andy Sikkema inquired about the subcommittee to discuss alternative energy.

Jennifer Thum asked if those interested in discussing this could come a half hour early for the March 9th meeting and this can be discussed then. Ms. Thum will also put a reminder in the next meeting packet.

X. DIRECTOR'S REPORT

Ms. Thum reported that the offer of land that was going to be given to the Township of Chocolay on Kawbawgam Road has been rescinded.

Ms. Thum reported that there is a 20 acre plot and a 40 acre plot that the State of Michigan owns on Kawbawgam Road and they are looking at disposing of it. Part of this land is along Lake Kawbawgam. Ms. Thum reported that the Township has put a request in for it. Ms. Thum will keep the Commission informed.

Ms. Thum reported that Northern Michigan University was given the Chocolay Downs Golf Course. Ms. Thum reported that all approved permits for the proposed development are now null and void. Northern Michigan University is looking at trying to still put a restaurant in sometime in the future, but they would still need to go through the Planning Commission process.

Ms. Thum reported that she and Randy Yelle are working on approximately 10 amendments to the Zoning Ordinance to be presented in the future.

Ms. Thum reported that there are two Seminars scheduled in the near future pertaining to Planning and Zoning. If anyone is interested, let Ms. Thum know as the Township will pay for this Seminar.

Ms. Thum reported they are looking at funding for the Chocolay Bridge.

Ms. Thum also reported that the Township has free low wattage fluorescent light bulbs available for low income families who live in the Township.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning news, September 2008 and November 2008
- B. Marquette Township Planning Commission Minutes 12-10-08

XII. ADJOURNMENT

Al Denton, moved, Ken Tabor, seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 9:00 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
Monday, March 9, 2009**

I. MEETING CALLED TO ORDER AT 7:33 PM/ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor,
Andy Smith, Steve Kinnunen, Kendall Milton

Absent: Andy Sikkema

Staff Present: Randy Yelle (Zoning Administrator), Tom Murray (Community Development Coordinator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF FEBRUARY 9, 2009 MEETING MINUTES

Ken Tabor motioned to approve the February 9, 2009, meeting minutes as written, seconded by Steve Kinnunen.

Ayes 5. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned to approve the agenda as written for March 9, 2009, seconded by Ken Tabor.

Ayes 5. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

No public hearing(s) scheduled.

V. PUBLIC COMMENT

No public present.

VI. OLD BUSINESS

A. TOP PRIORITIES 2009

Staff provided the Top Priorities for 2009 list in the meeting packet. The list consists of the following:

- Pocket Park
- Bike Path extension to residential areas – M-28 to Timberlane and Cherry Creek Road., West of the US 41/M-28 Intersection
- Children's Playground, similar to Kid's Cove in Mattson Park
- ORV Trails
- Grants for an independent Water System, and possibly a Sanitary Sewer System
- Recreation Plan Update – Preserve our current infrastructure, improvements to serve citizens for the next 5 years, and improvements to attract future residents
- Ordinance Updates – To concur with today's technology (Signs), Alternative Energy sources (Wood Boilers, Wind Generators, Solar Energy, Bio Fuel production).
- Improve business district aesthetics and community theme

The Commission members had no additions at this time.

VII. NEW BUSINESS

A. ZONING AMENDMENTS

#1 **Amendment #34-09-01** – Multi-Family Residential District (MFR);

Section 4.3: (D) 1:

Existing language:

1. Density is limited to seven homes per acre.

Proposed amended language:

2. Density is limited to *five* homes per acre.

Ken Tabor motioned seconded by Kendall Milton to approve the proposed amended language to five homes.

Ayes 5. Nays 0. Motion carried.

#2 **Amendment 34-09-02** – Agriculture/Forestry (AF); Section 4.7 & 4.4:

Parks were completely omitted from the AF district. In the old zoning Ordinance; Parks were a permitted use within the RP district and a conditional use within the RR-2 district.

Proposed additions:

1. Add to AF Section 4.7 (C) 11 *Parks*
2. Add to WFR Section 4.4 (C) 7. *Parks*

Ken Tabor motioned seconded by Steve Kinnunen to approve the proposed additions listed above.

Ayes 5. Nays 0. Motion carried.

#3 **Amendment 34-09-03** – Agriculture/Forestry (AF); Section 4.7:

Kennels were completely omitted from the AF district, in the old zoning ordinance; kennels were a condition use within the RR-2 & RP districts.

Proposed addition:

1. Add to Section 4.7 (C) 12 *Kennels*

Steve Kinnunen motioned, seconded by Ken Tabor to add the proposed addition listed above.

Ayes 5. Nays 0. Motion carried.

#4 **Amendment 34-09-04** – Height and Placement Regulations; Section 6.1: (Schedule of Regulations)

Existing language:

	District	Front	Side	Rear
1.	MFR	30	30	30

Proposed language:

2.	MFR	30	<i>10</i>	<i>35</i>
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Steve Kinnunen motioned, seconded by Ken Tabor to approve the proposed language to bring this into alignment with the rest of the ordinance.

Ayes 5. Nays 0. Motion carried.

#5 **Amendment 34-09-05** – Height and Placement Regulations; Section 6.1:
(Schedule of Regulations)

Existing language:

	District	Minimum Lot Size	Minimum Lot Width
1.	MFR	20 Acres	None

Proposed amended language:

2.	MFR	<i>2 Acres</i>	<i>200 feet</i>
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Ken Tabor motioned, seconded by Steve Kinnunen to table this until the next meeting.

Ayes 5. Nays 0. Table until the next meeting.

#6 **Amendment 34-09-06** – Outdoor Wood Burning Boilers and Appliances;
Section 6.5: (Conditions of Approval) Section 6.5 (A) and (B) 1. B

Existing language:

1. Minimum chimney height of 15 feet, measured from the grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling within 1000 feet, whichever is higher.

Proposed language:

1. Minimum chimney height of 15 feet, measured from the *natural land* grade to chimney top *or higher* than the nearest neighboring principal dwelling within 350 feet, whichever is higher.

Steve Kinnunen motioned, seconded by Ken Tabor to table this to incorporate Andy Smith's suggested language in to the proposed language.

Ayes 5. Nays 0. Tabled until the next meeting.

#7 **Amendment 34-09-07** – Commercial Vehicle Parking in Residential Districts;
Section 6.11:

This paragraph was completely omitted from this section, and should not have been as this paragraph was not addressed. Although, whereas this action was not questioned and/or appealed within the required timeframe, it is my opinion that the newly adopted zoning ordinance is a legal and binding ordinance.

This paragraph is no longer a legal part of the zoning ordinance, therefore, if the Board wants it in the zoning ordinance, it must be adopted as a new amendment to the Zoning Ordinance.

Proposed reinstatement of this paragraph:

1. (C) One (1) 27 foot or smaller truck or van may be parked at a residence in all other residential zoning districts without Township review or approval.

Proposed additions:

2. (A) approval required, *subject to the following subsections and limitations.*
3. (E) *In the event of a conflict or contraindication between the above provisions of the Zoning Ordinance and Ordinance number 55, being the Vehicle and Trailer Parking and Storage Ordinance, the terms of the Zoning Ordinance shall prevail.*

If adopted, the action will move the existing (C) to (D).

Steve Kinnunen motioned, seconded by Ken Tabor to approve the proposed reinstatement paragraph and the proposed additions as written above.

Ayes 6. Nays 0. Motion carried. (Estelle DeVooght arrived late)

#8 **Amendment 34-09-08** – Nonconforming Uses and Structures; Article XIV, Sections 14.1 & 14.2:

The Zoning Board of Appeals shall not issue use variances, (Chocolay Township Zoning Ordinance Article XV, and per the Michigan Zoning Enabling Act; Act 110 of 2006) nor can the Planning Commission.

The Township Board, would amend the Zoning Ordinance to include the use that the Township Board may deem should be allowed within a designated Zoning District. Therefore, the Township Board would not be approving or issuing a use variance, but amending the ordinance, per MZEA, to accomplish the desired action or in this case, the desired used within said district(s).

Proposed action:

1. Remove any and all reference to and regarding USE VARIANCES.

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

#9 **Amendment 34-09-09 – 1. Article II, Definitions:**

1. Add to definitions “Park”

Proposed definition:

Park, A noncommercial not-for-profit, parcel of land, with or without a Structure, designed to serve the recreational needs of the residents, including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Ken Tabor motioned, seconded by Kendall Milton to approve the above proposed definition.

Ayes 6. Nays 0. Motion carried.

#10 **Amendment 34-09-10**

1. Article II, Definitions:

Add to definition regarding “Kennels”

Existing language:

Means any activity involving the permanent or temporary keeping or treatment of four or more adult dogs, cats or any combination of, other than ordinary agricultural activities

Proposed amended language:

Means any activity involving the permanent or temporary keeping or treatment of four or more domestic pets, including adult dogs or cats, or any combination of such animals exceeding three in number, for other than ordinary agricultural activities.

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

#11 **Amendment 34-09-11**

1. Article XVIII. Signs and Fences

Add 18.12 from “Fences” to “Flags”

Proposed language:

18.12 Flags

(A) *Flags, other than corporate, commercial or advertising flags shall be permitted in all residential zoning districts, on developed residential lots. Flags shall be subject to the following regulations:*

- 1. *Flags shall meet the sign setbacks within Section XVIII and the height limits for structures within Section VI.***
- 2. *The flag of the United States of America, as well as other flags, displayed or flown out-of-doors, shall not exceed a total area of twenty-four (24) square feet.***
- 3. *Up to three (3) flags of any combination but not more than one (1) corporate, commercial or advertising flag shall be permitted on a single lot, shopping center, or business.***
- 4. *No flag shall be displayed with the flag of the United States of America, which is of greater area or which is placed at a greater or same height as that of the flag of the United States of America flag.***
- 5. *No corporate, commercial or advertising flag shall be located on any lot other than the business lot that the flag is advertising.***
- 6. *All out-of-doors flags shall be displayed from a pole or other mounting device which is permanently affixed to the ground or a building.***

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

#12 **Amendment 34-09-12:**

Add to Article II Definitions:

After “Family Day Care Home”:

Proposed language:

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device or any such device attached to a building or structure for display out-of-doors.

Flag, Business: A flag displaying the name, insignia, emblem, logo, or the like, of a business and/or corporation.

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

#13 **Amendment 34-09-13:**

Add to Article VI: Add 6.1 after “Said structure(s)”

Proposed language:

NOTE: Lots of less than 20 acres, but not less than 5 acres within the AF district prior to the adoption of this Ordinance, are legal nonconforming. April, 2008.

Steve Kinnunen motioned, seconded by Estelle DeVooght to approve the proposed language as stated above.

Ayes 6. Nays 0. Motion carried.

#14 **Amendment 34-09-14:**
Add to Article XVIII: 18.4 Remove (C)

Current language:

(C) The flag of any state or nation respectfully displayed.

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

#15 **Amendment 34-09-15:**
Add to section XI after Building Grades fill to increase height.

11.12 Outside Lighting

- A. On site lighting shall be directed away from residential properties and public or private streets.
- B. Light emitted in non-residential developments which are adjacent to residential development(s) shall be compatible with the character of the adjacent residential areas.
- C. Information shall be supplied on the style, manufacturer's part number, height direction, location, wattage, type of bulb and intensity of outside lighting on the final site plan for final approval.
- D. Building Lighting:
 - a) No building-mounted or pole mounted floodlights are allowed. Signs may be lit with floodlights provided the light is focused downward on the sign and does not spill beyond the sign. Shields or adjustable louvers shall be required on floodlights to control beam spread.
 - b) Landscape lighting shall be allowed, provided shielding and louvers are utilized to limit lighting to objects only. Lamp wattage shall be low as possible to illuminate the object without causing glare on the site or neighboring property.
 - c) Gas station canopy lights shall be provided with flat lenses to limit glare. Illuminant levels shall comply with Illuminating Engineering Society standards.
 - d) Lighting standards in parking shall have 20 foot maximum mounting height.
 - e) Searchlights, strobes, lasers or similar high intensity light for outdoor advertisement or entertainment are prohibited.
 - f) Lights mounted on buildings shall not be a flashing, or moving or intermittent type.

Ken Tabor motioned, seconded by Estelle DeVooght to table this item so staff can further work on the language for this item and bring it to the next meeting for review.

Ayes 6. Nays 0. Table until the next meeting

B. MTA CONFERENCE

Jennifer Thum reported that she provided a registration form in the meeting packet for the MTA Planning and Zoning Conference in Escanaba on March 31, 2009. If members were interested in attending, they are to let Township staff know by Monday, March 9, 2009.

VIII. PUBLIC COMMENT

No public present.

IX. COMMISSIONER'S COMMENT

Al Denton stated his appreciation to Andy Smith for all the research he's done pertaining to Alternative Energy.

Al Denton reported that he will be resigning from the Zoning Board of Appeals and the ZBA will need a member from the Planning Commission to take his place. If anyone is interested, please contact Randy Yelle or Jennifer Thum.

Al Denton also reported that a Planning Commission and Township Board joint meeting will be arranged for early May, 2009, at the request of a Township Board member. Jennifer Thum will provide further information and will be putting together an agenda for this meeting.

X. DIRECTOR'S REPORT

Ms. Thum provided a written update as she is unable to attend this meeting due to attending an Engineering Conference for Non-Engineers in Wisconsin. Ms. Thum's hope is that she will come back with a better understanding of storm water, floodplains, drain fields, streets and traffic engineering and street maintenance.

Ms. Thum reported that Geri Larson from the Superior Watershed Association will be doing a presentation at our April meeting to talk about riparian buffers and other items that our township could do to ensure the longevity of our dunes and water courses.

Ms. Thum reported that Township staff is still working on the Recreation Plan. They are also working on putting together a grant application to build a pocket park with some playground equipment at the Township's marina site. Speaking with the DPW crew, they felt that a pocket park at the Township Office location might be too close to US 41. Ms. Thum would still like to look into some type of park at our Township Office Location.

Ms. Thum reported that she has spoken with Ron Yesney of the DNR and apparently, they are working on updating the Rail Road overpass on M-28. The Township has no plans for this at this time. When more information is received it will be forwarded to everyone.

Ms. Thum spoke with Randy Yelle pertaining to the issues with tires at Timbercrest. Ms. Thum reported that Mr. Yelle stated that when he first started at the Township, the Timbercrest site was a problem and since then, they have cleaned things up. Ms. Thum reported that she and Mr. Yelle plan to visit the site this summer to make sure everything is cleaned up.

Tom Murray also reported that supervisors from the Marquette Branch Prison and the DNR will be holding a meeting to discuss a possible wind generator being placed between the Marquette Branch Prison and the DNR Office on U.S. 41. The meeting will be held on April 8th. Township staff will attend this meeting and report back the information obtained.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Planning and Zoning news, January and February, 2009.

XII. ADJOURNMENT

Ken Tabor, moved, Steve Kinnunen, seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 8:30 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
Monday, April 13, 2009**

I. MEETING CALLED TO ORDER AT 7:30 PM/ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dr. Ken Tabor,
Kendell Milton, Andy Sikkema

Absent: Andy Smith, Steve Kinnunen,

Staff Present: Jennifer Thum (Planning and Community Development), Laurie
Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF MARCH 9, 2009 MEETING MINUTES

Ken Tabor motioned to approve the March 9, 2009, meeting minutes as written, seconded by Estelle DeVooght.

Ayes 5. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Andy Sikkema motioned to approve the agenda as written for April 13, 2009, seconded by Kendell Milton.

Ayes 5. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

No public hearing(s) scheduled.

V. PUBLIC COMMENT

No public present.

VI. PRESENTATION

A. SUPERIOR WATERSHED GROUP

Ms. Geri Larson from the Superior Watershed Group provided a short presentation. Ms. Larson stated that The Superior Watershed Group is a nonprofit organization that serve the entire Upper Peninsula pertaining to buffers, watershed protection, etc. Ms. Larson stated that they have served Chocolay Township quite a bit in the past with projects such as park improvements, erosion control, environmental conservation and restoration. She also stated that there are already some buffers and protections in place within the Township. She suggested that the Township look into applying for the DEQ Coastal Plan that would then be applied to creating a Natural Features Inventory for the Township. This type of inventory could help the Township staff better evaluate site plans, assist in updating the comprehensive plan, the zoning plan, and natural resources overlay. Ms. Larson will leave information pertaining to various types of funding with

Jennifer Thum to provide to the Township staff.

VII. OLD BUSINESS

A. MOYLE CONSTRUCTION

Jennifer Thum explained that she recently inspected the McDonalds/Gateway Plaza site with our engineering consultant, Mike Pond, to make sure everything was proceeding as approved. It was observed that construction was exceeding past the spot shown on the approved plans. Township records show that the original site plan signed and dated November 6, 2006, was not submitted to the County Building Department and was not what Moyle and TriMedia believed they had approval for. Jennifer reported that she, Mike Pond, and George Meister from TriMedia met to try to resolve this issue. Ms. Thum reported that the group agreed to disagree in regards to the final approval given and that TriMedia should approach the Township Planning Commission for final approval of Phase I so work can begin on this phase of the project.

Phase I consists of McDonalds, a financial institution with a drive-thru and seven other buildings. Phase II is going to consist of buildings east of the culvert. TriMedia and Moyle Construction are not sure of what the layout for Phase II will actually look like, so this will not be on the agenda for FINAL approval. At this point TriMedia and Moyle Construction are only seeking approval for Phase I.

Ms. Thum reported that with exception to the conditions placed with the suggested approval motion, TriMedia has provided all the documentation we need for Phase I's final approval. Ms. Thum reported that she doesn't see any problems with Phase I. As part of the conditions, Ms. Thum would like to recommend that our engineering consultant review the site for grading, landscaping and any other concerns.

Al Denton moved, Ken Tabor, seconded, that the Chocolay Township Planning Commission grants final approval for Phase I of SP-05-01 McDonald's/Gateway Plaza. Plans dated April 6, 2009 consisting of sheets 1.0, C2.0, C3.0, C4.0 referring to keynotes and landscaping only and sheet C5.0 are the approved site plans accompanied with the following conditions:

1. The developer submits an illumination plan with site specific lighting features and specifications. These plans and specifications are to be reviewed and approved by Township staff and its consulting engineer.
2. Elevations are to be submitted, reviewed and approved to ensure that building height does not exceed 30'.
3. The developer will adhere to the 30' required buffer adjacent residential zoning district.
4. Plans will be reviewed and approved by the Township's consulting engineer.

Ayes 5. Nays 0. Motion approved.

B. ZONING AMENDMENTS

Jennifer Thum reported that Township staff is bringing to the Planning Commission the proposed zoning amendments that were either tabled or denied at the last meeting. Ms. Thum reported that some changes were made to the wood boiler and the flag proposals as follows:

#1 Amendment 34-09-05 – Height and Placement Regulations; Section 6.1:
(Schedule of Regulations)

Existing language:

	District	Minimum Lot Size	Minimum Lot Width
1.	MFR	20 Acres	None

Proposed amended language:

2.	MFR	2 Acres	200 feet
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Al Denton moved, seconded by Ken Tabor to table this until the next meeting so Jennifer Thum can work on the language and e-mail the language to everyone for their input. Revisit at the next meeting.

Ayes 5. Nays 0. Motion tabled until the next meeting.

#2 Amendment 34-09-06 – Outdoor Wood Burning Boilers and Appliances;
Section 6.5: (Conditions of Approval) Section 6.5 (A) and (B) 1. B

Existing language:

1. Minimum chimney height of 15 feet, measured from the grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling within 1000 feet, whichever is higher.

Proposed language:

- a. A setback of 75 feet from any and all lot/property lines, easements, and right-of-ways;
- b. The outdoor wood-fired boiler shall be located at least 300 feet from the nearest residential dwelling, not served by the furnace;
- c. If the outdoor wood-fired boiler is located within 500 feet of the nearest residential dwelling, the chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling;
- d. No fuel other than the natural wood without additives, wood pellets without additives, coal, and agricultural seeds in their natural state, may be burned;
- e. Outdoor wood-fired boilers shall not be located in the front yard;
- f. Granting of a zoning compliance permit, constitutes an agreement between the landowner and Chocolay Township, that the zoning administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with conditions;
- g. If the outdoor wood burning appliance meets the Phase I EPA standards, the outdoor wood boiler located within 300 feet of the nearest residential dwelling must have a chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling;
- h. If the outdoor wood boiler meets the Phase II EPA standards, a setback of 50 feet from all lot/property lines, easements, and right-of-ways. The outdoor wood-fired boiler shall be located at least 200 feet from the nearest residential dwelling not served by the boiler. There are no chimney height requirements for a Phase II outdoor wood boiler.
- i. “Best Burn Practices” as issued by the Environmental Protection Agency shall be followed by all applicant utilizing outdoor wood boilers.

Estelle DeVooght moved, Ken Tabor seconded, to approve the proposed language for Amendment 34-09-06.

Ayes 5. Nays 0. Motion carried.

#3 Amendment 34-09-08 – Nonconforming Uses and Structures; Article XIV, Sections 14.1 & 14.2:

The Zoning Board of Appeals shall not issue use variances, (Chocolay Township Zoning Ordinance Article XV, and per the Michigan Zoning Enabling Act; Act 110 of 2006) nor can the Planning Commission.

The Township Board, would amend the Zoning Ordinance to include the use that the Township Board may deem should be allowed within a designated Zoning District. Therefore, the Township Board would not be approving or issuing a use variance, but amending the ordinance, per MZEA, to accomplish the desired action or in this case, the desired use within said district(s).

Proposed action:

1. Remove any and all reference to and regarding USE VARIANCES.

Ken Tabor moved, Al Denton, seconded, to approve the proposed language for Amendment 34-09-08 as written.

Ayes 5. Nays 0. Motion carried.

#4 Amendment 34-09-10

1. Article II, Definitions:

Add to definition regarding “Kennels”

Existing language:

Means any activity involving the permanent or temporary keeping or treatment of four or more adult dogs, cats or any combination of, other than ordinary agricultural activities

Proposed amended language:

Means any activity involving the permanent or temporary keeping or treatment of four or more domestic pets, including adult dogs or cats, or any combination of such animals exceeding three in number, for other than ordinary agricultural activities.

After a second review, Al Denton moved, Ken Tabor seconded, to approve the proposed language as written for Amendment 34-09-10.

Ayes 4. Nays 1. Motion carried.

#5 Amendment 34-09-11

1. Article XVIII. Signs and Fences

Add 18.12 from “Fences” to “Flags”

Proposed language:

18.12 Flags

(A) Flags, other than corporate, commercial or advertising flags shall be permitted in all residential zoning districts, on developed residential lots. Flags shall be subject to the following regulations:

- 1. Flags shall meet the sign setbacks within Section XVIII and the height limits for structures within Section VI.**
- 2. Up to three (3) flags of any combination but not more than one (1) corporate, commercial or advertising flag shall be permitted on a single lot, shopping center, or business.**
- 3. No flag shall be displayed with the flag of the United States of America, which is of greater area or which is placed at a greater or the same height as that of the flag of the United States of America flag.**
- 4. No corporate, commercial or advertising flag shall be located on any lot other than the business lot that the flag is advertising.**
- 5. All out-of-doors flags shall be displayed from a pole or other mounting device which is permanently affixed to the ground or a building.**

Jennifer Thum informed the Commission members that she removed anything of restricting the size of the American flag. The only language that remains pertains to not having another flag be taller or larger than the American flag.

Ken Tabor moved, Kendell Milton seconded, to approve the proposed language as written for Amendment 34-09-11.

Ayes 5. Nays 0. Motion carried.

#6 Amendment 34-09-12:
Add to Article II Definitions:
After "Family Day Care Home":

Proposed language:

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device or any such device attached to a building or structure for display out-of-doors.

Flag, Business: A flag displaying the name, insignia, emblem, logo, or the like, of a business and/or corporation.

Andy Sikkema moved, Ken Tabor seconded, to approve the proposed language As written for Amendment 34-09-12.

Ayes 5. Nays 0. Motion carried.

#7 Amendment 34-09-14:
Add to Article XVIII: 18.4 Remove (C)
Current language:

(C) The flag of any state or nation respectfully displayed.

After a second review, Kendell Milton moved, Ken Tabor seconded, to approve the removal of Amendment 34-09-14, Article XVIII: 18.4 (C).

Ayes 5. Nays 0. Motion carried.

#8 Amendment 34-09-15:
Add to Section XI after Building Grades fill to increase height.

11.12 Outside Lighting

- A. On site lighting shall be directed away from residential properties and public or private streets.
- B. Light emitted in non-residential developments which are adjacent to residential development(s) shall be compatible with the character of the adjacent residential areas.
- C. Information shall be supplied on the style, manufacturer's part number, height direction, location, wattage, type of bulb and intensity of outside lighting on the final site plan for final approval.
- D. Building Lighting:
 - a) No building-mounted or pole mounted floodlights are allowed. Signs may be lit with floodlights provided the light is focused downward on the sign and does not spill beyond the sign. Shields or adjustable louvers shall be required on floodlights to control beam spread.
 - b) Landscape lighting shall be allowed, provided shielding and louvers are utilized to limit lighting to objects only. Lamp wattage shall be low as possible to illuminate the object without causing glare on the site or neighboring property.
 - c) Gas station canopy lights shall be provided with flat lenses to limit glare. Illuminant levels shall comply with Illuminating Engineering Society Standards.
 - d) Lighting standards in parking shall have 20 foot maximum mounting height.
 - e) Searchlights, strobes, lasers or similar high intensity light for outdoor advertisement or entertainment are prohibited.
 - f) Lights mounted on buildings shall not be a flashing, moving or intermittent type.

Ken Tabor moved, Estelle DeVooght seconded, to approve the proposed language as written for Amendment 34-09-15.

Ayes 5. Nays 0. Motion carried.

#9 Amendment 34-09-16

Remove from Article IV; Sections 4.1 C, 4.2 C, 4.3 B, 4.4 C, and 4.6 B (on lots of 5 acres or more)

Proposed language:
Outside wood boilers, including conditions of approval.

Andy Sikkema moved, Kendell Milton seconded, to approve the removal of Amendment 34-09-16, Article IV; Sections 4.1 C, 4.2 C, 4.3 B, 4.4 C, and 4.6 B (on lots of 5 acres or more).

Ayes 5. Nays 0. Motion carried

VIII. NEW BUSINESS

A. KENDELL MILTON APPOINTMENT TO ZBA

Jennifer Thum reported that at the previous meeting, the Planning Commission Chair, Mr. Al Denton, resigned from the Zoning Board of Appeals (ZBA). As a result,

someone needs to be appointed from the Planning Commission to serve on the Zoning Board of Appeals. Mr. Kendell Milton has volunteered to serve on the ZBA as the Planning Commission represented member.

Al Denton moved, Ken Tabor seconded, that we the Chocolay Township Planning Commission appoint Mr. Kendall Milton to serve on the Zoning Board of Appeals as our representative. Mr. Milton's term will be from April 13, 2009 to May 24, 2011.

Ayes 5. Nays 0. Motion carried.

B. CHOCOLAY DOWNS

Jennifer Thum reported on the high points of the Chocolay Downs meeting held on April 4, 2009 as follows:

- Water Testing – The Township will provide water kits and the location of each well to NMU. NMU will gather the water samples at a minimum once a year with staff from the Township. NMU will conduct the water test at their lab and send the results to Chocolay Township.
- Police Protection – Police Chief Greg Zybert discussed that the vandalism that usually occurs is in the rear of the property by greens 12, 13, 14, 15 and the individual tee boxes. The previous owners have installed gates and natural barriers to try to prevent 4-wheelers and snowmobilers from trespassing. There was also discussion pertaining to new wireless technology that will be installed around Chocolay Township and a possible antenna for that system being installed around the golf course and clubhouse. Also, to help with security at the golf course, NMU will install security cameras that the Township police could watch via the wireless technology. Chief Zybert stated that this would be especially helpful since the Chocolay Township police would be the first to respond to any incidents at the golf course and detain the individual(s) until NMU Public Safety could arrive.
- Fire Protection – Chocolay Township Fire Chief, G. Johnson spoke about response time. Mr. Art Gischia asked if the Fire Department would have to use the ponds on the golf course if needed. Chief Johnson explained that this should not be an issue as there are several water pumps not far from the course and the Township has a portable pump they could use if needed. There was discussion about the future clubhouse/restaurant. NMU will provide the Fire Department with a list of the chemicals they have and their location.
- Future Development – NMU and Chocolay Township discussed the current and future signage and the possibility of a new clubhouse. Chocolay Township will provide NMU with GIS layers, traffic study, sign ordinance and any other information pertaining to Chocolay Downs. NMU has talked to Lansing about the liquor license transfer and it will be about 6 months before they can utilize this at Chocolay Downs. All NMU golf events have been moved to the course. There is also the possibility of utilizing the course in the winter for cross country skiing and snowshoeing.
- There was also conversation about grant writing. Chocolay Township will look into what types of grants they can write that might aid Chocolay Downs/NMU and our community. Ms. Thum will look into this and get with Mrs. Martha Haynes with the NMU Foundation Department.
- Intern – Professor Haynes has 4 candidates that would work for the position at Chocolay Township. Ms. Thum is to contact Mr. Haynes about meeting these individuals and to hold interviews for the intern position. The intern would help with any grant administration, water testing, and help process any applications for new development such as the liquor license.

IX. PUBLIC COMMENT

No public present.

X. COMMISSIONER'S COMMENT

Al Denton stated that he has concerns pertaining to the Water Testing at the Chocolay Golf Course and feels that Township staff and not an intern should perform these tests. He also suggested that the water testing be sent to another facility for testing so there is no discrepancies or concerns pertaining to this.

Mr. Denton also stated his concern in regards to the "Police Protection" at the Chocolay Golf Course and feels that it should be the decision of Chief G. Zybert, or whomever is on duty, to detain or arrest an individual or individuals who are involved in an incident(s) at the golf course instead of detaining them for NMU Safety to arrive.

XI. DIRECTOR'S REPORT

Jennifer Thum reported that at the joint Planning Commission and Township Board meeting, the members will be asked to review the MDOT plans, proposed zoning amendments and thoughts on a township newsletter. This joint meeting will take place on May 20th, 2009 at 7:00pm.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning news, March, 2009
- B. Michigan Planner, February, 2009

XIII. ADJOURNMENT

Estelle DeVooght moved, Ken Tabor seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 8:40 p.m.

Albert Denton, Chairperson

May 18, 2009

A joint meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, May 18, 2009 at the Chocolay Township Office, 5010 U. S. 41 South, Marquette, MI. Planning Commission Chair Denton called the Planning Commission meeting to order and Supervisor Seppanen called the Township Board meeting to order at 7:00 p.m.

TOWNSHIP BOARD.

PRESENT: Greg Seppanen, Arlene Hill, John Greenberg, John Trudeau, Dr. Ken Tabor, Mark Maki, Susan Carlson.

ABSENT: None.

PLANNING COMMISSION.

PRESENT: Estelle DeVooght, Dr. Ken Tabor, Al Denton, Andy Sikkema, Steve Kinnunen, Andy Smith, Kendell Milton.

ABSENT: None.

STAFF PRESENT: Jennifer Thum, Mary Sanders, Brad Johnson, Denny Magadanz, Pat Beck, Gary Heinzelman.

The first item on the agenda was to look at the new fire truck. Both board went out to see the truck and returned at 7:15 pm.

Discussion by both Planning and Township Boards:

- The township has had two large projects this past year, Blondeau has been completed and the site has been cleaned up with two new buildings. The other project is the McDonalds (Gateway Plaza) that is moving along and the plaza will be a nice addition to our township.
- It would be good to have an overview of the comprehensive plan and how the zoning ordinance works with it.
- The Planning Commission and Board looked not allowing any new roads in Chocolay to be private; but instead required that private roads use county road standards when being built. Culs-de-Sac are only allowed to be temporary in Chocolay Township sub-divisions. All sub-divisions must have two outlets.
- Shared driveways are a problem.
- The Planning Commission would like to hear from the Township Board what direction they want the Planning Commission to go in the future.
- The comprehensive plan will be updated again next year.
- The Planning Commission plans for the future and still has to respond to what is currently happening.
- The 2010 census will most likely show an aging population in Chocolay. The Planning Commission should be looking into transportation and housing for the elderly and how to attract the youth.
- The Planning Commission should be looking at highway issues including the proposed tunnel.
- Water should be a concern of this Township, we should be looking at bring water lines from the City of Marquette.

The proposed zoning amendments 34-09-1 through 34-09-16 were looked at by the two boards. The Township web site was discussed, and staff stated that they are looking for any changes or addition the Board would like to see. Andy Sikkema, Planning Commissioner and representative of MDOT explained the 2009-2010 highway improvements. The intersection at M-28 and U S 41 will be realigned in 2009. Patching and sections will be worked on from the Welcome Center to the intersection in 2009. The pedestrian bridge on M-28 and the tunnel on U S 41 will be 2010 projects. The bike trail from the Welcome Center to Carp River will be relocated away from the highway in 2010. Along with all of these projects landscaping will include planting trees with consideration of clear vision for traffic. Planning Director, Jennifer Thum reported on the Coastal Grant Application with a resolution to be presented to the Board later in the meeting.

Commissioner Denton adjourned the Planning Commission portion of the meeting at 8:40 pm.

MINUTES –April 20, 2009.

Tabor moved, Greenberg second that the minutes of the regular meeting held on March 16, 2009 are approved.

AYES: 6 NAYS: 0 MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Tabor moved, Maki second to add Gentz Inc. liquor license to the agenda; as item A under new business.

AYES: 6 NAYS: 0 MOTION CARRIED.

PUBLIC COMMENT.

None.

ACCOUNTS PAYABLE.

Hill moved, Tabor second that bills totaling \$253,995.92 checks numbered 15430– 15465 be approved for payment.

AYES: 6 NAYS: 0 MOTION CARRIED.

Supervisor Seppanen indicated that this set of bills included the pay off on the fire truck. The total bill came in \$5,750.00 higher than anticipated due to alterations and equipment additions.

Tabor moved, Maki second that payroll for March 19, 2009 for \$26,924.20, April 2, 2009 for \$24,947.21, April 8, 2009 for \$6,525.26 and April 16, 2009 for \$28,597.22 be approved for payment.

AYES: 6 NAYS: 0 MOTION CARRIED.

FINANCIAL AND TREASURER’S REPORTS WERE RECEIVED AND PLACED ON FILE.

Trustee Trudeau arrived at 7:10 p.m.

PRESENTATIONS – FY2008 AUDIT.

Mike Grentz from Anderson Tackman presented the FY2008 audit to the Board. It was reported as an unqualified opinion from the Auditors. The Township has six million in net assets and is in good financial shape. The Township did file a deficit report to the State for the early purchase of the fire Truck, noting that the final millage will be collected in the 2010 tax season.

Maki moved, Trudeau second to accept the audit as presented.

AYES: 7 NAYS: 0 MOTION CARRIED.

SUPERVISORS REPORT.

1. We continue to have dialog with NMU on the golf course property. We will have two NMU interns working on projects involving the golf course property.
2. We have scheduled a joint meeting with the Planning commission and the Township Board on May 18, 2009 at 7:00 pm.
3. The Chocloy Trail Bridge money appears to be covered by the State of Michigan.

BOARD MEETING POLICIES.

The Board discussed the Chocloy Charter Township Board Policies and made several changes. The policy will be brought back to the May 18, 2009 meeting with the changes made.

FIRE DEPARTMENT EXPENDITURE REQUEST – TURN OUT GEAR RACKS.

Trudeau moved, Hill second to authorize the Fire Department’s purchase of a turnout gear rack system and accessories from Pomasl Fire for a total of \$6,387.00

- \$3,387.00 from uniforms and accessories 101.340.745
- \$3,000.00 from capital outlay 101.340.957

ROLL CALL:

AYES: Trudeau, Maki, Greenberg, Tabor, Carlson, Hill, Seppanen.

NAYS: None. MOTION CARRIED.

GENTZ INC. LIQUOR LICENSE – ADD ENTERTAINMENT TO CLASS C LICENSE.

Tabor moved, Greenberg second that the request from Gentz, Inc. for a new Class C license with Entertainment Permit to be located at 353 Gentz Road, Marquette, MI 49855, Chocloy Township, Marquette County, is approved. This is being recommended and approved with the understanding

through a written letter from Randy and Cathy Gentz, stating that there will be no adult entertainment of any kind or any activity that would be classified under our township zoning ordinance as a Sexually Oriented Business.

AYES: 7 NAYS: 0 MOTION CARRIED.

ADDITIONAL HOURS DEPUTY TREASURER.
 RESOLUTION AMENDING GENERAL FUND BUDGET FY 2009 AMENDMENT NO. 1
 WAGE AND FRINGE BENEFIT FOR DEPUTY TREASURER INCREASE IN HOURS.
 Greenberg moved, Trudeau second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township on December 15, 2008, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Treasurer Department			
Salary			
101.253.702	32,007.00	+2,508.00	34,515.00
Other General Government			
Health Insurance			
101.285.925	176,381.00	+2,390.00	178,771.00
Other General Government			
Pension			
101.285.926	64,425.00	+ 251.00	64,676.00
Other General Government			
Social Security			
101.285.945	50,292.00	+ 192.00	50,484.00
Other General Government			
Contingency			
101.285.951	41,950.00	-5,341.00	36,609.00

ROLL CALL:
 AYES: Tabor, Carlson, Hill, Trudeau, Maki, Greenberg, Seppanen.
 NAYS: None. MOTION CARRIED.

ZONING BOARD OF APPEALS PLANNING COMMISSION APPOINTEE.
 Tabor moved, Greenberg second that we the Chocolay Township Board concur with the Planning Commission and appoint Kendal Milton to serve on the Zoning Board of Appeals as their representative. Mr. Milton’s term will be from April 13, 2009 to May 24, 2009.
 AYES: 7 NAYS: 0 MOTION CARRIED.

ASSISTANCE TO FIRE FIGHTERS GRANT REQUEST.
 Tabor moved, Hill second to authorize the Fire Department to apply for two AFG grant requests; one for replacement of the brush fire unit and the second for the purchase of a thermal imager and fit tester. The total amount of the grants will be \$198,000.00 with a department match of \$9,900.00.
 AYES: 7 NAYS: 0 MOTION CARRIED.

BID SPECIFICATIONS FOR BREATHING AIR COMPRESSOR
 Greenberg moved, Tabor second to authorize the Fire Department to seek bids for a complete Breathing Air Compressor System. The fire department will present the Board a bid tabulation and recommendation for award at their regular meeting on May 18, 2009.
 AYES: 7 NAYS: 0 MOTION CARRIED.

EMPLOYEE POLICY MANUAL.
 The Board discussed the policy manual revision and made some changes. The updated changes will be brought back to the Board at the May 18, 2009 meeting.

SCRAP METAL COLLECTION

Greenberg moved, Tabor second that the Chocolay Township Board accepts the bid from Sands Auto Salvage for scrap metal pickup in the Township.

AYES: 7 NAYS: 0 MOTION CARRIED.

TOWNSHIP ROAD RESURFACING RFP.

Bid specifications on the road resurfacing were presented to the Board for information purposes only. This will be brought back to the Board at the May 18, 2009 meeting.

FRED RYDHOLM RESOLUTION.

Maki moved, Greenberg second that

THE CHARTER TOWNSHIP OF CHOCOLAY
Board members, staff, and citizens
Join together to express to Fred Rydholm's
Family, close friends, neighbors and others who's life has been suddenly
Jarred by the call home of Fred to a better land.

As we join our hearts and hands in a solemn salute
To Fred Rydholm as his time of passing has come,
Our lives have benefited because of who he was,
What he was, and he stands a monument and
Inspiration of what a friend and neighbor should be.

In commenting on his own life Fred said "I've never considered myself a writer.
I'm just a story teller"

We thank God for the stories you've told us. How alive you have made our lives. As with you we saw our streets and neighborhoods come to life. We lived through you and grew in wisdom as we joined your story telling audience.

Thank you Fred, restin peace. Amen.

AYES: 7 NAYS: 0 MOTION CARRIED.

MCTA SPRING BANQUET

Hill moved, Tabor second that the Township pay the dinner cost of \$25.00 for all employees, Township Board members, Planning Commission members, and ZBA members to attend the 2009 Marquette County Township Association banquet on Friday, May 28, 2009.

AYES: 6 NAYS: 1 MOTION CARRIED.

PUBLIC COMMENT.

Clerk Hill told the Board that Debra Heinzelman is the new Administrative Assistant, she took Cathy Phelps position.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Board update from employee staff meeting
- B. Police Quarterly Stats
- C. Letter from LSCP about Crime Lab
- D. Information on RR overpass over M-28
- E. Magnum Farm article
- F. Map of proposed Marquette Skate Park
- G. Chocolay Township Volunteer Fire Rescue Department Monthly Report

Supervisor Seppanen adjourned the meeting at 8:15 pm.

Arlene E. Hill, CMC
Clerk

Mary L. Sanders, CMC
Deputy Clerk

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, JUNE 8, 2009**

I. MEETING CALLED TO ORDER AT 7:30 PM/ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor,
Kendell Milton, Andy Sikkema, Andy Smith, Steve Kinnunen,

Absent:

Staff Present: Jennifer Thum (Planning and Community Development), Randy Yelle (Zoning Administrator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF APRIL 13, 2009 & MAY 18, 2009 (JOINT BOARD) MEETING MINUTES

Steve Kinnunen motioned, seconded by Andy Sikkema, to approve the April 13, 2009 Planning Commission minutes as written and Ken Tabor motioned, seconded by Estelle DeVooght to approve the Planning Commission/Township Board combined May 18, 2009 meeting minutes as written.

Ayes 7. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned, seconded by Estelle DeVooght, to approve the agenda as written for June 8, 2009.

Ayes 7. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

A. CONTINUED HEARING FOR REZONING REQUEST #142

Mr. William Beckman stated that he is requesting to rezone this parcel from R-1 to Commercial. He stated that when Dana Estates had their subdivision surveyed many years ago there was supposed to be a 50 ft buffer between the subdivision and Mr. Beckman's property. This never occurred, which resulted in Mr. Beckman's property being zoned residential instead of commercial. Mr. Beckman stated that he has provided a letter and deed for this property as requested by the Township staff.

Joseph Uren, 116 Dana Lane – stated that he opposes Rezoning Request #142 as he feels the Township doesn't enforce the zoning ordinance. Mr. Uren provided the Commission members with pictures he provided to the Township approximately 7 years ago. The pictures show what Mr. Uren believes is dumping occurring behind Timbercrest and on the Oberstar property. Mr. Uren stated that he believes the residents do not want any more commercial dumps in the area.

Mr. Ed Paveglio 108 Dana Lane, stated that why should Mr. Beckman be allowed to rezone his property when he wasn't allowed to put up a commercial garage? Mr. Paveglio also stated that he and Mr. Beckman have had problems pertaining to their lot lines.

Trisha Martin, Dana Lane, stated that she feels if Mr. Beckman's property is used for storage facilities or something similar, the Township should work with Mr. Beckman to rezone this piece of property from R-1 to Commercial.

B. PROPOSED ZONING AMENDMENTS 34-09-01 TO 34-09-16

Proposed Zoning Amendments #34-09-01 through #34-09-16 were presented to the public for comment. There were no comments from the public pertaining to any of the proposed zoning amendments presented (#34-09-01-#34-09-16).

V. PUBLIC COMMENT

No public comment.

VI. PRESENTATION

No presentations scheduled.

VII. OLD BUSINESS

A. REZONING #142

Jennifer Thum reported that Rezoning Request #142 is a request from William Beckman, the property in consideration is parcel #52-02-110-063, and the lot is between the Dana Estates and Timbercrest Landscape Company. Mr. Beckman has petitioned the Chocolay Township Planning Commission to rezone the parcel from the current zoning classification of R-1 (Residential to "I" (Industrial or "C" (Commercial). The entire parcel is 3.08+/-acres and the applicant is requesting the rezoning due to hardship of selling the land as residential, as the land abuts an Industrial District.

The questions that came up at the January meeting concerning the deeds have been answered. Mr. Beckman dropped off copies of the deeds that show that he was deeded 50 ft. east of the Dana Estates and he then deeded 50 ft. to the Wursters (Timbercrest). It appears that everything is correct.

Steve Kinnunen moved, Ken Tabor seconded, that following the review of Rezoning Request #142, and the Staff/File Review and holding a public hearing, the Planning Commission recommends that the Township Board Deny Rezoning Request #142 for the following reasons:

1. There is no public health, safety or welfare concerns, that would require this lot to be rezoned.
2. The Planning Commission cannot rezone properties just because the owner is having a hard time selling the lot.
3. The Future Land Use map has the parcel zoned as Residential.

Ayes 7. Nays 0. Motion approved.

VIII. NEW BUSINESS

A. PROPOSED ZONING AMENDMENTS #34-09-01 - #34-09-16

Jennifer Thum reported that Township staff is bringing to the Planning Commission the proposed zoning amendments now that they have been presented at a public hearing. We can approve them and recommend them to the Township Board, deny them, or table them for more discussion.

#1 Amendment 34-09-01 – Multi-Family Residential District (MFR); Section 4.3:
(D) 1

Existing language:

1. Density is limited to *seven* homes per acre.

Proposed amended language:

2. Density is limited to *five* homes per acre

Ken Tabor moved, Andy Smith seconded, to approve zoning amendment #34-09-01 and recommend to the Township Board.

Ayes 7. Nays 0. Motion carried.

#2 Amendment #34-09-02 – Agriculture/Forestry (AF); Section 4.7 & 4.4:

Parks were completely omitted from the AF district. In the old zoning ordinance; Parks were a permitted use within the RP district and a conditional use with the RR-2 district.

Proposed additions:

1. Add to AF Section 4.7 (C) 12. Parks
2. Add to WFR Section 4.4 (C) 7. Parks

Steve Kinnunen moved, Ken Tabor seconded, to approve zoning amendment #34-09-02 and recommend to the Township Board.

Ayes 7 Nays 0 Motion carried.

#3 Amendment #34-09-03 – Agriculture/Forestry (AF); Section 4.7;
Kennels were completely omitted from the AF district, in the old zoning ordinance; kennels were a conditional use with the RR-2 & RP districts.

1. Add to Section 4.7 (C) 11. Kennels

Ken Tabor moved, Kendell Milton seconded, to approve zoning amendment #34-09-03 and recommend to the Township Board.

Ayes 7. Nays 0. Motion carried.

#4 Amendment #34-09-04 – Height and Placement Regulations; Section 6.1:
(Schedule of Regulations)

Existing language:

	District	Front	Side	Rear
1.	MFR	30	30	30

Proposed amended language:

	District	Front	Side	Rear
2.	MFR	30	10	35

Ken Tabor moved, Steve Kinnunen seconded, to approve zoning amendment #34-09-04 and recommend to the Township Board.

Ayes 7. Nays 0. Motion carried.

#5 Amendment #34-09-05 – Height and Placement Regulations; Section 6.1:
(Schedule of Regulations)

Existing language:

	District	Minimum Lot Size	Minimum Lot Width
1.	MFR	20 Acres	None

Proposed amended language:

2.	MFR	2 Acres	200 feet
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Ken Tabor moved, Kendell Milton seconded, to approve zoning amendment #34-09-05 and recommend to the Township Board.

Ayes 7 Nays 0 Motion carried.

#6 Amendment #34-09-06 – Outdoor Wood Burning Boilers and Appliances;
Section 6.5: (Conditions of Approval) Section 6.5 (A) and (B) 1. B

Existing language:

1. Minimum chimney height of 15 feet, measured from the grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling within 1000 feet, whichever is higher.

Proposed language:

- a. A setback of 75 feet from any and all lot/property lines, easements, and right-of-ways;
- b. The outdoor wood-fired boiler shall be located at least 300 feet from the nearest residential dwelling, not served by the furnace;
- c. If the outdoor wood-fired boiler is located within 500 feet of the nearest residential dwelling, the chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling;
- d. No fuel other than the natural wood without additives, wood pellets without additives, coal, and agricultural seeds in their natural state, may be burned;
- e. Outdoor wood-fired boilers shall not be located in the front yard;
- f. Granting of a zoning compliance permit, constitutes an agreement between the landowner and Chocolay Township, that the zoning administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with conditions;
- g. If the outdoor wood burning appliance meets the Phase I EPA standards, the outdoor wood boiler located within 300 feet of the nearest residential dwelling must have a chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling;
- h. If the outdoor wood boiler meets the Phase II EPA standards, a setback of 50 feet from all lot/property lines, easements, and right-of-ways. The outdoor wood-fired boiler shall be located at least 200 feet from the nearest residential dwelling not served by the boiler. There are no chimney height requirements for a Phase II outdoor wood boiler.
- i. “Best Burn Practices” as issued by the Environmental Protection Agency shall be followed by all applicants utilizing outdoor wood boilers.

Ken Tabor moved, Andy Sikkema seconded, to table amendment #34-09-06 until the next meeting to allow staff to research set-backs and the definition of grade.

Ayes 7. Nays 0. Tabled.

#7 Amendment #34-09-07 – Commercial Vehicle Parking in Residential Districts; Section 6.11:

This paragraph was completely omitted from this section, and should not have been as this paragraph was not addressed. Although, whereas this action was not questioned and/or appealed within the required timeframe, it is my opinion that the newly adopted zoning ordinance is a legal and binding ordinance.

This paragraph is no longer a legal part of the zoning ordinance, therefore, if the Board wants it in the zoning ordinance, and it must be adopted as a new amendment to the Zoning Ordinance.

Proposed reinstatement of this paragraph:

1. (C) One (1) 27 foot or smaller truck or van may be parked at a residence in all other residential zoning districts without Township review or approval.

Proposed additions:

2. (A) approval required, *subject to the following subsections and limitations.*
3. (E) *In the event of a conflict or contraindication between the above provisions of the Zoning Ordinance and Ordinance number 55, being the Vehicle and Trailer Parking and Storage Ordinance, the terms of the Zoning Ordinance shall prevail.*

If adopted, the action will move the existing (C) to (D).

Steve Kinnunen moved, Al Denton seconded, to reinstate the previous zoning ordinance wording for amendment #34-09-07 and recommend to the Township Board.

Ayes 7 Nays 0 Motion carried.

#8 Amendment #34-09-08 – Nonconforming Uses and Structures; Article XIV, Sections 14.1 & 14.2:

The Zoning Board of Appeals shall not issue use variances, (Chocolay Township Zoning Ordinance Article XV, and per the Michigan Zoning Enabling Act; Act 110 of 2006) nor can the Planning Commission.

The Township Board, would amend the Zoning Ordinance to include the use that the Township Board may deem should be allowed within a designated Zoning District. Therefore, the Township Board would not be approving or issuing a use variance, but amending the ordinance, per MZEA, to accomplish the desired action or in this case, the desired use within said district(s).

Proposed action:

1. Remove any and all reference to and regarding USE VARIANCES.

Andy Smith moved, Ken Tabor seconded, to approve zoning amendment #34-09-08 and recommend to the Township Board.

Ayes 7 Nays 0 Motion carried.

- #9 Amendment #34-09-09 – 1. Article II, Definitions:
1. Add to definitions “Park”

Proposed definition:

Park, A noncommercial not-for-profit, parcel of land, with or without a Structure, designed to serve the recreational needs of the residents, including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Steve Kinnunen moved, Ken Tabor seconded, to approve zoning amendment #34-09-09 and recommend to the Township Board.

Ayes 7 Nays 0 Motion carried.

- #10 Amendment #34-09-10
1. Article II, Definitions:
Add to definition regarding “Kennels”

Existing language:

Means any activity involving the permanent or temporary keeping or treatment of four or more adult dogs, cats or any combination of, other than ordinary agricultural activities

Proposed amended language:

Means any activity involving the permanent or temporary keeping or treatment of four or more domestic pets, including adult dogs or cats, or any combination of such animals exceeding three in number, for other than ordinary agricultural activities.

Andy Sikkema moved, Al Denton seconded, to approve zoning amendment #34-09-10 and recommend to the Township Board.

Ayes 4 Nays 3 Motion carried.

- #11 Amendment #34-09-11
1. Article XVIII. Signs and Fences
Add 18.12 from “Fences” to “Flags”

Proposed language:

18.12 Flags

(A) Flags, other than corporate, commercial or advertising flags shall be permitted in all residential zoning districts, on developed residential lots. Flags shall be subject to the following regulations:

- 1. Flags shall meet the sign setbacks within Section XVIII and the height limits for structures within Section VI.***
- 2. Up to three (3) flags of any combination but not more than one (1) corporate, commercial or advertising flag shall be permitted on a single lot, shopping center, or business.***
- 3. No flag shall be displayed with the flag of the United States of America, which is of greater area or which is placed at a greater or same height as that of the flag of the United States of America flag.***
- 4. No corporate, commercial or advertising flag shall be located on any lot other than the business lot that the flag is advertising.***
- 5. All out-of-doors flags shall be displayed from a pole or other mounting device which is permanently affixed to the ground or a building.***

Ken Tabor, moved, Steve Kinnunen, seconded to approve only (A) #1 of zoning amendment #34-09-12 and delete #2-#5 and recommend to the Township Board.
Ayes 7. Nays 0. Motion carried.

#12 Amendment #34-09-12:
Add to Article II Definitions:
After “Family Day Care Home”:

Proposed language:

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device or any such device attached to a building or structure for display out-of-doors.

Flag, Business: A flag displaying the name, insignia, emblem, logo, or the like, of a business and/or corporation.

Steve Kinnunen, moved, Al Denton, seconded to approve zoning amendment #34-09-12 and recommend to the Township Board.
Ayes 7 Nays 0 Motion carried.

#13 Amendment 34-09-13:
Add to Article VI: Add 6.1 after “Said structure(s)”

Proposed language:

NOTE: Lots of less than 20 acres, but not less than 5 acres within the AF district prior to the adoption of this Ordinance, are legal nonconforming. April 21, 2008.

Steve Kinnunen, moved, Estelle DeVooght, seconded to approve zoning amendment #34-09-13 and recommend to the Township Board.
Ayes 7 Nays 0 Motion carried.

#14 Amendment 34-09-14:
Add to Article XVIII: 18.4 Remove (C)

Current language:

(C) The flag of any state or nation respectfully displayed.

Steve Kinnunen, moved, Ken Tabor, seconded to approve zoning amendment #34-09-14 and recommend to the Township Board.
Ayes 7. Nays 0. Motion carried.

#15 Amendment 34-09-15:
Add to Section XI after Building Grades fill to increase height.

11.12 Outside Lighting

- A. On site lighting shall be directed away from residential properties and public or private streets.
- B. Light emitted in non-residential developments which are adjacent to residential development(s) shall be compatible with the character of the adjacent residential areas.

- C. Information shall be supplied on the style, manufacturer's part number, height direction, location, wattage, type of bulb and intensity of outside lighting on the final site plan for final approval.
- D. Building Lighting:
 - a) No building-mounted or pole mounted floodlights are allowed. Signs may be lit with floodlights provided the light is focused downward on the sign and does not spill beyond the sign. Shields or adjustable louvers shall be required on floodlights to control beam spread.
 - b) Landscape lighting shall be allowed, provided shielding and louvers are utilized to limit lighting to objects only. Lamp wattage shall be low as possible to illuminate the object without causing glare on the site or neighboring property.
 - c) Gas station canopy lights shall be provided with flat lenses to limit glare. Illuminant levels shall comply with Illuminating Engineering Society Standards.
 - d) Lighting standards in parking lots shall have 20 foot maximum mounting height.
 - e) Searchlights, strobes, lasers or similar high intensity light for outdoor advertisement or entertainment are prohibited.
 - f) Lights mounted on buildings shall not be a flashing, moving or intermittent type.

Steve Kinnunen moved, Ken Tabor, seconded to approve zoning amendment #34-09-15 and recommend to the Township Board.

Ayes 7 Nays 0 Motion carried to table.

#16 Amendment #34-09-16
 Remove from Article IV; Sections 4.1 C, 4.2 C, 4.3 B, 4.4 C, and 4.6 B
 (on lots of 5 acres or more)

Proposed language:

Outside wood boilers, including conditions of approval.

Estelle DeVooght moved, Andy Sikkema, seconded to table this until the next meeting so staff can research further #34-09-06.

Ayes 7 Nays 0 Motion carried to table.

B. HEIGHT RESTRICTION FOR ACCESSORY STRUCTURES

Jennifer Thum reported that a couple of months ago, staff was approached by Mr. Gary Niemela to discuss the height limit of accessory structures in our Township, which is 15 ft. Mr. Niemela's position is that we should reconsider this height and raise it to 17 ft; this would be the average height from finished grade to the center of the vertical truss height. Mr. Niemela's logic behind this is, the State of Michigan has adopted a new energy code, which requires R49 in ceilings to comply with the heel trusses that must be raised to accommodate insulation. The new energy code is expected to encourage more insulation and ventilation in attic spaces.

Staff has spoken with Greg Sicotte at the County, and he does not interpret the energy code the same as Mr. Niemela. We have gotten a letter of support from Mr. Swadley of Sunrise Builders, stating that he believes the height increase would be a good thing too. Ms. Thum has spoken with Marquette Township and the City of Marquette both of them are looking at raising the height. One objection at Marquette Township was that the increased height could lead to view or shade problems for the neighbors. Our

Zoning Administrator, Mr. Yelle is not in support of raising the detached height limit from 15 ft. to 17 ft.

Ms. Thum stated that she shares the same concerns as Marquette Township, but our zoning ordinance is not “green” and we should be encouraging residents to do everything to be more environmentally sensitive. Her concern about having residents create living space in the attic due to height increase is legitimate, but that is where we would have to do more enforcement and work with the County to ensure that the plans don’t reflect any living space. Ms. Thum stated she would be in support of raising the height, but maybe to 16 ft, with the condition that the height of the accessory structure does not exceed the main structure.

Steve Kinnunen moved, Ken Tabor seconded, to table this item, to give staff further time to review/research set-backs, definition of grade, and lot sizes until the next meeting.

Ayes 7 Nays 0 Motion to table this item until the next meeting.

C. PEDESTRIAN GRANTS

Jennifer Thum reported that our NMU intern, Mr. John Neych has been working on trying to secure a couple of pedestrian based grants. He has completed the first one which is through the North Carolina Highway Safety Research Center they wrote a book titled, “Resident Guide for Creating Safe and Walkable Communities.” The Highway Safety Research Center was seeking ten communities or neighborhoods that were interested in making their environment safe for pedestrians and walkable to pilot the test guide. We will hear if we were awarded this grant in mid-July.

The second one will be worked on within the next couple of weeks and that is through the Conservation Fund, in partnership with Eastman Kodak and the National Geographic Society, provides small grants to stimulate the planning and design of greenways in communities across the United States. The annual grants program is designed to help establish a national network of greenways. The grants may be used for activities such as mapping, ecological assessments, surveying, conferences, design activities, developing brochures and interpretative displays, public opinion surveys, hiring consultants, incorporating land trusts, building foot bridges, planning bike paths, or other creative projects.

D. SENIOR COMMITTEE

Mr. Steve Kinnunen, reported on the possibility of creating a senior committee. Ms. Thum thinks this is a great idea, as our demographics show an aging population and she thinks it would be a good idea to try and meet with them to see what their needs are from the Township. Ms. Thum stated she would be happy to post some information on the Township’s website about the possible committee to see if we get any interested volunteers.

Al Denton moved, Steve Kinnunen seconded, to have the Planning Director post some information on the website about the possible senior committee to see if we get any interest.

Ayes 7 Nays 0 Motion carried.

E. POCKET PARK

Steve Kinnunen reported that at the April meeting, he showed Ms. Thum pictures of pocket parks and thought that we should try and develop at least one in our Township.

This would be a great thing, but the hard part comes in trying to find a location to work on. Mr. Kinnunen drew up a plan for a park at our municipal complex and Ms. Thum has discussed this with our DPW and they were concerned about it being rather close to the road.

Ms. Thum reported that the Township did put away money for new playground equipment, and she was thinking that we might be able to do a park and install playground equipment by the Township marina on Main Street. There are a lot of families in the Harvey area with really no place for recreation. Ms. Thum stated that a fence could be installed to help keep the kids away from the water and the playground equipment could be located on top of the hill.

Steve Kinnunen motioned, Estelle DeVooght seconded, to support staff to go to the Township Board to discuss a pocket park in Chocolay Township.

Ayes 7 Nays 0 Motion carried.

F. MDOT LANDSCAPE PLAN

Jennifer Thum reported that she has gotten back the latest landscape plan for the US-41 Enhancement Project. It appears that there will be landscape coverage in more areas and staff is pleased, but still has some concerns. Such as the plant choices, there could be more use of taller trees, the split-rail fence seems to have disappeared and the consultant is still showing trees where some already exist. Ms. Thum provided photographs of the proposed plans and trees.

Ms. Thum stated that this plan is for our Township, so she is expecting all of the Commissioners to really look at the plans, and pay attention to the locations, plant species and determine if overall you as a resident are happy with the plans. The Township and its residents should feel very fortunate to have a project like this in our Township and Ms. Thum would like to see the Township Boards and Commissions take some ownership of this project.

IX. PUBLIC COMMENT

No public comment.

X. COMMISSIONER'S COMMENT

No comments from the Commissioners.

XI. DIRECTOR'S REPORT

Jennifer Thum reported that the Township has made it through the first round of the Coastal Grant and hopes to hear something further in June. Ms. Thum reported that there will be an article in the CABA Newsletter pertaining to road construction.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Planning and Zoning News, May, 2009.

B. Marquette Township Planning Commission minutes March, April, and May, 2009.

XIII. ADJOURNMENT

Ken Tabor moved, Andy Smith seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 9:40 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, JULY 13, 2009**

I. MEETING CALLED TO ORDER AT 7:30 PM/ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor,
Kendell Milton, Andy Sikkema, Andy Smith, Steve Kinnunen,

Absent:

Staff Present: Jennifer Thum (Planning and Community Development),
Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF JUNE 8, 2009 MEETING MINUTES

Estelle DeVooght, moved, Andy Sikkema, seconded, to approve the June 8, 2009 Planning Commission minutes as written.

Ayes 7. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen, moved, Estelle DeVooght, seconded, to approve the agenda as written for the July 13, 2009, Chocolay Township Planning Commission meeting.

Ayes 7. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

A. CONTINUED HEARING FOR ZONING AMENDMENTS #34-09-06 AND # 34-09-16

Proposed Zoning Amendments #34-09-06 and #34-09-16, which were tabled at the previous meeting, were presented to the public for comment. There were no comments from the public.

B. REZONING #143

Mr. Frank Stabile, 121 Vista Hills Trail, presented a summary of Rezoning Request #143. This request is to further develop his property, which consists of approximately 103 acres and is located approximately 5 miles south of the US 41 intersection on the east side. Mr. Stabile received approval for a private road in 2000, but didn't request anything further. He put in the road, utility services, and built his home at that time. Mr. Stabile stated he feels that this planned unit development would be a good fit and maintain the integrity of the area around it. He reported that he has been working with Township staff to address their concerns and do what is required to develop this property. Mr. Stabile reported that he did neglect to pay attention to the recent zoning ordinance revisions and was under the impression that the 5 acre requirement that was previously in effect was grandfathered for this property. Mr. Stabile also stated that the current development plan is very similar to the one he presented in 2000 when he requested a private road. He would now like to develop 9 parcels (approximately 95

acres) and is requesting to rezone the property from AF to a PUD, which is why he is requesting a Planned Unit Development (PUD).

V. PUBLIC COMMENT

Eric Keough, 111 Autumn Trail, reported that he is the person who has the purchase agreement with Mr. Stabile to construct a home on one of the 5 acre parcels and fully supports Mr. Stabile's request.

Diane Huetter, Green Garden Hill, stated that she does not support this particular development as she feels developments such as this should be closer to town.

Bernie Huetter, Green Garden Road, has concerns about water issues that are usually associated with these types of developments as this would be close to his property.

Gary Revord, 7001 US 41 S, stated he supports Mr. Stables planned development.

VI. PRESENTATION

No presentations scheduled.

VII. OLD BUSINESS

A. HEIGHT RESTRICTIONS FOR ACCESSORY BUILDINGS

This item was tabled last month in order for Mr. Niemela to be in attendance.

Jennifer Thum reported that a couple of months ago, staff was approached by Mr. Gary Niemela to discuss the height limit of accessory structures in our Township, which is 15 ft. Mr. Niemela's position is that we should reconsider this height requirement and raise it to 17 ft; this would be the average height from finished grade to the center of the vertical truss height. There were two parts to these request, one is that the new energy code is having individuals push for taller garages for more installation and that is what people are wanting now.

Staff has spoken with Greg Sicotte at the County, and he does not interpret the energy code the same as Mr. Niemela. We have gotten a letter of support from Mr. Swadley of Sunrise Builders, stating that he believes the height increase would be a good thing too. Ms. Thum reported that she's spoken with Marquette Township and the City of Marquette, both of which are looking at raising their height requirement. One objection at Marquette Township was that the increased height could lead to view or shade problems for the neighbors. Our zoning administrator, Mr. Yelle is not in support of raising the detached height requirement limit from 15 ft. to 17 ft.

Ms. Thum reported that personally she shares the same concerns as Marquette Township, but she also knows that the Township Zoning Ordinance is not "green" and we should be encouraging residents to do everything that can be done to be more environmentally sensitive. The concern about having residents create living space in the attic due to height increase is legitimate, but that is where we would have to do more enforcement and work with the County to ensure that the plans don't reflect any living space. Ms. Thum reported that she would be in support of raising the height requirement, but maybe to 16 ft., with the condition that the height of the accessory structure does not exceed the main structure.

Mr. Niemela was present and discussed some of his reasoning for requesting the height requirement be increased for accessory buildings. He explained that roofs with a 10-12

foot roof pitch are becoming the norm. He did explain that he is not pushing for the energy code as stated previously, but a height increase would allow a person to apply the new energy code if he/she desired. The old height requirement does have its drawbacks such as lack of room for insulation, ice build-up that results in roof leaks, etc. He also reported that he provided a letter of support from the Builder's Association.

Ms. Thum reported that the City of Marquette did pass a height requirement of 17.6 ft on July 7, 2009.

After much discussion involving lot sizes and the possibility that a height increase could cause problems involving viewing and shading the neighbors property, Steve Kinnunen, moved, Estelle DeVooght, seconded, to have Township staff come up with a formulation to include height and set-backs for various size properties to review and hold a public hearing on this at the next meeting

Ayes 7. Nays 0. Motion approved.

B. PROPOSED ZONING AMENDMENTS #34-09-06 AND #34-09-16

OUTDOOR WOOD BURNING BOILERS AND APPLIANCES

Section 6.5: (Conditions of Approval) Section 6.5 (A) and (B) 1. b.

Proposed amended language: (conditions for approval)

~~a. A setback of 75 feet from any and all lot/property lines, easements and right of ways;~~

Chimney Heights

b. The outdoor wood-fired boiler shall be located at least 300 feet from the nearest residential dwelling, not served by the furnace;

- *Or the chimney shall extend to a minimum height of 15 ft if neighboring residences are located greater than 300ft from the proposed boiler, Which ever is greater:*

c. If the outdoor wood fired boiler is located within 500 feet of the nearest residential dwelling, the chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling;

d. *If there is an existing outdoor wood boiler already installed and there is new construction of a residence not served by the outdoor wood boiler within 200ft of such wood boiler then the owner of such wood boiler shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from Chocolay Township*

OWB Regulations

a. No fuel other than the natural wood without additives, wood pellets without additives, coal and agricultural seeds in their natural state may be burned;

1. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:

- i. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
- ii. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.

- iii. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - iv. Rubber, including tires or other synthetic rubber-like products.
 - v. Newspaper, cardboard, or any paper with ink or dye products.
 - vi. Any other items not specifically allowed by the manufacturer or this provision.
- b. Outdoor wood fired boilers shall not be located in the front yard;
- c. Granting of a zoning compliance permit, constitutes an agreement between the landowner and Chocolay Township, that the zoning administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with conditions;
- d. If the outdoor wood burning appliance meets the Phase I EPA standards, the outdoor wood boiler located within 300 feet of the nearest residential dwelling must have a chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling.
- e. If the outdoor wood boiler meets the Phase II EPA standards, a setback of 50 feet from all lot/property lines, easements, and right-of-ways. The outdoor wood-fired boiler shall be located at least 200 feet from the nearest residential dwelling not served by the boiler. There are no chimney height requirements for a Phase II outdoor wood boiler.

Letter d and e seem to be the norm with other zoning ordinances, except the phase II has a 100ft setback in majority of the ones that I read. Also, there was a note about no outdoor wood boiler should be closer than 500 ft from the property line of a state licensed school, daycare or healthcare facility regardless of the emission rate. If terrain conditions could complicate air flow patterns on a parcel of land (e.g. valley, hilly, or tall trees), it may be necessary to install the OWB even farther away than the minimum setback distance to avoid costly changes that could be required later is a nuisance occurs when the boiler is operated.
- f. "Best Burn Practices" as issued by the Environmental Protection Agency shall be followed by all applicants utilizing outdoor wood boilers.
- g. *In a couple of the ordinances talk about Commercial Outdoor Wood Boiler with a rated thermal output greater than 350,000Btu/hr. Should we mention something about commercial units in our ordinance?*
- h. *No OWB, regardless of the date of installation, is allowed to operate when conditions cause visible smoke plum to cross onto adjacent owner's land and buildings for 12 minutes or more in any hour. Sending smoke on adjacent land or buildings for 12 minutes or more is a nuisance and a violation of the regulation.*
- i. *Outdoor furnaces may only be used from September 1 to May 31 each year.*
- j. *All outdoor wood-fired boilers shall be equipped with properly functioning spark arrestors.*

Andy Smith, moved, Ken Tabor, seconded, to approve zoning amendment #34-09-06 and forward it to the Township Board for their review.

Ayes 6. Nays 1. Motion approved.

#2 Amendment 34-09-16

Remove from Article IV: Sections 4.1 C, 4.2 C, 4.3 B, 4.4 C and 4.6 B.
(On lots of 5 acres or more)

Proposed language:

Outside wood boilers, including conditions of approval.

Ken Tabor, moved, Andy Smith, seconded, to approve zoning amendment #34-09-16 and forward it to the Township Board for their review.

Ayes 6. Nays 1. Motion approved.

VIII. NEW BUSINESS

A. REAPPOINTMENTS OF PLANNING COMMISSION MEMBERS

Jennifer Thum reported that the terms of Andy Sikkema who replaced Denny Magadan and Steve Kinnunen expired on May 24, 2009.

Ken Tabor, moved, Estelle DeVooght, seconded, to allow the Director of Planning and Community Development to write a letter of support on behalf of the Planning Commission asking for the re-appointment of Andy Sikkema and Steve Kinnunen and present the letter to the Township Supervisor.

Ayes 5. Nays 0. Motion approved. (Andy Sikkema and Steve Kinnunen abstained from voting)

B. REZONING #143

Jennifer Thum reported the Rezoning #143 is a request from Mr. Frank Stabile of 121 Vista Hills Trail, the properties in consideration are parcel #52-02-126-019-014, #52-02-126-019-30, and #52-02-126-019-20. These parcels are part of the proposed development and approved private road Vista Hills Drive. Mr. Stabile has petitioned the Chocoy Township Planning Commission to rezone the parcel of property from the current zoning classification of AF (Agricultural/Forestry) to PUD (Planned Unit Development). The entire proposed development is approximately 95 acres and the applicant is requesting the rezoning due to only a private road being approved in 2000 and changes to the Township Zoning Map.

There was also much discussion by the commission members pertaining to the definition of a Planned Unit Development (PUD) and its requirements. The members will research this further. The commissioner's discussed the need for more open space and how the objectives for the Planned Unit Development in our zoning ordinances states that a PUD should include open space and recreational areas for the residents. Also, that PUD's should also provide for adequate protection and safeguards for the site and the surrounding area. The applicant and commissioner's then discussed where the open space should go and the possibility of a walking trail. The applicant will provide a plan that meets the community needs.

Steve Kinnunen, moved, Kendal Milton, seconded, that following the review of Rezoning Request #143 and the Staff File/Review, the Planning Commission recommends this be tabled until the next meeting and hold a public hearing with the following conditions being met:

1. The Township Staff be provided a revised Plot Plan showing the requested PUD proposed green space with changes to Lots "F" and "C and showing a 50 ft. easement by the cemetery/ highway, and a 15 ft buffer that will run the entire length of the road on Lot "C".

2. The applicant's engineer will put a scale on all maps not greater than 1 inch equals 60 ft., as required per the Township Ordinance. The engineer will have the grading plan on a separate sheet; this will make the plans easier to read.
3. The engineer will look into the soils of where the proposed driveway for lots F, H, I, and J is located and report back to the Planning Commission if he feels that is the best location.
4. The applicant and engineer will follow Section 9 and 10.2, for final development requirements and procedures.

Ayes 5. Nays 2. This will be tabled until the August meeting.

IX. PUBLIC COMMENT

Diane Gider (sp?) stated she is concerned about how many homes could be built in this the development, which could change the integrity of the area.

Mike Lynn, resident of Chocolay Township, stated that he is concerned about PUDs in the Township.

X. COMMISSIONER'S COMMENT

No comments at this time.

XI. DIRECTOR'S REPORT

Jennifer Thum reported that the grant has been submitted for the Pedestrian Walkable Study and we should hear something this month. Ms. Thum also reported that a link will be placed on the Township website pertaining to the formation of a Senior Committee. Ms. Thum reported that work is being done on the lay-out for the Pocket Park in the Township. She reported they are still waiting to hear regarding the grant for the Recreational Brochure, which was submitted. Junk cars are being addressed in the Township and the annual dust control has been completed.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, June, 2009.
- B. Marquette Township Planning Commission minutes May 27, 2009 and June 10, 2009.
- C. MDOT Press Release for Intersection Construction.
- D. Township Department Update, June 2009.

XIII. ADJOURNMENT

Al Denton moved, Ken Tabor, seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 9:30 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, AUGUST 10, 2009**

I. MEETING CALLED TO ORDER AT 7:30 PM/ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor,
Kendell Milton, Steve Kinnunen

Excused: Andy Sikkema

Absent: Andy Smith,

Staff Present: Jennifer Thum (Planning and Community Development),
Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF JULY 13, 2009 MEETING MINUTES

Estelle DeVooght, Moved, Ken Tabor, Seconded, to approve the July 13, 2009, Planning Commission minutes as written.

Ayes 5 Nays 0 Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen, Moved, Al Denton, Seconded, to approve the agenda as written for the August 10, 2009, Chocolay Township Planning Commission meeting.

Ayes 5 Nays 0 Motion approved.

IV. PUBLIC HEARINGS

A. HEIGHT INCREASE FOR DETACHED ACCESSORY STRUCTURES

Mr. Gary Niemela, 111 Lara Lei Trail stated he appreciates the process that the Township has followed in considering increasing the current height of 15 ft for detached accessory structures. Mr. Niemela stated he would be very satisfied if the height for detached accessory structures could be increased to 16' 6". Trusses are changing and trusses with a 12/12 pitch are becoming very popular to not only add to the look of the roof, but also to accommodate attic space/storage. The City of Marquette just decreased the height for detached accessory structures to 16' 6". Mr. Niemela also commented that the energy code just went from R39 to R49, but the code is not currently being enforced. However, Mr. Niemela stated that he would like to give people the opportunity to follow the energy code if they wish and this could be done easily with an increase in the height of detached accessory structures.

B. REZONING #144

Mr. Frank Stabile, 121 Vista Hills Trail, stated that after hearing the comments from the Commissioners, the public and staff at the July meeting, he requested that Rezoning Request #143 be denied. He is now submitting a new plan per staff recommendation, Rezoning Request #144, which has a similar lay-out as the previous plan, but shows a reduction in the size of the development by almost 50%. On this new plan there will be only one lot behind the cemetery, which will need a private driveway. Green space will be approximately 3 ½ acres with an easement between Lots D and F. There will also be a 15 ft buffer along the west side of Lot C coming off of US 41, which will also be green space. The houses will not be visible from the highway, but you will see his

home, which is not part of the PUD. All the lots will consist of at least 5 acres, which goes back to his plan of 10 years ago. Mr. Stabile hopes that this plan will bring the development more in tune with the neighborhood lay out and hopes the Planning Commission will provide preliminary approval.

V. PUBLIC COMMENT

Dick Arnold, 312, County Road 545, stated that he's wondering why the Green Garden Hill Subdivision (across from his property), is now designated as Agricultural/Farming (AF). Mr. Arnold stated he did a survey of his own and found out that of the 224 pieces of property in the area, the majority are 15 acres or smaller and only 8 parcels out of the 224 have animals. Mr. Arnold stated he feels these properties should have remained designated as R-2. He feels that such a designation could decrease the value of these properties now that they are designated Agricultural/Farming (AF). Mr. Arnold also stated that he feels the Vista Hills development would be good for the area as Mr. Stabile has always maintained his property well and the plan will fit well in the area.

VI. PRESENTATION

No presentations scheduled

VII. OLD BUSINESS

A. HEIGHT RESTRICTIONS FOR ACCESSORY BUILDINGS

Ms. Thum reported that staff was asked to come up with a formula for the height of detached accessory structures and the projected problem with shading the neighbor's yard. Ms. Thum stated that there are a couple of options that the Commissioners can use. The maximum height now for a detached accessory buildings is 15 ft. At last month's meeting there was discussion to raise the height to 17' 2". Ms Thum discussed that the formula she came up with would be for every foot that the building is over 15 feet in an R-1 district, the side and rear setback would have to be increased by 2 ft. In an R-2 district, the side and rear setback for a building would be increased by 3 ft. for every foot over the 15 ft. The accessory height maximum in Commercial and Industrial District is also 15 ft.

Ken Tabor, Moved, Steve Kinnunen, Seconded, that the Chocolay Township Planning Commission recommends to the Township Board approval to raise the minimum height of a detached accessory structure from 15 feet to 16' 6". In order to prevent blocking any sun, the following formula will be attached to any building with a height over 15 ft.

R-1 District:

The rear and side setback of any detached accessory structure will be increased by 2 ft for every foot over the 15 ft.

R-2 District:

The rear and side setback of any detached accessory structure will be increased by 3 ft. for every foot over the 15 ft.

Ayes 5 Nays 0 Motion approved.

B. REZONING #143

Jennifer Thum reported that a couple of days after the July Planning Commission meeting, Mr. Stabile, (the applicant), contacted her about the meeting and his proposed plan. He stated that he wanted to change some things, and upon hearing those changes it was recommended that he ask the Planning Commission to deny Rezoning Request #143 in that it does not match the objectives of a Planned Unit Development (PUD)

according to the Township Zoning Ordinance. We then asked him to submit a whole new set of plans and a rezoning application, which he did and that is Rezoning Request #144.

Al Denton, Moved, Ken Tabor, Seconded, that following the review of Rezoning Request #143, the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board deny Rezoning Request #143 for the following reasons:

1. Mr. Stabile, (the applicant), has not provided enough open space to be in compliance with the objectives of the Township planned unit development section of our Zoning Ordinance.
2. The proposed plan is not in compliance with the Township's master plan.

Ayes 5 Nays 0 Motion approved.

C. WOOD BOILER ZONING AMENDMENT #34-09-06

Ms. Thum explained that this is again before you because when the motion was made, it was to accept the changes, but the way the amendment was written in the minutes, it was not accurate. It was decided to bring it back to the Planning Commission for re-approval and discussion on the commercial wood boiler language that Ms. Thum added.

Chimney Heights/Setbacks

- a. If the outdoor wood burning appliance meets the Phase I EPA standards, the outdoor wood boiler located within 300 feet of the nearest residential dwelling must have a chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling.
- b. If the outdoor wood boiler meets the Phase II EPA standards, a setback of 50 feet from all lot/property lines, easements, and right-of-ways. The outdoor wood-fired boiler shall be located at least 200 feet from the nearest residential dwelling not served by the boiler. There are no chimney height requirements for a Phase II outdoor wood boiler
- c. If there is an existing outdoor wood boiler already installed and there is new construction on a previous vacant lot of a residence not served by the outdoor wood boiler within 200 ft. of such wood boiler then the owner of such wood boiler shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from Chocolay Township.

OWB Regulations:

- a. No fuel other than natural wood without additives, wood pellets without additives, coal and agricultural seeds in their natural state may be burned;
 - 1) The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces;
 - i. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.

- ii. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - iii. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - iv. Rubber, including tires or other synthetic rubber-like products.
 - v. Any other items not specifically allowed by the manufacturer or this provision.
- b. Outdoor wood fired boilers shall not be located in the front yard;
 - c. Granting of a zoning compliance permit, constitutes an agreement between the landowner and Chocolay Township, that the zoning administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with conditions;
 - d. “Best Burn Practices” as issued by the Environmental Protection Agency shall be followed by all applicants utilizing outdoor wood boilers.
 - e. In a couple of the ordinances there is talk about Commercial Outdoor Wood Boilers with a rated thermal output greater than 350,000Btu/hr. Should we mention something about commercial units in our ordinance?
 - f. No OWB, regardless of the date of installation, is allowed to operate when conditions cause visible smoke plum to cross onto adjacent smoke on adjacent land or buildings for 12 minutes or more is a nuisance and a violation of the regulation.
 - g. Outdoor furnaces may only be used from September 1 to May 31 each year.
 - h. All outdoor wood-fired boilers shall be equipped with properly functioning spark arrestors.

III. Commercial Outdoor Wood Boiler or Outdoor Wood Boiler with a rated thermal output greater than 350,000 Btu/hr Analysis Requirement

- a. Any person intending to install or operate a commercial outdoor wood boiler or an outdoor wood boiler with a rated thermal output greater than 350,000 Btu/hr shall obtain an evaluation, report and installation recommendations performed by a licensed professional engineer that includes the following information:
 - b. What type of application will the outdoor wood boiler be used for;
 - c. A determination of the heat load requirements of the facility as compared to the available heat supply of the outdoor wood boiler to ensure the unit is properly sized;
 - d. The stack location relative to the property lines and building locations within 400 feet of the outdoor wood boiler;
 - e. The stack height; and
 - f. Recommendations for the proper outdoor wood boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler, stack height and stack location.
- g. No person shall install or operate a commercial outdoor wood boiler or outdoor wood boiler with a rated thermal output greater than 350,000 Btu/hr unless it is installed according to the recommendations of the evaluation report in Section 3(D)(1). In any case, no person shall install or operate a commercial outdoor wood boiler or an outdoor wood boiler with a rated thermal output greater than 350,000 Btu/hr unless it meets the minimum setback and stack height requirements stated in Section 3(B) and 3(C) of this Chapter.

Steve Kinnunen, Moved, Kendell Milton, Seconded, to table zoning amendment #34-09-06 until the September meeting to allow staff to rewrite this amend- to be reviewed and to further discuss commercial and industrial use.

Ayes 5 Nays 0 Motion approved to table until September meeting.

D. PROPOSED ZONING AMENDMENTS #34-09-01, #34-09-03, #34-09-04, #34-09-05, #34-09-10, #34-09-13

Ms. Thum reported that at last months' Township Board meeting, the trustees requested that some of the zoning amendments be sent back to the Planning Commission for more detailed explanation and review.

Draft Amendment #34-09-01 – Multi-Family Residential District (MFR); Section 4.3: (D) 1

Existing language:

1. Density is limited to seven homes per acre.

Proposed amended language:

1. Density is limited to *five* homes per acre.

The trustees wanted a good and clear explanation as to why we are decreasing the density limit.

Ms. Thum reported the change is being made due to the increased size of the newer mobile homes being built today, which take up more space.

Steve Kinnunen, Moved, Al Denton, Seconded, to recommend to the Township Board for approval at their next meeting.

Ayes 5. Nays 0. Motion approved.

Draft Amendment #34-09-03 - Agriculture/Forestry (AF); Section 4.7: Kennels were completely omitted from the AF district, in the old zoning ordinance; Kennels were a conditional use within the RR-2 & RP districts.

Proposed addition:

1. Add to Section 4.7 (C) 11. *Kennels*

Trustee Maki, was not sure why we need to change this.

Kendell Milton, Moved, Al Denton, Seconded, to recommend approval to the Township Board to reinstate into the new ordinance, Kennels with the addition of “are allowed on 20 acres or more”, which is from the old ordinance.

Ayes 5 Nays 0 Motion approved.

Draft Amendment #34-09-04 – Height and Placement Regulations; Section 6.1: (Schedule of Regulations)

Existing language:

	District	Front	Side	Rear
1.	MFR	30	30	30

Proposed amended language:

2.	MFR	30	10	35
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The trustees wanted to know why the Planning Commission was asking for this to change, is there a specific site plan in mind?

The Commissioners in attendance unanimously agreed not to place the wording in the zoning ordinance.

Ayes 5 Nays 0 Motion approved.

Draft Amendment #34-09-05 – Height and Placement Regulations; Section 6.1: (Schedule of Regulations)

Existing language:

	District	Minimum Lot Size	Minimum Lot Width
1.	MFR	20 Acres	None

Proposed amended language:

1.	MFR	2 Acres	200 feet
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The trustees wanted to know why the Planning Commission was asking for this to change, is there a specific site plan in mind?

Ken Tabor, Moved, Steve Kinnunen, Seconded, to table this item until the September meeting and ask staff to come up with some information for language with regards to spacing between buildings.

Ayes 5 Nays 0 Motion to table approved until the September meeting.

Draft Amendment #34-09-10 – Article II, Definitions:

Add to definition regarding “Kennels”

Existing language: means any activity involving the permanent or temporary keeping or treatment of four or more adult dogs, cats, or any combination of, other than ordinary agricultural activities.

Proposed amended language: Means any activity involving the permanent or temporary keeping or treatment of four or more domestic pets, including adult dogs or cats, or any combination of such animals exceeding three in number, for other than ordinary agricultural activities.

The trustees wanted to know how this would work with sled dogs and they wanted to increase the number to 4 or more domestic pets.

Estelle DeVooght, Moved, Ken Tabor, Seconded, to recommend to the Township Board for approval at their next meeting the “Existing Language listed above stating “means any activity involving the permanent or temporary keeping or treatment of four or more adult dogs, cats, or any combination of, other than ordinary agricultural activities”.

Ayes 5 Nays 0 Motion approved.

Draft Amendment #34-09-13 – Add to Article VI: Add 6.1 after “said structure/s.”

Proposed language:

NOTE: Lots of less than 20 acres, but not less than 5 acres within the AF district prior to the adoption of this Ordinance are legal nonconforming, April 21, 2008.

The trustees wanted to drop the 5 acres and have it read, “lots of less than 20 acres within the AF district prior to the adoption of this Ordinance are legal nonconforming lots.”

Ken Tabor, Moved, Al Denton, Seconded, to recommend to the Township Board for approval at their next meeting the omission of “but not less than 5 acres” from the proposed language listed above.

Ayes 5 Nays 0 Motion approved.

VIII. NEW BUSINESS

A. REZONING REQUEST #144

Jennifer Thum reported that Rezoning Request #144 is a request from Mr. Frank Stabile of 121 Vista Hills Trail, the properties in consideration are parcels #52-02-126-019-040, 52-02-126-019-20, 52-02-126-30. These parcels are where the proposed development and approved private road Vista Hills Drive are located. Mr. Stabile has petitioned the Chocloy Township Planning Commission to rezone the parcels of property from the current zoning classification of AF (Agricultural/Forestry) to PUD (Planned Unit Development). The entire proposed development is approximately 45 acres and the applicant is requesting the rezoning due to only a private road being approved in 2000 and changes to the township zoning map. Ms. Thum reported that the applicant has added some open space, but removed his lot and the two additional rear lots out of the PUD. Which could cause problems in the future. Ms. Thum also had reservation about Lot E, which abuts US 41 and really is not connected to the proposed PUD. Staff still does not feel that this is a typical PUD.

There was much discussion by the Commissioners pertaining to the placement of the easements and the green space. Mr. Stabile and his engineer (Mr. Cambensy) explained a discrepancy of the easement between Lots A and B and stated that the easement will be between Lots D and F.

Al Denton, Moved, Estelle DeVooght, Seconded, that following the review of Rezoning Request #144, the Staff/File Review, and holding a public hearing, the Planning Commission recommends preliminary approval with the following conditions:

1. The applicant will provide a 15 ft buffer along the west side of Lot C, to ensure that the development will not be seen from the road.
2. The applicant will provide an easement between lots D and F.
3. The applicant will increase the open space lot to 3.42 acres.
4. The applicant and engineer will follow the Section 9 and 10.2, for final development requirements and procedures.
5. The applicant creates an agreement for maintenance of the road, for his lot and for any future owners of his home and the back lots.

Ayes 4 Nays 1 (DeVooght) Motion approved.

B. 2010 BUDGET

Jennifer Thum discussed a couple of changes to consider for 2010. First, she would like to move the meetings to the first Monday of the month instead of holding them on the second Monday of the month. The Township Board would like their meeting packets earlier and moving the meeting would allow more time for her to assemble the meeting packets for the Township Board meeting. Second, she would like to know if the Commissioners would be in favor of starting the meeting at 7:00 PM instead of 7:30 PM

The Commissioners agreed to change the meeting to the first Monday of each month beginning in January 2010. The meeting time of 7:30 PM will remain the same for 2010.

Ms. Thum reported the Township is looking at possibly purchasing right-of-way in the future along the highways in our township to make it easier to install bike paths.

Ms. Thum asked the Commissioners for their thoughts on how much money should be budgeted in 2010 for the Marina Park and the Veteran's Park? Please let her know your thoughts by calling or e-mailing her.

Ms. Thum also reported that she is going to budget money for a training class to be held in the Township for the Commissioners in December, 2009 and one sometime in 2010.

Ms. Thum reported she will provide more information and projects for consideration at the September meeting.

IX. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane, stated she is very concerned about the height increase of 1 ½ ft for detached accessory buildings and feels such an increase is unnecessary.

George Kazymowski 741 Lakewood Lane, stated he is building a home and is concerned about the difficulty with trusses pertaining to averaging the height. He stated that if you're working on anything with a grade this will make it even more difficult to determine. He stated that a lot of houses in Michigan have 2-4 steps up to the entrance and removing the word average will create difficulties in the future for 2 story houses.

X. COMMISSIONER'S COMMENT

Estelle DeVooght stated that Rezoning Request #143 and #144 were the messiest plans she's ever seen.

XI. DIRECTOR'S REPORT

Jennifer Thum reported that one of the grants applied for has been denied and she is still waiting to hear on the other one. She also reported that another intern will be starting in September.

Mr. Kinnunen asked about the status of the Gateway Plaza. Ms. Thum reported that McDonald's should be opening soon and she's heard that most of the store fronts are filled.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, July, 2009.
- B. Marquette Township Planning Commission minutes, July 9, 2009.

XIII. ADJOURNMENT

Ken Tabor, Moved, Kendell Milton, Seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 9:20 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, SEPTEMBER 14, 2009**

I. MEETING CALLED TO ORDER AT 7:31 PM/ROLL CALL

Present: Chairman Albert Denton, Ken Tabor, Kendell Milton,
Andy Sikkema, Andy Smith

Excused: Steve Kinnunen, Estelle DeVooght

Staff Present: Jennifer Thum (Planning and Community Development),
Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF AUGUST 10, 2009 MEETING MINUTES

Ken Tabor, Moved, Kendell Milton, Seconded, to approve the August 10, 2009, Planning Commission minutes as written.

Ayes 5. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Ken Tabor, Moved, Andy Sikkema, Seconded, to approve the agenda as written for the September 14, 2009, Chocolay Township Planning Commission meeting.

Ayes 5. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

No public hearings scheduled.

V. PUBLIC COMMENT

No public comment.

VI. PRESENTATION

No presentations scheduled.

VII. OLD BUSINESS

A. PARKS #34-09-02

Agriculture/Forestry (AF); Section 4.7 & 4.4:

The reasoning behind the proposed amendment is that parks were completely omitted from the AF district. In the old zoning ordinance; Parks were a permitted use within the RP district and a conditional use within the RR-2 district.

Proposed Additions:

1. Add to AF Section 4.7 (C) 12. *Parks*
2. Add to WFR Section 4.4 (C) *Parks*

Ms. Thum reported the Township Board wanted the Planning Commission to look at

setting a minimum lot size for a park in the AF and WFR districts.
Discussion ensued pertaining to including a definition of parks. The Commissioners felt that a definition should be developed to better define the amendment.

Andy Sikkema, Moved, Ken Tabor, Seconded, to table this until the October 12, 2009 meeting so a draft definition for Parks can be created for review.

Ayes 5. Nays 0. Motion approved to table until the October meeting.

B. MFR LOT SIZE AND WIDTH #34-09-05

Draft Amendment #34-09-05 – Height and Placement Regulations; Section 6.1:
(Schedule of Regulations)

Existing language:

	District	Minimum Lot Size	Minimum Lot Width
1.	MFR	20 Acres	None

Proposed amended language:

1.	MFR	2 Acres	200 feet
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Ms. Thum reported that in the MFR, Multiple Family Residential District, the minimum distance between any two buildings on the same site shall be regulated according to the length and height of such buildings. The formula regulating the required minimum distance between the two buildings is as follows:

$$S=La + Lb + 2 (Ha + Hb) /6$$

Where:

S=Required minimum horizontal distance between any wall of Building “A” and any wall of Building “B” or the vertical prolongation of either.

La=Total length of Building “A”. [The total length of Building “A” is the length of that portion or portions of a wall or walls of Building “A” from which, when viewed directly from above, lines drawn perpendicular to Building “A” will intersect any wall of Building “B”.]

Lb=The total length of Building “B” [the total length of Building “B” is the length of that portion or portions of a wall or walls of Building “B” from which when viewed directly from above, lines drawn perpendicular to Building “B” will intersect Building “A”.]

Ha=Height of Building “A” [the height of Building “A” at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building “A”. Natural grade levels shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.]

Andy Sikkema, Moved, Ken Tabor Seconded, to recommend the proposed Draft Amendment #34-09-05 – Height and Placement Regulations as written to the Township Board for approval at their next meeting.

Ayes 5. Nays 0.

C. WOOD BOILER ZONING AMENDMENT #34-09-06

****REVISED****

Ms. Thum provided a revised draft amendment #34-09-06, Outdoor Wood Burners/Furnaces and Appliances; Section 6.5: (Conditions of Approval), Section 6.5 (A) and (B) 1.b.

Proposed amended language: (conditions for approval)

- I. Chimney Heights/Setbacks
 - a. If the outdoor wood burner/furnace or other wood appliance meets the Phase I EPA standards, the outdoor wood burner/furnace or other wood appliance shall be located within 300 feet of the nearest residential dwelling must have a chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling.
 - b. If the outdoor wood burner/furnace or other wood appliance meets the Phase II EPA standards, a setback of 50 feet must be met from all lot/property lines, easements, and right-of-ways. The outdoor wood burner/furnace or other wood appliance shall be located at least 200 feet from the nearest residential dwelling not served by the wood appliance. There are no chimney height requirements for a Phase II outdoor wood burner/furnace or other wood appliance.
 - c. If there is an existing outdoor wood burner/furnace or other wood appliance already installed and there is new construction on a previous vacant lot of a residence not served by the outdoor wood burner/furnace or vacant lot of a resident not served by the outdoor wood burner/furnace or other wood boiler within 200 feet of such wood appliance then the owner of such wood appliance shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from Chocolay Township.

- II. OWB Regulations:
 - a. No fuel other than natural wood without additives, wood pellets without additives, coal and agricultural seeds in their natural state may be burned;
 - 1) The following fuels are strictly prohibited in new or existing Outdoor Wood burner/furnaces or other wood appliance:
 - i. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - ii. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - iii. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - iv. Rubber, including tires or other synthetic rubber-like products.
 - v. Newspaper, cardboard, or any paper with ink or dye products.
 - vi. Any other items not specifically allowed by the manufacturer or this provision.

- b. Outdoor wood burner/furnace or other wood appliance shall not be located in the front yard;
- c. Granting of a zoning compliance permit, constitutes an agreement between the landowner and Chocolay Township, that the zoning administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with conditions;
- d. "Best Burn Practices" as issued by the Environmental Protection Agency shall be followed by all applicants utilizing outdoor wood boilers.
- e. No Outdoor Wood burner/furnace, regardless of the date of installation, is allowed to operate when conditions cause visible smoke plum to cross onto adjacent owner's land and buildings for 12 minutes or more in any hour. Sending smoke on adjacent land or buildings for 12 minutes or more is a nuisance and a violation of the regulation.
- f. Outdoor wood burner/furnace or other wood appliances may only be used from September 1 to May 31 each year.
- g. All outdoor wood-fired boilers shall be equipped with properly functioning spark arrestors.

III. Commercial Outdoor Wood Burner/Furnace or other wood appliance with a rated thermal output greater than 350,000 Btu/hr Analysis Requirement

- a. Any person intending to install or operate a commercial outdoor wood burner/furnace or other wood appliance that has a rated thermal output greater than 350,000 Btu/hr shall obtain an evaluation report and installation recommendations performed by a licensed professional engineer that includes the following information:
 - b. What type of application will the outdoor wood boiler/furnace or other wood appliance be used for;
 - c. A determination of the heat load requirements of the facility as compared to the available heat supply of the outdoor wood boiler to ensure the unit is properly sized.
 - d. The stack location relative to the property lines and building locations within 400 feet of the outdoor wood boiler;
 - e. The stack height; and
 - f. Recommendations for the proper outdoor wood boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler/furnace or other wood appliance, stack height and location.

Andy Smith reported that he received more information today that should be reviewed and possibly incorporated into the proposed draft amendment. Mr. Smith and Jennifer Thum will work to revise this amendment again and review it at the October meeting.

Al Denton, Moved, Ken Tabor, Seconded, to table this until the next meeting so additional revisions can be made for review.

Ayes 5. Nays 0. Motion approved to table this until the next meeting.

VIII. NEW BUSINESS

A. PLANNING COMMISSION CALENDAR 2010

Jennifer Thum provided the proposed 2010 Planning Commission calendar dates for review and approval. The Commissioners pointed out that September 4th is a Saturday and should be changed to September 6, 2010 and December 1st should be changed to

December 6th, 2010. After these corrections are made, the Planning Commissioners in attendance unanimously approved the 2010 calendar.

Ayes 5 Nays 0

B. 2010 BUDGET

Ms. Thum reported that the proposed 2010 budget for the Planning Commission and the proposed park at the Township Marina was provided for review in the meeting packet. The Planning Commission members in attendance unanimously approved the 2010 budget as written for the Planning Commission and the proposed Township Marina.

Ayes 5 Nays 0

C. LAKENENLAND

Ms. Thum reported that recently an issue was brought to the Township Board's attention that needs to be addressed by the Planning Commission as to what the next step should be. Earlier this year, Mr. Lakenen constructed a band shell on his property without the necessary permits. The County was after Mr. Lakenen and he was required to get a permit. The Township's zoning administrator issued Mr. Lakenen a zoning compliance permit, but Lakenen Land is considered a park and the property is currently zoned AF. As of today, our ordinance does not allow for parks in the AF district, so the permit should not have been issued. However, there is a proposed amendment to permit parks in the AF district. The Township Board does know about the permit being issued and wanted to get feedback from the Planning Commission on what our next step should be. The next step could be to revoke the permit until parks are allowed in the AF district or to do nothing and wait until the proposed amendment gets approved.

After much discussion by the Commissioners, a unanimous decision was made to table this until a definition for "Parks" is developed and approved by the Township Board.

Ayes 5 Nays 0

D. JUNK CAR ORDINANCE

Ms. Thum reported that over the years, we have seen our current Vehicle and Trailers Parking Ordinance (junk car ordinance) fail at protecting some neighborhoods from the blight of junk cars. The current ordinance is not stringent enough to deal with our current junk car problems; it also does not address Recreational Vehicles. The Township is seeing an increase in the number of RVs that are being parked in the front yard. Staff would like to address some of the problems that we are having by reverting back to Vehicle and Trailers Parking, #46, with new language concerning the Recreational Vehicles. At this time, staff is asking for you to review the propose changes and then hold a public hearing next month.

Al Denton, Moved, Andy Smith, Seconded, to hold a public hearing at the October 12, 2009 Planning Commission meeting to discuss the Vehicle and Trailers Parking Ordinance.

Ayes 5 Nays 0 Motion approved.

E. FIRE HALL LOCATION

Ms. Thum provided a map in the meeting packet indicating the proposed location for the new Fire Hall. The proposed site for the Fire Hall is located on two parcels with a total of 7.06 acres. The smaller .46 acre parcel is intended to serve as access to Silver Creek Road and the larger 6.60 acre parcel indented to house the fire hall. Please review the location for its appropriateness for response time, and highest and best use.

The proposed site is currently wooded and used for hiking trails with evidence of four wheeler usage as well. The property is currently zoned Municipal Properties with Fire Stations listed as a permitted principal use. On two separate occasions, staff submitted applications to expand and improve the trail system in this area with a MNRTF grant, but were not successful.

The Commissioners discussed at length constructing a new Fire Hall at a new location and stated they would rather see the current Fire Hall demolished and a new one reconstructed on the same site. The Commissioners felt that the current site is more accessible to US 41, which they felt was important as most fires happen to the south and east. They also felt that having the fire engines go through a residential area is not a good idea.

Staff will work out the details with the Township Fire Department to ensure they are satisfied with the location for their new fire hall as well.

Al Denton, Motioned, Ken Tabor, Seconded to deny moving the proposed new Fire Hall to parcels #52-02-106-038-00 and #52-02-107-059-00.

Ayes 5 Nays 0 Motion approved.

F. TOWNSHIP PROPERTIES

Ms. Thum reported that she included maps in the meeting packet showing the Township owned properties. The Township Board would like the Planning Commission to review all Township owned properties to see if they are still a valuable asset to the Township, and if we are using them to meet the needs of our residents. Ms. Thum requested that the Planning Commission review one property per month so we can work on a full review and put together a detailed report for the Township Board.

After discussion the Commissioners approved the reviewing of the Township Properties with the Beaver Grove properties (#52-02-116-011-10 and #52-02-116-020-10) to be reviewed at the October 12, 2009 meeting.

Ayes 5 Nays 0 Motion approved.

IX. PUBLIC COMMENT

Waynes Dees, 512 Woodvale Drive, stated that he will put his thoughts from the meeting into writing and send it Jennifer Thum. Mr. Dees' did state that having a conditional use for parks is a good idea so the Township will have some control over the operations of and in parks within the Township.

X. COMMISSIONER'S COMMENT

Andy Smith stated that he hopes to finish up the Outdoor Wood Furnaces/Boilers Draft Ordinance with the proposed changes to be reviewed at the next meeting.

Andy Sikkema that the bike trail crossing M-28 is almost completed and the projected tunnel is coming along.

XI. DIRECTOR'S REPORT

Ms. Thum reported that she is 3 months pregnant and her tentative due date is April of 2010. Tom Murray will fill in for her during her maternity leave. Ms. Thum also reported that the Township is looking at hiring a manager to handle the Planning and Zoning, which may result in a couple of Township positions being eliminated.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, August, 2009
- B. County Planning Commission Reviews

XIII. ADJOURNMENT

Ken Tabor, Moved, Kendell Milton, Seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 9:03 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, OCTOBER 12, 2009**

I. MEETING CALLED TO ORDER AT 7:31 PM/ROLL CALL

Present: Chairman Albert Denton, Ken Tabor, Kendell Milton,
Andy Sikkema, Andy Smith, Estelle DeVooght

Excused: Steve Kinnunen

Staff Present: Jennifer Thum (Planning and Community Development),
Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF SEPTEMBER 14, 2009 MEETING MINUTES

Andy Sikkema, Moved, Al Denton, Seconded, to approve the September 14, 2009, Planning Commission minutes after corrections on page 6, VIII) A) change September 6, 2010 Planning Commission Calendar meeting date to September 7, 2010 and on page 9, IX) Public Comment correct Ms. Dees' to Mr. Dees'.

Ayes 6 Nays 0 Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Estelle DeVooght, Moved, Andy Sikkema, Seconded, to approve the agenda as written for the October 12, 2009, Chocolay Township Planning Commission meeting.

Ayes 6 Nays 0 Motion approved.

IV. PUBLIC HEARINGS

A. REZONING #144

Tyler Lemire for Kurt Spodeck, 106 West Branch Road, stated that Mr. Spodeck submitted a letter dated June 11 2009 expressing his opposition to the rezoning of this planned development. Mr. Spodeck feels that this type of development should not be done in the Agricultural/Farming district. Mr. Lemire stated that there is the possibility of sewage problems from the houses in this development as each parcel will have its own septic system and feels this type of development does not fit into the area.

Dick Arnold, 312 Co. Road 545, stated that he is in favor of this development and feels it would be a nice addition to the area. Mr. Arnold stated that Mr. Spodeck is operating a business in an area that is zoned rural residential.

B. VEHICLES, TRAILER PARKING, AND STORAGE ORDINANCE

No public comment.

V. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane, inquired if there will be a vote on the height of accessory buildings tonight? She would like to state that she opposes any increase in the current height of accessory buildings and is questioning why the change is needed. She feels that the reason the City of Marquette is increasing their height requirement is to encourage the building of mother-in-laws home within the city, which are not permitted in the Township of Chocolay.

Wayne Dees, 512 Wooddale Drive, stated he feels this is unnecessary and doesn't know why it should go through.

VI. PRESENTATION

No presentations scheduled.

VII. OLD BUSINESS

A. HEIGHT FOR ACCESSORY STRUCTURES, #34-09-17

Ms. Thum reported that at the September 21, 2009 Township Board meeting, the trustees thought the idea of increasing the height of the detached accessory structures was worth exploring. However, they wanted to see some language that did not permit the accessory structure to be taller than the primary residential structure. If you recall at the August 10, 2009 Planning Commission meeting, a public hearing was held to discuss increasing the overall height limit of a detached accessory structure.

Responding to concerns from Gary Niemela of Skandia Truss, the Planning Commission was asked to review the current height limit for detached accessory structures. Section 6.1 in the definition section of the Zoning Ordinance currently permit a height of 15'. This height is measured from the average grade of the area covered by the building to the midpoint between the eave and the peak of the structure. Attached garages or accessory structure are regulated by height restriction of the residence. As per Mr. Niemela, the "Attic Truss" that his company produces exceeds the current height restriction and is not legally marketable in our township. From a planning standpoint, our concern is the protection of neighboring property and to ensure that these structures remain at a scale which is accessory to the main structure. This was the reason that staff was asked by the Planning Commissioners to come up with a formula for buildings over 15 ft, so they would not have an impact on the neighboring properties grass/gardens. On September 14, 2009, the commission accepted staff's formula and made a motion to increase the height to 16'6" for a detached accessory structure. The recommended changes are as follows:

R1 District – Side and rear yard setbacks for accessory structures must be increased 2' for every foot over 15'.

R-2 District – Side and rear yard setbacks for accessory structures must be increased 3' for every foot over 15'.

Staff would now like to add language in the motion that states that the detached accessory structure shall not be higher than the primary structure. Staff believes the suggested language bellows covers the trustees concerns with regards to the detached building being taller than the primary one. Also, staff would like to try to put a stop to anyone thinking that they can occupy the detached building and staff added a sentence addressing that.

Estelle DeVooght, Moved, Andy Smith, Seconded, to recommend to the Chocolay Township Board to approve zoning amendment #34-09-17 to raise the maximum height of a detached accessory structure to 16'6". The overall height of the detached accessory structure shall not exceed the height of the principal residence on the property. Detached accessory structures shall not be occupied for dwelling purposes. In order to prevent blocking any sun, the following formula will be attached to any building with a height over 15 ft.

R-1 District – Side and rear yard setbacks for accessory structures must be increased 2'

for every foot over 15’.

R-2 District (Harvey) – Side and rear yard setbacks for accessory structures must be increased 3’ for every foot over 15’.

Ayes 4 Nays 2 Motion approved. (opposed Andy Sikkema, Ken Tabor)

B. PROPOSED ZONING AMENDMENT #34-09-09, DEFINITION AND ACREAGE

Ms. Thum reported that at last month’s meeting, the Planning Commission discussed parks and the Lakenenland property. Listed below is an updated version of an updated definition of a park that staff and Mr. Andy Sikkema worked on:

Draft Amendment #34-09-09

This proposed zoning amendment is being recommended because the definition of parks was not in the ordinance; therefore, this is a recommendation for consideration to the Planning Commission to include Parks within the definition section of the zoning ordinance.

1. Article II, Definitions:

Add to definitions “Park”

Proposed definition:

Park, a publically owned parcel of land, as:

- A. Maintained for recreational and ornamental purposes.
- B. A landscaped Township square.
- C. A large tract of rural land kept in its natural state and usually reserved for the enjoyment and recreation of visitors.
- D. Protected area in its natural or semi-natural state that may consist of rocks, soil, water, flora, fauna and grass areas.
- E. A place where people can hold public festivals/events.

The Township Supervisor would like the Planning Commission to make a decision on how to handle the permit that was issued for the band shell at Lakenenland. We can leave the permit sit, as parks will be added into the AF districts shortly (as a conditional use permit) or we can revoke it and then have him apply for a band shell under a CUP permit.

The previous definition for parks is as follows:

“Park, a noncommercial, not-for-profit, parcel of land, with or without a structure, designed to serve the recreational needs of the residents, including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

After much discussion pertaining to publically owned parks and privately owned parks Ken Tabor Moved, Estelle DeVooght, Seconded to table amendment #34-09-09 until November so more research can be done.

Ayes 6 Nays 0 Motion approved to table this until the next meeting.

C. WOOD BOILER ZONING AMENDMENT #34-09-06

Ms. Thum reported that at the last Planning Commission meeting there was more discussion on the wood boiler ordinance. Mr. Andy Smith submitted some suggested changes. Staff feel there should still be an acreage requirement for wood boilers and believe that 5 acres should stay in place.

****REVISED****

Ms. Thum provided a revised draft amendment #34-09-06, Outdoor Wood Burners/Furnaces and Appliances; Section 6.5: (Conditions of Approval), Section 6.5 (A) and (B) 1.b.

Proposed amended language: (conditions for approval)

- I. Chimney Heights/Setbacks
 - a. If the outdoor wood burner/furnace or other wood appliance meets the Phase I EPA standards, the outdoor wood burner/furnace or other wood appliance shall be located within 300 feet of the nearest residential dwelling must have a chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling.
 - b. If the outdoor wood burner/furnace or other wood appliance meets the Phase II EPA standards, a setback of 50 feet must be met from all lot/property lines. The outdoor wood burner/furnace or other wood appliance shall be located at least 75 feet from the nearest residential dwelling not served by the wood appliance. There are no chimney height requirements for a Phase II outdoor wood burner/furnace or other wood appliance.
 - c. If there is an existing outdoor wood burner/furnace or other wood appliance already installed and there is new construction on a previous vacant lot of a residence not served by the outdoor wood burner/furnace or vacant lot of a resident not served by the outdoor wood burner/furnace or other wood boiler within 75 feet of such wood appliance then the owner of such wood appliance shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from Chocolay Township.
 - d. If there is an existing outdoor wood burner/furnace or other wood appliance already installed and there is new construction on a previous vacant lot of a residence not served by the outdoor wood burner/furnace or other wood boiler within 200 ft. of such wood appliance then the owner of such wood appliance shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from Chocolay Township.
- II. Outdoor Wood Burner/Furnace Regulations:
 - a. No fuel other than natural wood without additives, wood pellets without additives, coal and agricultural seeds in their natural state may be burned;
 - 1) The following fuels are strictly prohibited in new or existing Outdoor Wood burner/furnaces or other wood appliance:
 - i. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.

- ii. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - iii. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - iv. Rubber, including tires or other synthetic rubber-like products.
 - v. Newspaper, cardboard, or any paper with ink or dye products.
 - vi. Any other items not specifically allowed by the manufacturer or this provision.
- b. Outdoor wood burner/furnace or other wood appliance shall not be located in the front yard;
 - c. Granting of a zoning compliance permit, constitutes an agreement between the landowner and Chocoley Township, that the zoning administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with conditions;
 - d. “Best Burn Practices” as issued by the Environmental Protection Agency shall be followed by all applicants utilizing outdoor wood boilers.
 - e. No Outdoor Wood burner/furnace, regardless of the date of installation, is allowed to operate when conditions cause visible smoke plum to cross onto adjacent owner’s land and buildings for 12 minutes or more in any hour. Sending smoke on adjacent land or buildings for 12 minutes or more is a nuisance and a violation of the regulation.
 - f. Outdoor wood burner/furnace or other wood appliances may only be used from September 1 to May 31 each year.
 - g. All outdoor wood-fired boilers shall be equipped with properly functioning spark arrestors.

III. Commercial Outdoor Wood Burner/Furnace or other wood appliance with a rated thermal output greater than 350,000 Btu/hr Analysis Requirement

- a. Any person intending to install or operate a commercial outdoor wood burner/furnace or other wood appliance that has a rated thermal output greater than 350,000 Btu/hr shall obtain an evaluation report and installation recommendations performed by a licensed professional engineer that includes the following information:
- b. What type of application will the outdoor wood boiler/furnace or other wood appliance be used for;
- c. A determination of the heat load requirements of the facility as compared to the available heat supply of the outdoor wood boiler to ensure the unit is properly sized.
- d. The stack location relative to the property lines and building locations within 400 feet of the outdoor wood boiler;
- e. The stack height; and
- f. Recommendations for the proper outdoor wood boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler/furnace or other wood appliance, stack height and location.

Kendell Milton, Moved, Ken Tabor, Seconded, to recommend to the Township Board for approval at their next meeting.

Ayes 6 Nays 0 Motion approved.

VIII. NEW BUSINESS

A. REZONING #144

Jennifer Thum reported that Rezoning Request #144 is a request from Mr. Frank Stabile of 121 Vista Hills Drive. The properties in consideration are parcels #52-02-126-019-040, #52-01-126-019-20, and #52-02-019-126-30. These parcels are where the proposed development and approved private road Vista Hills Drive are located. Mr. Stabile has petitioned the Chocolay Township Planning Commission to rezoning the parcels of property from the current zoning classification of AF (Agricultural/Forestry) to PUD (Planned Unit Development). The Planning Commission held a public hearing on August 10, 2009 for the preliminary review. The Commissioners voted to grant Preliminary approval to the applicant at that meeting with a vote of 4 to 1.

The Township Board voted on September 14, 2009 to give the applicant Preliminary approval as well. Staff has received the required information from the County Planning Commission; they were not in favor of this PUD development. The applicant has met all of the required conditions that were placed on him as part of the preliminary approval. Staff would still like to add some language to ensure that the Eastern lots cannot use Vista Hills Drive or the driveway off lot F, since they were removed from this PUD application.

Staff still feels that more open space should be required, and that Mr. Stables lot’s should be included in the entire PUD. However, staff understands that the applicant’s intent since 2002 was develop this land, and one can see that from looking at the plans that went along with the private road application.

Al Denton, Moved, Kendell Milton, Seconded, that following the review of Rezoning Request #144, the Staff/Review, holding a public hearing, and receiving preliminary approval from both the Planning Commission and the Township Board recommends Final approval with the following conditions.

1. The 3.42 acres of open space and the various easements and 15’ buffers shall be recorded with the Marquette County Register of Deeds.
2. The eastern lots if ever developed shall not be allowed access to Vista Hills Trail, the applicant would have to go through the PUD process again to see if the lots would be allowed to use either Vista Hills Trail or the driveway to Lot F.
3. The applicant must obtain all local and county permits that are required before construction.

Ayes 4. Nays 2. Motion approved. (Opposed Estelle DeVooght, Ken Tabor)

B. VEHICLE AND TRAILER PARKING AND STORAGE (JUNK CARS) ORDINANCE

Ms. Thum reported that staff feels the current vehicle/trailer parking and storage ordinance is too lax and leaves staff unable to enforce junk car ordinance violations. Staff have done several site inspections on known problem places and the current ordinance does not allow us to do anything about them. The current ordinance does not place regulations on RV’s, which is becoming a problem in the Township. The Township is also having problems with people allowing their kids or friends to park either their commercial vehicle or a car for sale on their lot. The proposed ordinance would allow the Township to be able to clean up this problem. (See attached).

The Planning Commission members provided approval to continue work on the Vehicle and Trailer Parking and Storage (Junk Cars) Ordinance.

Ayes 6 Nays 0 Motion carried

C. 2009/2010 ROAD RANKINGS

Ms. Thum reported the Township last completed road evaluations/rankings in October, 2007. The Township’s road resurfacing project has been underway for two years. The Township was able to get all of the roads in Harvey resurfaced, and Jean, Juliet, Judy, and Veda in those two years. With the 2010 budget looking at the next road resurfacing project to start up next Spring, we need to prioritize our next road projects. For the first year of the road resurfacing project the Township worked with the road commission. The following year, the Township went out for bids and the bid was awarded to Superior Paving. They finished up a couple of weeks ago, and it appears that they came in under budget. The roads look great and we have had no complaints.

Attached is a spreadsheet detailing the roads that we identified through field inspection that should be prioritized for resurfacing. The roads that have recently been resurfaced are at the bottom and shaded in gray. Also, attached are out field notes regarding all roads that have some significant problems that need to be addressed. The Township staff have ranked the roads according to the Township’s road ranking system. The Planning Commission should review these rankings to determine your recommendation (ranking) to the board.

Ken Tabor, Moved, Al Denton, Seconded to recommend to the Township Board approval of the Road Ranking List that staff and the Planning Commission have agreed to.

Ayes 6 Nays 0

D. BEAVER GROVE RECREATION AREA ANALYSIS

Ms. Thum reported local parks not only serve a recreational purpose, but they also enhance the quality of life for the communities. Each month staff will give an overview of the Township properties and the Planning Commission is to decide if the property is being used to serve our residents. Local parks focus on recreational activities that are generally more intensive and often require highly developed infrastructure (e.g., ball fields, golf courses, and swimming pools), though many local parks also preserve important land and water resources. In reviewing the properties, please look at the neighboring residential development and see if that park fits their needs. The Township is almost all residential and the more places we can offer to them to enjoy locally the better.

Beaver Grove Recreation Area (BGRA):

LOCATION: West of US 41 and north of County Road 480 and is accessible from either road.

SIZE: This is a combination of two parcels making up a 29.1 recreation site.

ZONING: MP

SCHOOL: None.

OBSERVATION: Facilities at this site consist of a baseball field, basketball court, pavilion, tot-lot playground, horseshoe courts, picnic facilities, multi-use open space, hiking trails, parking and restrooms. The Township comprehensive plan states that there are access sites to Big Creek, with fishing opportunities. Staff is not sure if this is

still there. This is done on 15.11 acres; the other 14 acres are leased for agricultural purposes.

IMPLEMENTATION

STRATEGIES: Staff has looked at developing a community garden on the 14 acres that we currently lease for agricultural. There are several community gardens in the Upper Peninsula, one is in Escanaba. Commissioner Sikkema also mentioned that this might be a good spot for a community garden. A question pertaining to a community garden will be put on the upcoming survey that will be sent out to the residents of the Township of Chocoday.

Ayes 6 Nays 0 Motion approved.

IX. PUBLIC COMMENT

Wayne Dees, 512 Woodvale, inquired if staff received his comments from the last meeting.

X. COMMISSIONER'S COMMENT

Ken Tabor inquired about the new flashing sign at the Holiday Station on US 41. Jennifer Thum stated she asked the Zoning Administrator about it and was told the sign is legal.

XI. DIRECTOR'S REPORT

Jennifer Thum reported staff is looking at the budgeting for the proposed new manager position. Ms. Thum also stated that the State revenue sharing was decreased by approximately \$300,000 for the Township, which will have an impact on statutory funds and possibly employee positions.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette Township Planning Commission Minutes, August and September, 2009
- B. Planning and Zoning New, September, 2009

XIII. ADJOURNMENT

Ken Tabor, Moved, Al Denton, Seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 9:33 p.m.

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, NOVEMBER 2, 2009**

I. MEETING CALLED TO ORDER AT 7:30 PM/ROLL CALL

Present: Chairman Albert Denton, Ken Tabor, Kendell Milton,
Andy Sikkema, Andy Smith, Estelle DeVooght, Steve Kinnunen

Excused:

Staff Present: Jennifer Thum (Planning and Community Development),
Laurie Vashaw-Eagle (Recording Secretary)

I. APPROVAL OF OCTOBER 12, 2009 MEETING MINUTES

Estelle DeVooght, Moved, Albert Denton, Seconded, to approve the October 12, 2009, Planning Commission minutes as written.

Ayes 7. Nays 0. Motion approved.

I. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen, Moved, Estelle DeVooght, Seconded, to approve the agenda as written for the November 2, 2009, Chocolay Township Planning Commission meeting.

Ayes 7. Nays 0. Motion approved.

I. PUBLIC HEARINGS

A. CONTINUATION OF VEHICLES AND TRAILER PARKING AND STORAGE ORDINANCE

No comments from the public.

I. PUBLIC COMMENT

No public comment provided.

I. PRESENTATION

No presentations scheduled.

I. OLD BUSINESS

A. PROPOSED ZONING AMENDMENT #34-09-09, DEFINITION AND ACREAGE

Ms. Thum reported that last month the Planning Commission discussed parks and the Lakenenland property. The new definition was discussed by the Planning Commission last month, but Ms. Thum believes nothing was approved. There was discussion about private vs. public parks and the consensus was to leave a park as public. For this month's discussion, Ms. Thum reported she included a couple of examples for a definition of Private Park, in case you would like to include them in the zoning ordinance. A while ago a proposed zoning amendment did go to the Board for a definition of a park, but this can be changed.

The Township Supervisor would like the Planning Commission to come up with a decision on how to handle the permit that was issued for the band shell at Lakenenland. Ms. Thum stated that the Planning Commission can leave the permit sit, as parks will be added into AF districts shortly (as a conditional use permit) or the permit can be revoked and then have Mr. Lakenen apply for a band shell under a CUP permit. The previous definition for parks stated:

“Park, a noncommercial, not-for-profit, parcel of land, with or without a structure, designed to serve the recreational needs of the residents, including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.”

There was much discussion by the Planning Commissioners that the definition for a park is a totally separate issue from the Lakenenland issue. The Commissioners agreed to determine the definition for a park at this meeting and address the Lakenenland issue at a later time.

Andy Sikkema, Motioned, Ken Tabor, Seconded to approve the definition of a public park as listed below:

Park, a publically owned parcel of land, as:

- A. Maintained for recreational and ornamental purposes.
- B. A landscaped Township square.
- C. A large tract of rural land kept in its natural state and usually reserved for the enjoyment and recreation of visitors.
- A. Protected area in its natural or semi-natural state that may consist of rocks, soil, water, flora, fauna and grass areas.
- B. A place where people can hold public festivals/events.

Ayes 7. Nays 0. Motion approved.

A. VEHICLE AND TRAILER PARKING AND STORAGE ORDINANCE

Ms. Thum stated that last month there was discussion about the junk car ordinance. As noted last month, the current ordinance does not place regulations on RV's, which is becoming a problem in our Township. With the proposed ordinance, we are hoping to be able to clean up the Township. Ms. Thum discussed that she would like to have the Planning Commission take time putting this ordinance together. She reported that it has also been sent to the police and Township Attorney for their review.

The Commissioners provided some additional revisions to the ordinance, which Ms. Thum will address. The Commissioners agreed to table this until further input from the Township Attorney and Police are received.

Andy Sikkema, Motioned, Ken Tabor, Seconded, to table this until the next meeting to further review and await Township Attorney and Police Department input.

Ayes 7. Nays 0. Motion approved.

I. NEW BUSINESS

A. BLONDEAU FENCE APPLICATION

Jennifer Thum reported that normally Township Staff can approve a fence permit, but since Blondeau Construction is a commercial use, they have to go before the Planning Commission. Staff contacted Mr. David Blondeau about the fence and he stated the reason he was asking for a permit, was that an individual recently fell off of the retaining wall that the fence would sit on. This incident did involve the State Police, so staff sent a FOIA request to Lansing for a copy of the report. Ms. Thum stated that in her opinion, the report shows justification for the fence. Ms. Thum also stated that staff has no problem with the fence, and does feel that one is needed.

Ken Tabor, Motioned, Al Denton, Seconded, to permit Blondeau Construction to install a 4 ft. high chain link fence located on a block retaining wall, permit #2009-94.

Ayes 7. Nays 0. Motion approved.

B. BROWERS RECREATIONAL AREA

Ms. Thum reported the local parks not only serve a recreational purpose, but they also enhance the quality of life for the communities. Each month staff will give an overview of the Township properties and the Planning Commission is to decide if the property is being used to serve our residents. Local parks focus on recreational activities that are generally more intensive and often require highly developed infrastructure (e.g., ball fields, golf courses, and swimming pools), though many local parks also preserve important land and water resources. When reviewing the properties, please look at the neighboring residential development and see if that park fits their needs. The Township

is almost all residential and the more places we can offer to them to enjoy locally the better.

Browsers Recreation Area

History: In 1999 Don Bower donated this 48 acre parcel of land to the Township with hopes that we could use the land to educate the public about nature. His one request was that it had to be developed for youth by the youth. A local youth resident was seeking his Eagle Scout badge and took on this project. He organized a plan, presented it to the Township Board, and added some additional thought on how to use the property (attached).

Location: 430 Kawbawgam Road (see attached map)

Size: 48 acres

Zoning: MP

School: None

Observation:

Currently the area is used for recreational purposes. There is a gravel parking lot at the site, but we have problems with resident's dumping their brush at this site. Also, there is no signage so Ms. Thum stated she doesn't believe the Township residents know where the site is. Ms. Thum thinks this would be a great spot to get the local kids involved and to add some much needed signage. This area has a rough trail for hiking with minimal nature signage.

Implementation

Strategies: Staff has looked at utilizing this area for cross country skiing.

Ms. Thum requested approval from the Commissioners to contact Northern Michigan University to see if they have any groups interested in working to enhance this recreational area. Ms. Thum also reported that in January, 2010, she will bring some sample mission statements and an inventory sample for the Township parks that are being reviewed. She stated that staff will also be looking at the 2010 budget to see if funds for signage can be obtained for the Township parks as some are not identified and hard to find.

Ayes 7. Nays 0.

C. HOLIDAY GAS STATION SIGN

Ms. Thum reported that as requested by the Commission, she has reviewed Section 18 of the Zoning Ordinance relating to signage and its application to the recently installed signage at the Holiday Gas Station. She also reviewed the sign permit dated July 9th, 2009, attached site plan and supplemental; information submitted with the permit.

Since the question at hand is the color electronic message signage, Ms. Thum will concentrate her reference of the ordinance to the pertinent section. Section 18.9 Sign Illumination states that “No sign except time and temperature and similar signs shall have blinking, flashing, fluttering lights, exposed bulbs or other illuminating devices which have a changing light intensity, heightness of color, or any form of animation or moving device.

With every person you ask, you will get a slightly different opinion, but the generally accepted version of a time and temperature sign is the red LED small lights with the black background that shows a static display the temperature. It is also customary that the date appears as well. Beyond that type of display you have an electronic message center and in this case one with several messages, heightness of color, and changing light intensity.

Andy Sikkema suggested to Ms. Thum to contact the Michigan Department of Transportation to make sure the sign is not in the right-of-way.

I. PUBLIC COMMENT

No public comment provided.

I. COMMISSIONER’S COMMENT

No Commissioner’s comments provided.

I. DIRECTOR’S REPORT

Jennifer Thum reported that in January, 2010, an Intern will be working with the Township who is interested in Planning. Ms. Thum is putting together her 2010 Work Plan and will send the Commissioners a hard copy when she’s finished. The Township has applied for a grant to replace all of the current lights along the highway with LED lights from M-28 to the Township border by Sand River. The grant is for \$63,000. She hopes they’ll hear something by December, 2009 or March, 2010. Ms. Thum also reminded everyone that there will not be a Planning Commission meeting in December. She will send everyone a reminder of the January meeting date in the near future.

I. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Planning and Zoning New, October, 2009

I. ADJOURNMENT

Ken tabor, Moved, Al Denton, Seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 8:27 p.m.

Albert Denton, Chairperson



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on December 7, 2009.

The meeting was cancelled.



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on January 4, 2010.

The meeting was cancelled.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, FEBRUARY 1, 2010**

I. MEETING CALLED TO ORDER AT 7:30PM/ ROLL CALL

Present: Chairman Al Denton, Dr. Ken Tabor, Kendell Milton, Andy Sikkema, Andy Smith, Estelle De Vooght and Vice Chair Steve Kinnunen

Excused:

Staff Present: Jennifer B. Thum, (Planning Director/Zoning Administrator)

II. APPROVAL OF NOVEMBER 2, 2009 MINUTES

Dr. Ken Tabor moved, Andy Sikkema, Seconded, to approve the November 2, 2009 Planning Commission meeting minutes as written.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Chairperson Al Denton stated that there will be two additional items under, VIII New Business, Update on Zoning Issues and MDOT Pedestrian Bridge to the agenda. Steve Kinnunen, moved to add to VIII New Business, F. Update on Zoning Issues and VIII. G. MDOT Pedestrian Bridge to the agenda for discussion, Seconded by Al Denton to approve the agenda for February 1, 2010.

IV. PUBLIC HEARINGS

A. Proposed Zoning Amendment 34-10-01, Section 17.2 of the Township Zoning Ordinance.

No comments from the public.

Ms. Thum stated that changes had to be made to the current Ordinance, since the Planning Director and Zoning Administrator are one position. In the event that the Zoning Administrator is absent for more than five (5) days, the Township Board could appoint someone or the Township Assessor could fill in. It's up to the Planning Commission to decide what wording should be placed in the Ordinance.

V. PUBLIC COMMENT

No public comment was given.

VI. PRESENTATION

No presentations scheduled

VII. OLD BUSINESS

A. Junk Car Ordinance

Ms. Thum reported that over the last couple of months she has been working with the Township Attorney to make sure the language works for both the Township staff and residents. The Planning Commission reviewed the proposed Vehicle Storage and Parking Ordinance and did not have any changes to it as of yet. Andy Sikkema and Steve Kinnunen stressed that we should not do anything further until the Police Department had submitted their suggestions. They would like for the Police Department to review and then they will look it over one final time, before sending it the County and then the Township Board.

Steve Kinnunen, Motioned to table this item until the Police Department can review it Ken Tabor, Seconded to table this item until the Police Department can review it.

VIII. NEW BUSINESS

A. Proposed Section 17.2 of the Township Zoning Ordinance

Ms. Thum went over the background of the Township Zoning Ordinance and that it states that the Township Zoning Administrator shall be appointed by the Township Board. The current Zoning Ordinance in Section 17.2 provides for the Planning Director to be allowed to issue Zoning Compliance Permits in the event that the Zoning Administrator is absent for a period of five (5) consecutive business days due to illnesses, vacation, etc.

Ms. Thum stated that at the beginning of this year she took over the responsibilities of Zoning Administrator and, therefore, that section in the Ordinance will need to be changed. Ms. Thum stated that either the language could read the Township Board could appoint someone or, the language could just state that Township Assessor would be able to assume the duties of the Zoning Administrator when she would be absent for those five (5) days.

Ms. Thum went over the procedure and the next step to adopting this amendment change.

Al Denton, Motioned, Ken Tabor, Supported to approve the language stating that in the event that the Zoning Administrator is absent from work for a period of more than five (5) consecutive days due to illness, vacation, or for any other reason, the authority to issue a Zoning Compliance Permit in accordance shall devolve upon the Township Assessor and the duties shall remain with the Township Assessor for the duration of such vacancy or absence.

B. TOP PRIORITIES FOR 2010

Ms. Thum stated that this is the same thing that they did last year. The Planning Commission needs to choose a couple of items that they can focus on for 2010.

Ms. Thum stated some of her thoughts for 2010 were:

- Park at Township Marina
- MDOT Enhancement Grant
- Township Comprehensive Plan Update
- Recreational Plan Update

The Commissioners discussed a couple of other items and felt that updating the Township Sign Ordinance should be on the list and doing something with the Bowler property as well.

Steve Kinnuen stated that the Sign Ordinance revision should be the top priority for right now and that it needs to get on the next Planning Commission Agenda.

Al Denton inquired about the Bowler property and if we could donate it to NMU.

Ms. Thum explained that she believed that, according to the agreement, the Township has to retain it, but the site is supposed to be something that the Township kids can utilize.

Ms. Thum stated that she did contact a Biology Professor at NMU (also a Chocolaty Township resident) and was stated that she would pass on the information to the Biology Department Head. As of the meeting, Ms. Thum has not heard from the Department Head.

The List of the Planning Commission Top Priorities are as follows and in no particular order:

1. Township Recreational Plan update
2. Township Comprehensive Plan update
3. Review all the Township properties.
4. Sign Ordinance
5. MDOT Enhancement Grant
6. Brower Property
7. Intersection at US 41/ M-28 (landscaping)

C. COMPREHENSIVE PLAN UPDATE

Ms. Thum went over the proposed work plan and stated that there could be some possible changes. She will work on a couple of dates for community work sessions for our next meeting. She asked for a couple of individuals on the Planning Commission that might be interested in serving on the Sub-Committee.

Estelle DeVooght stated that she would be interested, and so did Andy Sikkema. Ms. Thum stated that the Township Board will probably suggest Dr. Ken Tabor, but she is not sure. Ms. Thum stated that she does have commitments from a couple of the residents who would sit on the Sub-Committee.

The Planning Commission approved the Township Comprehensive Work Plan Update.

D. NOISE ORDINANCE

Ms. Thum explained that she received a phone call from Dr. Scott Emerson stating that he had concerns about the “jake brakes” use in our Township. Al Denton explained what “jake brakes” were and went over how the only community in Marquette County that regulated them was the City of Negaunee. Andy Sikkema explained that the State of Michigan can not regulate their use on any State owned road which would be US 41 and M-28. The Township could look at doing something for Cherry Creek Road. Andy Smith stated that he advises his guys not to use them. The other Commissions agreed that revising the noise ordinance to not allow “jake brakes” was not necessary at this time.

D. POSSIBLE ZONING AMENDMENTS

Ms. Thum explained that she was speaking with a local realtor concerning the old Bell Hospital in Harvey. Under the new Township Ordinance, medical centers are not listed as a Conditional Use for the R-2 (Harvey) District. Ms. Thum also thought the Planning Commission could review adding a couple of additional items to that list. The Commissioners asked about the number of amendments. Ms. Thum stated that we might have some more down the road. She is going to try and go over the Ordinance page by page and compare it to the old one to see what else was left out.

Steve Kinnunen, Motioned, Ken Tabor, Seconded, to hold a public hearing next month to update Section IV, Zoning District Regulations, Permitted and Conditional Uses to see if additional language is needed.

D. UPDATE ON ALL OUTSTANDING ISSUES

Ms. Thum explained that she was asked to discuss with the Planning Commission and the Zoning Board of Appeals several issues in the Township that were raised by both Trustee Maki and the Township Board. Ms. Thum went down the list and the Planning Commission responded to each one.

D. MDOT PEDESTRAIN TUNNEL

Ms. Thum explained that she was contacted by Al Anderson from MDOT concerning a possible change to the tunnel design. A spokesperson from UP Concrete and Pipe went over the possible changes to the tunnel. Andy Sikkema also made comments about the proposed changes. He was concerned with the sidewalk and it would not be narrower due to the change in the headwall. Ms. Thum also stated that was her concern as well.

Andy Sikkema, Motioned, Al Denton, Seconded to let staff work with Al Anderson from MDOT concerning the tunnel and there would be no need for this project to go back to the Townships.

IX. PUBLIC COMMENT

No public comment provided

X. COMMISSIONER'S COMMENT

Steve Kinnuen mentioned that we really do need to do something about the signs. The other Commissioners felt that we should look at technology and how it's going to affect our sign ordinance.

Al Denton mentioned that he would be retiring from the Planning Commission in April due to personal reasons.

XI DIRECTOR'S REPORT

Ms. Thum talked about the County notice of working on the Zoning Chapter of the Marquette County Comprehensive Plan.

More discussion about the Brower property.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette Township Planning Commission Minutes, December 14, 2009 and December 16, 2009.
- B. City of Marquette Planning Commission Minutes, December 15, 2009
- C. Planning and Zoning News, January 2010

XI. ADJOURNMENT

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, MARCH, 1, 2010**

I. Meeting Called to Order at 7:30pm/Roll Call

Present: Chairman Al Denton, Andy Sikkema, Kendell Milton, Estelle De Vooght

Absent – Excused, Dr. Ken Tabor, Steve Kinnunen
Unexcused: Andy Smith

Staff Present: Jennifer B. Thum, Planner/Zoning Administrator

I. Approval of February 1, 2010 Minutes

Estelle De Vooght moved, Andy Sikkema, Seconded, to approve the February 1, 2010 Planning Commission meeting minutes. Andy Sikkema stated that on pages 4 and 5 Brower property was spelled incorrectly. Staff will make the corrections.

I. Additional items/approval of Agenda

Kendell Milton moved, Andy Sikkema, Seconded to approve the March 1, 2010 Planning Commission Agenda as presented.

I. Public Hearings

A. Proposed Zoning Amendment 34-10-02, Section IV. Zoning Districts

Jennifer Thum, Planner/Zoning Administrator explained what the proposed zoning amendment was for. The background to the proposed Zoning Amendment was that under the old Zoning District, R-3, nursing homes and medical clinics were a conditional use. When the Township updated our Zoning Ordinance in 2008, those uses were omitted from the Conditional Use section. The Township needs to explore adding those uses back in and might want to explore Veterinary Clinics and General Office as potential Conditional Uses as well.

No Public Comment was made.

A. Proposed Sign Ordinance

Jennifer Thum, Planner/Zoning Administrator explained that after past discussion about the current Sign Ordinance, Section 18 in the Township Zoning Ordinance, staff and the PC decided that it should be updated. Staff worked on a new Sign Ordinance, one that includes definitions, and permit, violation and appeal process. Ms. Thum went over that this Ordinance update will take a while, as she wants to discuss it with various groups in Chocolay Township.

No Public Comment

Public Hearing was closed for both items.

I. Public Comment

No Public Comment

I. Presentations

None were scheduled

VII. Old Business

None

I. New Business

A. Proposed Zoning Amendment #34-10-02, Section IV of the Township Zoning Ordinance.

REASON FOR PROPOSED AMENDMENT

This proposed zoning amendment is being recommended because the language concerning nursing homes and clinics was intended, but inadvertently left out of the new Zoning Ordinance.

IV. Zoning District Regulations

BACKGROUND

Add to Zoning District, High Density Residential District (R-2) (Harvey), as a Conditional Use Permit the following;

- #8 Nursing Homes
- #9 Clinics, medical and veterinary
- #10 General offices

Estelle De Vooght questioned if a Veterinary Clinic would be compatible with a Residential District.

Kendell Milton questioned if the dogs would be too noisy or if they would be kenneled outside.

Sikkema was wondering if we needed to explore definitions for a veterinary clinic and go from there.

Al Denton was thinking that nursing homes require a large building and decent amount of parking.

The Planning Commission directed staff to look into definitions for veterinary clinics and general office and then to bring those to next month's meeting. Ms. Thum also stated that she will have maps printed out so the Commissioners could see what areas in Harvey are specifically zoned as Commercial.

Andy Sikkema, moved, Seconded by Al Denton to hold another public hearing next month and to discuss possible definitions for veterinary clinics and general office.

A. Proposed Sign Ordinance

The Commissioners and staff went through the proposed Sign Ordinance page-by-page and staff had the proposed Ordinances on the screen.

Page 1:

The intent looked good.

Page 2:

The Commissioners wanted to change the time that abandoned conforming and non-conforming signs were permitted to stay up. Al Denton suggested that abandoned conforming signs be given 90 days and signs be given 30 days. Mr. Denton also suggested that staff work on some language that allowed people to get a waiver if they needed more time for either conforming or non-conforming.

Page 3:

The Commissioners were wondering if we should add language about the number of times the electronic signs could change if we do end up allowing them. Also, to explore language about TV's and video monitors in windows, which constitute as signage.

Page 4:

Andy Sikkema had a question on what "internally illuminated" meant. Staff will explore the current definition and see if it needs to be adjusted.

Page 5:

The Commissioners brought up the wording for Wall Sign and thought that it might be confusing with the last paragraph on page 6. Staff will work on the wording to make sure it's clearer to the public.

Page 6:

The Commissioners made a note of the letter and numbering conflict under Section 18.5. Staff will change this. The Commissioners also noted that under Abandonment, the number of days needs to be changed to 30.

Page 7:

Al Denton, noted that under height of signs, the sign should not exceed the length of the building.

Page 8:

Kendell Milton and Estelle DeVooght asked about regulations for residential neighborhoods. Wanted to make sure that you could still have signage, but wanted to make sure the lighting was soft. Ms. Thum stated that she would work on some language that would allow for the address number to be lighted and the possibility of a home occupation sign being lighted.

The Commissioners also questions video signs. Andy Sikkema will check with MDOT to see what regulations they have on billboards. Ms. Thum stated that regulating billboards might be something to look into as well.

Andy Sikkema made a comment concerning signs in the right-of-way. There should be a sentence included in Section 18.5 #6 to state that signs could be permitted, as long as they get a permit from the road jurisdiction.

Page 9:

Ms. Thum stated that she would have to change the number of days under abandoned sign.

Al Denton made the suggestion that Section 18.4 # 5, Permanent Window Signs, include specific language that states "That the window sign may not occupy not more than 25% of an individual window"

Page 10:

No Comment

Page 11:

The Commissioners pointed out that under Section 18.5 #3, there should be some mention of MCRC/MDOT jurisdiction.

Page 12:

No Comment

Page 13:

Ms. Thum stated that she was not sure if they needed Section 18.6 #3, as it's already stated in Section 18.5. She will double check with our attorney.

Page 14:

No Comment

Page 15:

No Comment

XI. Public Comment

No Comment

X. Commissioners Comment

Ms. DeVooght and Mr. Denton inquired about the definition for natural grade and that Marquette Township is having a problem with their definition. Ms. Thum stated she will check into the Marquette Township issue.

Mr. Sikkema wanted to make sure the Township moves forward on the alternative energy ordinance, as windmills and solar energy are becoming quite popular.

XI. Directors Report

Ms. Thum informed the Planning Commission about the upcoming website changes.

XII. Informational Items and Correspondence

A. City of Marquette Planning Commission Minutes, February 2, 2010

B. Planning and Zoning News, February 2010

XIII. Adjournment

Albert Denton, Chairperson

CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 5, 2010

I. Meeting Called to Order at 7:30 P.M. /Roll Call

Present: Chairman Al Denton, Kendell Milton, Estelle De Vooght, Andy Sikkema
Absent excused: Steve Kinnunen;
Un-excused: Andy Smith
Staff Present: Tina Fuller, Interim Zoning Administrator

II. Approval of March 1, 2010 Minutes

Estelle De Vooght moved, Andy Sikkema, Seconded to approve the March 1, 2010 Planning Commission meeting minutes.

AYES ⁵4 NAYS 0 MOTION CARRIED
2-22-12 SBT

III. Additional items/approval of Agenda

Ken Tabor moved, Andy Sikkema, Seconded to approve the April 5, 2010 Planning Commission Agenda as presented.

AYES ⁵4 NAYS 0 MOTION CARRIED
2-22-12 SBT

IV. Public Hearings

A. Proposed Zoning Amendment 34-10-02

IV. Zoning District Regulations

Add to Zoning District, High Density Residential District (R-2) (Harvey), as a Conditional Use Permit- General Office, Nursing Homes, and Medical/ Veterinary Clinics.

V. Public Comment

Paul Wolfson- from Select Realty commented on proposed Zoning Amendment 34-10-02. They have a pending sale of the property. This use was also previously allowed under Conditional Use.

Greg Perttula- CFO at Bell hospital commented regarding the process of rezoning and that they would like to get the medical and the clinic conditional use for the property and provide the Township with tax revenues.

VI. Presentations

None were scheduled

VII. Old Business

a. Comprehensive Plan update.

Ms. Fuller stated the Township was officially awarded a Coastal Management Grant to assist the Township with updating the Townships Comprehensive Plan. The first step would be to form a subcommittee meet to review our current Township Comprehensive Plan to see what chapters needed to be modified and topics to consider adding. De Vooght questioned why we needed to update the Comprehensive plan when we just paid \$40,000. Denton stated, the board should take a look at it every couple of years, Not to rewrite it: just to see if it needs updating. Have Superior Watershed Partnership take a look. Get somebody at CABA and NMU to form a full committee.

b. Zoning Amendment 34-10-03 Section IV. of Zoning Ordinance.

Denton, which one do we suggest to the board. We don't have anything from Township attorney. We have sample definitions of general office and veterinary clinics. **General**

Office: The office of a recognized profession maintained for the conduct of that profession, such as doctor, lawyer, real estate, and architect/engineering firm; or A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises

Veterinary Clinics: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use; or a place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 5, 2010**

Andy Sikkema moved, *Ken Tabor*, Seconded to hold a public hearing next month for proposed zoning amendment #34-10-03, which will propose to add the following definition for **General Office**: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises and **Veterinary Clinics**: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation to the Township Zoning Ordinance.

AYES ⁵⁴ NAYS 0 MOTION CARRIED

VIII. New Business

a. Fire Hall locations.

Chief Gary Johnson is in the process of writing RFP design requirements for a new fire hall. Not in a position to build within next few years and will not be able to get a grant until the project is "shovel ready". They are currently looking at sites and have concerns about space. They are considering a 15, 000 square foot building. The current fire hall will have to stay until new building is finished. To look at in future, this new hall will need to be around 30 to 40 years if not longer. The Township is looking at municipal water and will need a Water Department; The Police Department continues to grow. In your packet information from County Planner Eric Anderson, he put every address on map and how many driving miles to those areas. There were two good locations- one next to Meister's and the other next to Silver Creek School. Denton asked if there was a big advantage to having fire hall at those locations and is in favor of the fire department staying at the current locations.

A. Good access to US 41 and M-28, near population, churches, schools etc...

B. The department needs to get plans in place.

Kendell Milton moved, *Andy Sikkema*, Seconded to table further discussion until the next meeting.

AYES ⁵⁴ NAYS 0 MOTION CARRIED

b. Alternative Energy Discussions

Last year the Planning Commission established a subcommittee to explore an Alternate Energy Ordinance. There are some communities that discuss alternative energy in their Comprehensive Plan and create an overlay district the becomes part of the Zoning Ordinance. It would be good to get a professional involvement so our measurements are accurate. Should we do something jointly with the City of Marquette or Sands Township?

Ken Tabor moved, *Estelle De Vooght*, seconded to have the subcommittee for Alternative Energy start up again. Also to include a chapter in our Comprehensive Plan Dealing with Alternative Energy. The Planning Commission will then explore if they want to create an overlay district or just include language part of the existing zoning ordinance under Section IV. General Provisions

AYES ⁵⁴ NAYS 0 MOTION CARRIED

c. Park Analysis

- Green Bay Street River Access-
- Green Garden Road River Access -

Denton- Township supervisor said send letter to people within 300 feet. Thinks maybe the DNR needs to complete a trail because a lot of people go fishing there. There's room for parking spots there and a sign at each location that says it's Township property would be nice. It's open to the public and you can take your grandchildren down there and fish if you want. Lets maintain these areas for fishing access. The banks and road areas at both locations need to be repaired to prevent further erosion. *See attached recommendations-*

d. Township Sign Ordinance

We need a motion to hold a public hearing in the next month to review the proposed Sign Ordinance.

Ken Tabor moved, *Estelle De Vooght* seconded, to hold a public hearing to discuss the proposed sign ordinance at the May 3, 2010 Planning Commission. *Kendell Milton* is appointed to serve on the Sign Ordinance subcommittee.

AYES ⁵⁴ NAYS 0 MOTION CARRIED

CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 5, 2010

IX. Public Comment

Jill Bradford discussed fire department cars and what happens with junk cars on the training site. Ms. Bradford also talked about alternate energy GEO thermal and which system recommendation may be better and the environmental impact of an open system.

X. Commissioners Comment

Mr. Denton announced his retirement - this is his last meeting.

XI Director's Report

Tina Fuller will be sitting in for Jennifer Thum until she returns from maternity leave.

XII. Informational Items and Correspondence

Letters

XIII. Adjournment - Al Denton moved, Ken Tabor Seconded to adjourn the meeting at 8:45 P.M.



Albert Denton, Chairperson

CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
Monday, May 3, 2010

I. Meeting Called to Order at 7:30 P.M. / Roll Call

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor, Kendell Milton and Andy Smith.

Absent excused: Andy Sikkema

Absent resigned: Steve Kinnunen

II. Approval of April 5, 2010 Minutes

Ken Tabor, move *Kendell Milton*, Second to approve the April 5, 2010 Planning Commission meeting minutes.

AYES 5 NAYS 0 MOTION CARRIED

III. Additional Items/ Approval of Agenda

Ken Tabor, move *Kendell Milton*, Second to approve the May 3, 2010 Planning Commission agenda as presented.

AYES 5 NAYS 0 MOTION CARRIED

IV. Public Hearings

A. Proposed Zoning Amendment 34-10-02, Add conditional uses to:

Section 4. Zoning Districts Regulations:

4.2 High Density Residential District (R-2) (Harvey)

(C) Conditional Uses

8. General Office

9. Nursing Homes

10. Medical/ Veterinary Clinics.

B. Proposed Zoning Amendment 34-10-03, Add the following definitions to:

Section 2. Definitions:

General Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises

Veterinary Clinics: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation.

C. Proposed Sign Ordinance- to review a draft ordinance to repeal Section 18. Signs and Fences; of the Chocolay Township Zoning Ordinance to clarify, and provide new substantive regulations concerning the placement of signs within and throughout the Township.

D. Proposed Zoning Amendment 34-10-04, Add conditional uses to:

Section 4. Zoning Districts Regulations:

4.7 Agriculture/ Forestry District (AF)

(C) Conditional Uses

11. Churches and Schools

E. Conditional Use Permit #84: The applicant Mr. Robert Pascoe has Petitioned to propose that his business UP Custom Cabinetry be allowed to operate out of his garage at 825 Willow Rd, in the R1 District

F. Conditional Use Permit #85: The applicant Chocolay Township Zoning

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
Monday, May 3, 2010**

I. Meeting Called to Order at 7:30 P.M. / Roll Call

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor, Kendell Milton and Andy Smith.

Absent excused: Andy Sikkema

Absent resigned: Steve Kinnunen

II. Approval of April 5, 2010 Minutes

Ken Tabor, move *Kendell Milton*, Second to approve the April 5, 2010 Planning Commission meeting minutes.

AYES 5 NAYS 0 MOTION CARRIED

III. Additional Items/ Approval of Agenda

Ken Tabor, move *Kendell Milton*, Second to approve the May 3, 2010 Planning Commission agenda as presented.

AYES 5 NAYS 0 MOTION CARRIED

IV. Public Hearings

A. Proposed Zoning Amendment 34-10-02, Add conditional uses to: **Section 4. Zoning Districts Regulations:**

4.2 High Density Residential District (R-2) (Harvey)

(C) Conditional Uses

8. General Office

9. Nursing Homes

10. Medical/ Veterinary Clinics.

B. Proposed Zoning Amendment 34-10-03, Add the following definitions to:

Section 2. Definitions:

General Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises

Veterinary Clinics: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation.

C. Proposed Sign Ordinance- to review a draft ordinance to repeal Section 18. Signs and Fences; of the Chocolay Township Zoning Ordinance to clarify, and provide new substantive regulations concerning the placement of signs within and throughout the Township.

D. Proposed Zoning Amendment 34-10-04, Add conditional uses to:

Section 4. Zoning Districts Regulations:

4.7 Agriculture/ Forestry District (AF)

(C) Conditional Uses

11. Churches and Schools

E. Conditional Use Permit #84: The applicant Mr. Robert Pascoe has Petitioned to propose that his business UP Custom Cabinetry be allowed to operate out of his garage at 825 Willow Rd, in the R1 District

F. Conditional Use Permit #85: The applicant Chocolay Township Zoning Administrator has petitioned to permit an existing band shell as an accessory structure to an existing sculpture park located at 2800 M-28 E, in the AF District

**CHARTER TOWNSHIP OF CHOCOLAY
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Monday, May 3, 2010

G. Conditional Use Permit #86: The applicant Heritage Baptist Church has petitioned to allow for building of a church at property located at 8405 US 41 S, in the AF District.

V. Public Comment

Public meeting item (E)

Larry Urban 820 Willow Rd- Lives across the street and is in favor of the request for Home Occupation.

Colleen Pascoe 831 Willow Rd- Not in favor of the request for Home Occupation.

Neil Hayward 831 Willow Rd- Not in favor of the request for Home Occupation.

Public meeting item (F)

Robert Pascoe 825 Willow Rd- Commented the sculpture park was an asset to the Community

Daniel Lakenen 110 Timberlane- At the meeting to represent Tom Lakenen who could not attend. Stated- Tom would probably be OK with minimal restrictions for use of the Band shell.

Lisa Lakenen 108 Timberlane- At the meeting to represent Tom Lakenen who could not attend.

Patricia Lakenen 112 Timberlane- At the meeting to represent Tom Lakenen who could not attend. Commented on the past bad history between Township and Tom.

VI. Presentations

A. None scheduled

VII. Old Business

A. Zoning Amendment 34-10-02, Section 4, of the Township Zoning Ordinance

Ken Tabor, move Estelle DeVooght, Second to Approve Proposed Zoning Amendment #34-10-02 which would add the following conditional uses under Section 4. Zoning Districts Regulations: 4.2 High Density Residential District (R-2) (Harvey) (C) Conditional Uses: 8. General Office, 9. Nursing Homes 10. Medical/ Veterinary Clinics, and to recommend approval by the Chocolay Township Board.

AYES 5 NAYS 0 MOTION CARRIED

A. Zoning Amendment 34-10-03, Section 2, of the Township Zoning Ordinance

Ken Tabor, move Andy Smith, Second to Approve Proposed Zoning Amendment #34-10-03 which would Add the following definitions to: Section 2. Definitions: General Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises. Veterinary Clinics: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation, and to recommend approval by the Chocolay Township Board.

AYES 5 NAYS 0 MOTION CARRIED

A. Proposed Sign Ordinance- to review a draft ordinance to repeal Section 18. Signs and Fences; of the Chocolay Township Zoning Ordinance to clarify, and provide new substantive regulations concerning the placement of signs within and throughout the Township.

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Estelle DeVooght, move *Ken Tabor*, Second to *Table* the draft ordinance until it has been reviewed by the Township Attorney.

AYES 5 NAYS 0 MOTION CARRIED

- A. *Proposed Alternative Energy Ordinance*- to review a draft ordinance to provide new substantive regulations concerning the use of alternative energy sources within and throughout the Township

Kendell Milton, move *Estelle DeVooght*, Second to *Table* the draft ordinance until it has been reviewed by the Township Attorney.

AYES 5 NAYS 0 MOTION CARRIED

- A. *Fire Hall Locations*-

Fire Chief Gary Johnson- Informed the planning commission on additional locations located behind *Wahlstrom's Restaurant* and the *AT&T building* as possible locations to locate the Fire Hall and provide a training area.

- A. *Planning Commission Vacancies*-

Albert Denton move, *Estelle DeVooght* second, to recommend to the Township Supervisor that he re-appoint *Andy Smith* to the Planning Commission.

AYES 5 NAYS 0 MOTION CARRIED

Albert Denton move, *Estelle DeVooght* second to recommend to the Township Supervisor that he consider appointing Applicant *Eric Meister* to fill the first vacancy on the Planning Commission.

AYES 5 NAYS 0 MOTION CARRIED

Estelle DeVooght move, *Albert Denton* second to recommend to the Township Supervisor that he consider appointing Applicant *Jamie Tomczyk* to fill the second vacancy on the Planning Commission.

AYES 4 NAYS 1 (*Andy Smith*) MOTION CARRIED

- A. *Annual Election of Officers*-

Albert Denton move, *Estelle DeVooght* second, to appoint *Kendell Milton* as Chairperson.

AYES 5 NAYS 0 MOTION CARRIED

Albert Denton move, *Estelle DeVooght* second, to appoint *Andy Smith* as Vice Chairperson.

AYES 5 NAYS 0 MOTION CARRIED

Albert Denton move, *Ken Tabor* second, to appoint *Estelle DeVooght* as Secretary.

AYES 5 NAYS 0 MOTION CARRIED

Albert Denton move, *Estelle DeVooght* second to table the appointment of a Vice Secretary until member vacancies have been filled.

AYES 5 NAYS 0 MOTION CARRIED

VIII. New Business

- A. *Zoning Amendment 34-10-04*, Section 4, of the Township Zoning Ordinance

Albert Denton , move *Ken Tabor*, Second to *Approve* Proposed Zoning Amendment #34-10-04 which would add the following conditional uses under Section 4. Zoning Districts Regulations: 4.7 Agriculture/ Forestry District (AF) (C) *Conditional Uses*. 11. Churches and Schools, and to recommend approval by the Chocolay Township Board.

**CHARTER TOWNSHIP OF CHOCOLAY
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Monday, May 3, 2010

AYES 5 NAYS 0 MOTION CARRIED

B. Conditional Use Permit #84: Pascoe, 825 Willow Rd

Albert Denton , move *Estelle DeVooght*, Second to *Approve* Conditional Use Permit #84 with the Planning Commission's recommended restrictions and conditions.

1. Zoning Administrator is to conduct periodic inspections of the property to confirm the outdoor wood burning boiler is operated within the standards of Section 6: 6.5 of the Chocolay Township Zoning Ordinance.
2. The Applicant must provide at their expense yearly water testing between the months of May and June and submit the results to the Zoning Administrator.
3. Home Occupation Permit #84 will expire within 3 years from this date of approval.

AYES 5 NAYS 0 MOTION CARRIED

B. Conditional Use Permit #85: Lakenenland, 2800 M-28 E

Albert Denton , move *Andy Smith*, Second to *Approve* Conditional Use Permit #85 with the Planning Commission's recommended restrictions and conditions.

1. Conditions for use regulated under Township Ordinance #45

AYES 5 NAYS 0 MOTION CARRIED

D. Conditional Use Permit #86: Heritage Baptist, 8405 US 41 S

Estelle DeVooght , move *Ken Tabor*, Second to *Table* Conditional Use Permit #84 until the June 7, meeting.

AYES 5 NAYS 0 MOTION CARRIED

E. Application for Amendments to the Zoning Ordinance:

Ken Tabor move, *Albert Denton* second to *Table* the proposed list of amendments to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) submitted by the petitioner Mr. Mark Maki. The petitioner will need to resubmit the proposed amendments before May 6, for staff review for information and language acceptable for publication and a public hearing to be held by the Planning Commission on June 7.

AYES 5 NAYS 0 MOTION CARRIED

IX. Public Comment

Dick Arnold 312 W Branch Rd- Considers the Township Sign to be more of a hazard than most other signs in the area.

X. Commissioner's Comment

Ken Tabor , move Kendell Milton, Second for the Chocolay Township Board to support a "Resolution of Appreciation" for Albert Denton.

AYES 5 NAYS 0 MOTION CARRIED

XI. Director's Report

Tina Fuller commented on the cleanup of property located on Timberlane Rd and the future sale of the Salvage Yard on Big Creek Rd

XII. Informational Items and Correspondences

- Detroit News: Article concerning digital billboards
- Planning for Urban Agriculture

**CHARTER TOWNSHIP OF CHOCOLAY
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- Planning and Zoning News

XIII. Adjournment

Ken Tabor , move *Kendell Milton*, Second to adjourn the meeting at 9:00 PM.

Kendell Milton, Chairperson

Charter Township of Choccolay Planning Commission Agenda Monday, June 7, 2010

I. Meeting Called to Order at 7:30 P.M. / Roll Call

Present: Vice Chair Andy Smith, Secretary Estelle DeVooght, Ken Tabor, Andy Sikkema, and Eric Meister.

Absent Resigned: Jamie Tomczyk

Absent Unexcused: Chairman Kendell Milton

II. Approval of May 3, 2010 Minutes

Ken Tabor, move *Estelle DeVooght*, Second to approve the May 3, 2010 Planning Commission meeting minutes.

AYES 5 NAYS 0 MOTION CARRIED

III. Additional Agenda Items/ Approval of Agenda

Ken Tabor, move *Andy Sikkema*, Second to approve the June 7, 2010 Planning Commission meeting agenda.

AYES 5 NAYS 0 MOTION CARRIED

IV. Public Hearings

Draft Amendment #34-10-05

Section 4: 4.1 Single Family Residential District (R1)

(C) Conditional Uses

4. Swimming pools (delete)

Draft Amendment #34-10-06

Section 4: 4.2 High Density Residential District (R2), (Harvey)

(C) Conditional Uses

6. Swimming pools (delete)

Draft Amendment #34-10-07

Section 4: 4.5 Commercial District (C)

(B) Permitted Principal Uses

12. Storage Units (delete)

(C) Conditional Uses

7. Contractors yards and shops (delete)

8. Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses. (delete)

Draft Amendment #34-10-08

Section 4: 4.7 Agriculture/ Forestry District (AF)

(C) Conditional Uses

10. Contractor yards and shops (delete)

Draft Amendment #34-10-09

Section 6: 6.1 Height and Placement Regulations

(A)	District	Front	Side	Rear	Height
	C	30 (change to 40)	5	20	30

District	Minimum Lot Size	Minimum Lot Width
R-2	10,500 sq. ft.	50 (change to 100)

Draft Amendment #34-10-10

Section 6: 6.7 Road Frontage Requirements

Replace current ordinance language as amended April 21, 2008 with ordinance language previously used and adopted May 9, 1977, Sec 402 Frontage Requirements. * see attached pages *

Draft Amendment #34-10-11

Section 10: 10.1 Uses Permitted, Minimum Size and Fees

2. All zoning districts are eligible for consideration for rezoning to a Planned Unit Development District **(revise to: Zoning districts R-1, R-2, MFR, Commercial and Industrial are eligible for consideration for rezoning to a Planned Unit Development District)**

Draft Amendment #34-10-12

Section 16: 16.3 Fees

Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee, except that such fee shall not be required where the Township **(insert: Board)** or any official body thereof is the moving party. The Township Board, by resolution, shall set all fees. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate.

V. Public Comment

Draft Amendment #34-10-07

Lee Blondeau - Contractors yards should be allowed in the Commercial districts. There is a need to have them and it is a commercial use.

Tom Mahaney - Sees no need not to allow storage units and contractors yard in a commercial district.

Draft Amendment #34-10-07

Lee Blondeau – There may need to be a reason to waive certain fees for individuals in special circumstances

Wayne Dees – Does not think the intent of the proposed text wording from Mr. Maki was not to allow any fees to be waived by the Township Board.

Wayne Dees – Wanted to thank Andy Smith for his support to have him be a member of the planning commission. Wanted to inform the board he has filed a complaint with the Michigan Administrative Agency for discrimination.

VI. PRESENTATIONS

Adam C. Wert- Introduction- Mr. Wert is in the process of purchasing the salvage yard from Tom Waselesky with the intention of reducing the size of the yard, clearing and improving the location of the current salvage operation.

VII. OLD BUSINESS

A. Site plan review for proposed location of Heritage Baptist Church.

B. Conditional Use Permit #86: Heritage Baptist, 8405 US 41 S

Ken Tabor, move Eric Meister, Second that after review of Conditional Use request #86, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Section 9 of the Zoning Ordinance, and subsequently finding compliance with the standards for approval of the request found in Section 16 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #86 with the following conditions:

1. Approval of Conditional Use request #86 is contingent on the Chocolay Township Board's acceptance of proposed Text Amendment #34-10-04. No construction or site preparation may begin until after the acceptance has been made.
2. It is understood if the Chocolay Township Board Denies Text Amendment #34-10-04, the approval of Conditional Use Request #86 and subsequent Building Compliance Applications are VOID.
3. The applicant shall obtain any necessary permits from the County, State or Federal Agencies.
4. If a sprinkler system is installed a standpipe for the Chocolay Township Fire Department to connect to must be provided.

A copy of the building floor plan will be given to the Chocolay Township Fire Department and Officers will be given access for a walk-through of the building

AYES 5 NAYS 0 MOTION CARRIED

C. Alternative Energy Ordinance

Motion to table item until the next meeting by *Andy Sikkema*, Second by *Ken Tabor*

AYES 5 NAYS 0 MOTION CARRIED

D. Sign Ordinance

Motion to table item until the next meeting by *Andy Sikkema*, Second by *Ken Tabor*

AYES 5 NAYS 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Proposed Text Amendments to the Zoning Ordinance 34-10-05 to 43-10-12:

Trustee Mark Maki, has made application to have the Planning Commission review the following proposed text amendments to the Chocoday Township Zoning Ordinance.

Mr. Maki was not present for the meeting to review the seven (7) draft text amendment proposals he has made. He had not offered written comment or background reasoning for making the suggested amendments for the Planning Commission to review.

Comment was made by Vice Chair Andy Smith that no complaints have been made by the general public or an actual error in the text had been noted by the Planning Commission or Township Staff. The amendments probably should not have been presented for consideration.

Draft Amendment 34-10-05

Section 4: 4.1 Single Family Residential District (R1)
(C) Conditional Uses

4. Swimming pools (delete)

Andy Smith , move *Estelle DeVooght*, Second to *Deny* Proposed **Text Amendment 34-10-05**, to remove “swimming pools” as a conditional use in Section 4: 4.1 Single Family Residential District (R1) and to recommend acceptance by the Chocoday Township Board.

AYES 3 NAYS 2 MOTION CARRIED

Draft Amendment 34-10-06

Section 4: 4.2 High Density Residential District (R2), (Harvey)
(C) Conditional Uses

6. Swimming pools (delete)

Ken Tabor, move Andy Sikkema, Second to table all proposed text amendments to remove "swimming pools" as a conditional use in the residential zoning districts and to have Township staff draft a text amendment to add to Section 6 General Provisions for the regulation of private swimming pools.

AYES 5 NAYS 0 MOTION CARRIED

Draft Amendment 34-10-07

Section 4: 4.5 Commercial District (C)

(B) Permitted Principal Uses

12. Storage Units (delete)

(C) Conditional Uses

7. Contractors yards and shops (delete)

8. Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses (delete)

NO ACTION TAKEN

Draft Amendment 34-10-08

Section 4: 4.7 Agriculture/ Forestry District (AF)

(C) Conditional Uses

10. Contractor yards and shops (delete)

NO ACTION TAKEN

Draft Amendment 34-10-09

Section 6: 6.1 Height and Placement Regulations

(A) District	Front	Side	Rear	Height
C	30 (change to 40)	5	20	30

District	Minimum Lot Size	Minimum Lot Width
R-2	10,500 sq. ft.	50 (change to 100)

NO ACTION TAKEN

Draft Amendment 34-10-10

Section 6: 6.7 Road Frontage Requirements

Replace current ordinance language as amended April 21, 2008 with ordinance language previously used and adopted May 9, 1977, Sec 402 Frontage Requirements.

NO ACTION TAKEN

Draft Amendment 34-10-11

Section 10: 10.1 Uses Permitted, Minimum Size and Fees

2. *All zoning districts are eligible for consideration for rezoning to a Planned Unit Development District (**revise to: Zoning districts R-1, R-2, MFR, Commercial and Industrial are eligible for consideration for rezoning to a Planned Unit Development District**)*

*Andy Smith, move Andy Sikkema, Second to Table Proposed **Text Amendment 34-10-11** and to have Township staff review the section and make suggestions for clearer language for the regulation of Planned Unit Developments.*

AYES 5 NAYS 0 MOTION CARRIED

Draft Amendment 34-10-12

Section 16: 16.3 Fees

*Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee, except that such fee shall not be required where the Township (**insert: Board**) or any official body thereof is the moving party. The Township Board, by resolution, shall set all fees. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate. (**Add: The Township Board shall not waive any fees for individual requests.**)*

*Andy Sikkema, move Andy Smith, Second to Deny Proposed **Text Amendment 34-10-12** adding wording to Section 16: 16.3 Fees; Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee, except that such fee shall not be required where the Township **Board(was approved to be added to the language)** or any official body thereof is the moving party. The Township Board, by resolution, shall set all fees. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate. **The Township Board shall not waive any fees for individual requests.***

AYES 5 NAYS 0 MOTION CARRIED

B. Memo to propose a text Amendment in (AF) District

Staff has asked the Planning Commission to consider adding the following text amendments in the (AF) District and hold a public hearing at their July 12, 2010, meeting.

The Planning Commission may want to consider a minimum acreage for agricultural uses. The (AF) District currently has 523 parcels with less than 20 acres which are now allowed by zoning to be used to for agriculture purposes as defined in the Zoning Ordinance.

The State has also expanded the definition of Agriculture Property and the types of animals and businesses considered agriculture. The Township is becoming home to a variety of nontraditional "farm" animals such as Llama, Alpaca, and Buffalo... Etc. The Assessing office has been receiving requests for information from property owners wanting to raise poultry in our residential areas and smaller lots in the (AF)

Proposed Text Amendment 34-10-13

Section 4: 4.7 Agriculture / Forestry District (AF)

(B) Permitted Uses:

2. Agriculture livestock on lots of 20 acres or more

6. Poultry on lots of 5 acres or more

Ken Tabor move, Andy Smith second to hold a public hearing to hold a discussion and review the proposed text amendments to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) to propose a minimum acreage to raise livestock and poultry in Section 4.7 Agriculture / Forestry District (AF)

C. Memo to propose a text amendment to add to definition of Agriculture.

Proposed Text Amendment 34-10-14

Section 2: Definitions

Agriculture: Farming in all its branches, including cultivating soil. Growing and harvesting any agricultural, horticultural, or floricultural commodity and Dairying. Raising livestock, bees, fish, fur-bearing animals, or poultry, including operating a game bird hunting preserve licensed under part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712, and also including farming operations that harvest cervidae on site where not less than 60% of the cervidae were born as part of the farming operation. As used in this paragraph, "livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. (Livestock does not include dogs and cats). Raising, breeding, training, leasing, or boarding horses. Turf and tree farming. Performing any practices on a farm incident to, or in conjunction with, farming operations. Agricultural uses include use in a federal acreage set-aside program or a federal conservation reserve program.

A commercial storage, processing, distribution, marketing, or shipping operations and management and harvesting of a wood lot are not part of agricultural operations.

Ken Tabor move, Andy Smith second to hold a public hearing to hold a discussion and review the proposed text amendments to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) to propose changes and additions to the agriculture definition under Section 2: Definitions.

D. Memo to add Wireless Communication Facilities as a conditional use under Section 4.7.

Staff asked the Planning Commission to consider adding the following text amendment to the (AF) District and hold a public hearing at their July 12, 2010, meeting.

Section 13 of the Zoning Ordinance defines conditions and requirements for accommodating Wireless Communication Facilities. Subsection (B) defines standards and conditions for the facilities to be located in the (AF) district. When referring back to Section 4.7 Agriculture/ Forestry District, the facilities mentioned in Section 13 (B) are not listed as a permitted or conditional use.

The Planning Commission is asked to consider adding Wireless Communication Facilities as a Conditional Use in Section 4.7 Agriculture/ Forestry District.

Proposed Text Amendment 34-10-15

Section 4: 4.7 Agriculture / Forestry District (AF)

(C) Conditional Uses:

14. Wireless Communication Facilities

Ken Tabor move, *Andy Sikkema* second to hold a public hearing to review the proposed text amendments to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) on July 12.

E. Memo to add a subsection regulating private swimming pools to Section 6. General Provisions

Currently swimming pools are listed as conditional uses in the residential districts. It has been suggested in Mr. Maki's proposed text amendment to remove the regulation of pools from the zoning ordinance.

About 3,000 people, many of the children, in the United States drown each year and many more suffer serious, irreversible injury in near-drowning incidents. Brain damage can accrue after 4 minutes of being submerged; an estimated 20 percent of victims will suffer severe, permanent neurological disability. One of the most tragic aspects of these injuries and deaths is that they are preventable. Layers of protection are recommended to help prevent pool related death and injuries. This includes, constant supervision of young children, placing barriers such as fences with self-closing, self-latching gates around the pool to prevent access.

Chocolay Township's Zoning Ordinance, Section 18.13 Fences, also does not address the issues and enforcement of required fencing, specific to safety for private swimming pools. There are no review standards in the zoning ordinance or site plan review in order to make determinations and conditions to have swimming pools.

Staff asks the Planning Commission to consider adding the following text amendment to Section 6 General provisions and adding a subsection to

regulate private swimming pools in any zoning district and hold a public hearing at their July 12, 2010, meeting.

Proposed Text Amendment 34-10-16 Section 6: 6.14 Swimming Pools

A swimming pool is any outdoor enclosure located at a private residence designed, intended, or used for the containment of water over twenty-four (24) inches deep, whether construction is below ground level or above ground level. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas used for swimming, wading, or other recreational use by owner or tenant of the property upon which the pool is constructed, or by their family or invited guests without payment or fee.

A. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until an approved Chocolay Township zoning compliance application and a Marquette County building permit have been obtained.

B. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.

C. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must not be less than (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

D. All swimming pool installations shall comply with the building codes in force in Marquette County and all standard codes referred to therein.

Ken Tabor move, *Estelle DeVooght* second to hold a public hearing to review the proposed text amendments to regulate private swimming pools to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) on July 12, 2010.

IX. PUBLIC COMMENT

NO COMMENT

X. COMMISSIONER'S COMMENT

Ken Tabor, move Andy Sikkema, second for the Chocolay Township Board to support a "Resolution of Appreciation" for Steve Kinnunen.

XI. DIRECTOR'S REPORT

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- Marquette City Planning Commission Minutes (April 6)
- Marquette City Planning Commission Minutes (April 27)
- Marquette County Planning Commission Correspondence
- Department of Labor and Economic Growth Correspondence
- Planning Commission Member Listing
- Board, Committees and Commission Listing
- Planning and Zoning News

XIII. ADJOURNMENT

Andy Smith, move Ken Tabor, second to adjourn the meeting at 9:30 PM.

Kendall Milton
Chairperson

Charter Township of Chocolay

Planning Commission Agenda

Monday, July 12, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Present: Chairperson: Kendell Milton, Vice Chairperson: Andy Smith, Estelle Devooght, Andy Sikkema, Dr. Ken Tabor and Eric Meister.

II. Approval of June 7, 2010 Minutes

Ms. Thum stated that she has a correction to the minutes. Under public comment, Wayne Dees statement should have read, "Wayne Dees stated that he filed a complaint with the Michigan Administrative Agency for discrimination."

Sikkema requested that Zoning Amendment #34-10-12 be corrected in that the Planning Commission denied adding the language, "The Township Board shall not waive any fees for individual request." They approved inserting the word Board after Township on the third sentence in Section 16.3.

Tabor moved and Sikkema seconded to approve the June 7, 2010 minutes.

AYES 6 NAYS 6 MOTION CARRIED

III. Additional Agenda Items / Approval of Agenda

Sikkema moved and Tabor seconded to approve the agenda as is.

Mr. Maki 270 Karen Road requested that the Board table all proposed zoning amendments until staff has had a chance to review them and write a report.

IV. Public Hearings

A. Proposed Zoning Amendment #34-10-13

Ms. Thum stated that this proposed amendment has to do with regulating livestock on 20 acres and this includes horses, cattle, rabbits and other livestock animals. The other part of this amendment was to only permit chicken(s) on 2 acres or more and to limit the number of chickens to 4 and no roosters would be permitted. Ms. Thum stated that she is not in favor of the 20 acres minimum for livestock. There are several municipalities that permit one horse per acre or set a minimum of 5 acres.

The Planning Commission Discussed.

Mr. Meister stated that he spoke with the MSU Extension office and they stated that typically see one horse for every one or two acres.

Mr. Milton stated that he would have to agree that the 20 acres does sound like to much.

Mr. Sikkema stated that zoning is there to regulate the use, so is a neighborhood that is zoned AF impacted by animals? A person would have to expect that if you are moving to an AF District that you would expect to see livestock. The chickens on lots of 2 acres or more, a person may not expect to see chickens on their neighbor's

property if the property was zoned Residential. What is the property owner's expectation in the AF District and the R-1 District?

Dick Arnold, 312 W. Branch Rd stated that his surrounding neighborhood is now zoned AF and that has created problems from contractor's yard to raising animals on small 5 acres. He believes that we are planning for the minority and not the majority.

Mr. Maki 370 Karen Road wanted to know who requested to have amendments #34-10-13 through #34-10-16.

B. Proposed Zoning Amendment #34-10-14

Ms. Thum stated that this proposed amendment was to amend the current definition of agriculture. Ms. Thum read the proposed ordinance.

The commissioners stated that rabbits should not be classified as livestock. Ms. Thum agreed with that statement stating that rabbits have a low impact on the neighborhoods. Staff will work on a new definition for next month's meeting.

C. Proposed Zoning Amendment #34-10-15

Ms. Thum stated that this proposed zoning amendment was to add wireless communication towers to the Agriculture/Forest District. Ms. Thum stated that they have not had any request for towers in the AF District.

D. Proposed Zoning Amendment #34-10-16

Ms. Thum stated that this proposed zoning amendment was to regulate swimming pools under Section 6.14 General Regulations. Ms. Thum stated that this was to address proposed amendments #34-10-05 and #34-10-06 which requested that swimming pools be removed as Conditional Uses from Section 4.1 and 4.2.

Lee Blondeau 1002 N. Tracie LN stated that the type of pool should be considered as a person should not have to spend more on a permit than the actual pool. The Planning Commission should look at categorizing the pools if a fee is going to be required.

Mr. Smith discussed whether to regulate pools and if we removed pools as a Conditional Use in the residential districts, how would they be regulated.

Mr. Sikkema asked about Building Codes and if they regulate pools.

Ms. Thum stated that information was provided in the packets and building codes do regulate pools.

Mr. Sikkema stated that we could remove pools as a Conditional Use and leave the enforcement to the County building codes department. If a resident was going to build a pool and starts at the County, they will contact the Township and/or let the resident know that they have to fill out a zoning compliance permit prior to working with the County.

V. Public Comment

Mr. Maki, 370 Karen Road wanted to reserve comments for proposed zoning amendments #34-10-12 through #34-10-15 as he was the petitioner of those ordinances.

Lee Blondeau, 1002 N. Tracie Lane wanted to know where the proposed zoning amendments were posted and why we don't use the larger advertisements anymore. Also, he wanted to know why several of these zoning amendments are back on the agenda when they were discussed at last month's meeting.

Ms. Thum explained that due to "no action" being taken, the commissioners have to approve or deny the proposed amendment.

Mr. Maki explained that he was not informed of last month's meeting that is why he did not attend.

VI. Presentations

Mr. Al Feldhauser from the Marquette County Planning Department gave a presentation on the Comprehensive Corridor and Access Management Plan involving the US-41 / M28 corridor. Mr. Feldhauser explained what Access Management is and discussed the original plan that was developed by Mark Wyckoff of Planning and Zoning Center of Lansing. He stated that the County is working with MDOT and CUPPAD to update the plan and asked that the commissioners review the attached sheet of recommended improvements to our corridor and to make comments on them. Mr. Feldhauser stated that our Township does have an access management plan, and asked how it has been working for the Township.

VII.

A. Proposed Zoning Amendment #34-10-05

Ms. Thum read the amendments and the Commissioners discussed whether to remove it from the Conditional Use in the Residential Districts and if they should include language to regulate them or not. There was further discussion on how the Marquette County Building Codes Department regulates them.

Smith, moved, Tabor, seconded to **approve** proposed text amendment #34-0-05, to remove "swimming pools" as a Conditional Use in Section 4: 4.1 Single Family Residential District (R1) and to recommend acceptance by the Chocolay Township Board.

AYES: 5 Nays 0 Motion Carried

B. Proposed Zoning Amendment #34-10-06

Ms. Thum read the amendment and the Commissioners had further discussion about swimming pools in residential districts.

Meister, moved, Tabor, seconded to **approve** proposed text amendment #34-10-16, to remove "swimming pools" as a Conditional Use in Section 4: 4.2 High Density Residential District (R2), (Harvey) and to recommend acceptance by the Chocolay Township Board.

AYES: 5 Nays 0 Motion Carried

C. Proposed Zoning Amendment #34-10-07

Ms. Thum explained that these are back because at the last Planning Commission meeting there was no action taken by the Commission. The Commissioners have to approve or deny them to move forward in the process.

Ms. Thum read proposed zoning amendment #34-10-07 and stated that we did have discussion on contractor's yards at several meetings. During the update in 2008, storage units were added as a permitted use in one of the drafts of the Zoning Ordinance, the commissions did see the change.

Mr. Maki, 370 Karen Road questioned the Commissioners on how storage units and contractors yards appeared in the Ordinance when there was no discussion on them.

Mr. Blondeau, 1002 N. Tracie Lane, stated that he attended several meetings where contractors yards were discussed and he was even placed on the agenda.

Mr. Tabor stated that he remembered discussing contractor's yards during the Zoning Ordinance update and at several meetings.

The Commissioners discussed that Contractor Yards are a Conditional Use Permit, so the Commission can set conditions on any proposed yard that they approve and look at each potential yard on an individual basis.

Smith, moved, Milton, seconded to **deny** proposed text amendment #34-10-07, to remove "storage units" as a permitted use; and to also remove "contractors yards and shops" and "other uses deemed by the Planning Commission to be of the same general character as those permitted and Conditional Uses" as Conditional Uses in Section 4: 4.5 Commercial District (C) and to recommend acceptance by the Chocolay Township Board.

The reasons for the denial were;

- A. Allowing both storage units and contractors yards in the commercial district is a good solution, since the Township does not have that many industrial areas.
- B. Contractors yards are a Conditional Use, and therefore the public can have input on any potential contractor yards.

AYES: 5 NAYS: 0 Motion passed

D. Proposed Zoning Amendment #34-10-08

Ms. Thum explained that this proposed zoning amendment was to remove contractor's yards from the Agriculture / Forestry District. Ms. Thum explained that contractor yards were discussed when the Township updated the zoning ordinance back in 2008.

Mr. Maki 370 Karen Road stated that Contractors yards don't belong in the Agriculture / Forestry District.

Mr. Smith discussed logging families in the area that do have land and store their equipment at the home and they don't bother anybody. The families have been storing the equipment there for years and no one has complained about them.

Mrs. DeVooght stated that we discussed contractor's yard in detail when we were updating the ordinance.

Mr. Maki 370 Karen Road continued to discuss contractor's yards and that the township did not discuss them when they were updating the ordinance and that they just got placed in the new ordinance.

Smith, moved DeVooght, seconded, to **deny** proposed text amendment #34-10-08; to remove "contractors yards and shops" as Conditional Uses in Section 4: 4.7 Agricultural District (AF) and to recommend acceptance by the Chocolay Township Board.

AYES: 6 NAYS: 1 (Sikkema) Motion Carried

E. Proposed Zoning Amendment #34-10-09

Ms. Thum explained that this proposed amendment was to increase the front setback in the Commercial District to 40ft and increase the minimum lot width to 100ft in the R-2 District (Harvey). Ms. Thum stated that she did not have an issue with increasing the front setback in the Commercial District to 40ft. However, the minimum lot width in the R-2 District was decreased down to 50ft during the Zoning Ordinance update, due our current Comprehensive Plan suggestion page. The reason behind the suggestion was that, majority of the lot widths in Harvey are 50ft and under. The change now makes those lots conforming to our township Zoning Ordinance setback regulations.

Tabor, moved, DeVooght seconded, to **deny** proposed text amendment #34-10-09; to change frontage requirements for District (C) from 30 to 40 ft and change minimum lot width requirements to District (R-2) from 50 to 100 in Section 6:6/1 height and Placement Regulations and to recommend acceptance by the Chocolay Township board.

Reasons for denial:

- A. The lots are now conforming with the Township Zoning Ordinance Setback Regulations
- B. The Township Comprehensive Plan recommended reducing the setback to 50ft.

AYES: 6 NAYS: 0 Motion Carried

E. Proposed Zoning Amendment #34-10-10

Ms. Thum stated that this amendment was before them to replace the current Road Frontage requirements with the previous zoning ordinance language. Ms. Thum has not had a chance to discuss this with the Fire Department.

Mr. Maki discussed the problems we have with Willow Road. He also stated that the Comprehensive Plan called for the elimination of private roads and after pressure from the public the commission decided to allow 4 dwelling units to one driveway.

Mr. Smith asked if we could table this item so we can look over the information.

Ms. Thum agreed, she too need more time to go over everything. In fact would like to table the rest of the proposed zoning amendments, to allow her more time to go over them.

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

VIII. NEW BUSINESS

A. Township Parks

Ms. Thum stated that she would like to table this until next month so we can discuss this with DPW Foreman Mr. Brad Johnson can attend the meeting.

Sikkema moved, Tabor Seconded to table this item until next month's planning Commission meeting.

B. Proposed Zoning Amendment #34-10-13

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

C. Proposed Zoning Amendment #34-10-14

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

D. Proposed Zoning Amendment #34-10-15

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

E. Proposed Zoning Amendment #34-10-16

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

F. Recommendation – Planning Commission appointment

Due to Jaime Tomczyk resigning from the Planning Commission we now have an open seat and the Township has received applications from Tom Mahaney, Bob Lajuenesse, Wayne Dees and Jon Kangas. Ms. Thum asked for the Planning Commission thoughts on each of the applicants or who they thought would be a good fit on the commission.

Mr. Smith stated that Mr. Bob Lajuenesse has been a Chocoday Township resident his whole life and operates a business in our Township. He would be a good fit.

Mr. Ken Tabor stated that he believes all of the candidates would be a good fit to the Planning Commission.

Mr. Meister and Mr. Milton stated that they thought Tom Mahaney would make an excellent choice as well, because he is a local business owner.

Mr. Maki stated that the Commissioners cannot make a recommendation to the Supervisor, it's his job to make a recommendation and they should not be doing his homework.

Mr. Dees, 512 Wooddale stated that the act states that the Supervisor is suppose to make the recommendation to the Township Board.

Ms. Thum stated that she would like the Commissioners input, as they will be working with that individual. The Supervisor will still make the recommendation we are just trying to get a feel for who the current Planning Commission feels would be the best fit.

IX. Public Comment

Mr. Dees 512 Wooddale stated that his Chocolay Township Blog will be up soon.

Mr. Maki questioned the Lakenenland Conditional Use permit and the application.

X. Commissioners Comment

None

XI. Directors' Report

None

XII. Information

Planning Commission minutes from the City of Marquette and Marquette Township were included in your packets.

XIII. Adjournment

Kendall Milton
Chairperson

Charter Township of Chocolay

Planning Commission Minutes

Monday, August 2, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton, Dr. Ken Tabor, Andy Smith, and Eric Meister

Members Absent: Estelle DeVooght, Tom Mahaney

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of June 7, 2010 Minutes

Mr. Sikkema had a question on the discussion regarding what constitutes a livestock animal and the discussion concerning rabbits should be considered pets or livestock. Would they follow livestock rules or pet regulations? Ms. Thum stated that was where Ms. DeVough was referring that rabbits should not be considered livestock because people can have rabbits as pets or raise them for meat.

Mr. Sikkema moved Dr. Tabor second to approve the June 7, 2010 minutes

Ayes: 5 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Mr. Sikkema moved Dr. Tabor seconded to approve the agenda as written

Ayes: 5 Nays: 0 Motion Carried

IV. Public Hearings

A. None

V. Public Comment

a. None

VI. PRESENTATIONS

A. None

VII. OLD BUSINESS

A. Township Parks and playground equipment

Ms. Thum explained that last year the Planning Commission looked at improving our Township's parks and that included adding new equipment at the Township marina. The Commission thought that the marina would be a good spot due to the number of families in the vicinity. However, upon further discussion with staff and commission members we feel that is not a suitable location anymore.

What we would like to do this year is replace the slide at Silver Creek and we are looking in the \$1900.00 range. The Township would like to eventually replace all of our park equipment as it's outdated and not ADA compliant. The Township would like to add a set of swings at the Marina.

Mr. Brad Johnson DPW Foreman stated that Lions Field might be upgraded, and what he would like to see where the hockey ring is to pave that and install the walls and let the kids use that for roller hockey and it can still be flooded during the winter.

Mr. Sikkema asked what would be the Township's number one priority, swings at marina and slide at Silver Creek. He also asked what park gets used the most right now?

Mr. Johnson stated that Beaver Grove does, but that the equipment is in good shape right now.

Mr. Meister asked about the current Bell Building and if the Township does purchase that for a Fire Hall, is there enough room on that site for playground equipment?

Ms. Thum stated that there is enough room and that is actually something they talked about. That would take care of the concern with water and parking. Ms. Thum also stated that we could add more money into the capital improvements.

Mr. Milton asked if \$1000 would be enough to put into the capital improvements each year.

The Planning Commission discussed the swings and slide and determined that, at this point they would like to hold off on installing swings at the Township Marina. They felt that the Fire Hall would be a better location as it's in the middle of walking distance from majority of the families.

Mr. Meister moved and Mr. Sikkema seconded to add \$1000 to the recreation and grant capital improvements account and to install a slide at Silver Creek Recreation Area.

Ayes: 5 Nays: 0 Motion Carried

B. Township Sign Ordinance

Ms. Thum explained that the Planning Commission held a public hearing back in March of 2010 and held meetings to discuss the proposed sign ordinance in May and June of 2010. Ms. Thum also explained why the Township is looking into adopting a new sign ordinance. Staff has not gotten much feedback from residents or PC members. Ms. Thum also explained that the Planning Commission can decide if they want the ordinance to continue being a part of the overall zoning ordinance or be a separate one, which might allow the Township to be able to specify an amortization period.

The current ordinance does talk about non-conforming signs and amortization period, staff asked if this was acceptable to the commission? Ms. Thum also asked if 30ft is adequate enough for the maximum height of signs.

Mr. Sikkema asked where video signs would be covered. Ms. Thum stated that it could technically be considered a "Flashing Sign" or "Flashing, Animated or Moving Signs". Mr. Sikkema explained that they are becoming popular down state, and Ms. Thum explained that we could add language to permit them or prohibit them, but we should discuss them.

Mr. Sikkema stated that the 30ft was more than adequate for the height size. Mr. Meister stated that all the businesses on US 41 are in violation of the proposed current sign ordinance as the business are permitted only two signs. He does not feel that the banners are a distraction; it's just a way for people to get information. He feels there should be some room for temporary signs.

Mr. Smith does not feel that the current Holiday Sign is a problem and he likes the signs. He does not feel that electronic message signs are a problem.

The Commission discussed video signs and electronic signs and if we should regulate the signs, then we could look at the timing of the video based signs.

Ms. Thum stated that she will work on the new language and then hold an additional public hearing so the businesses could view the new ordinance.

Mr. Smith asked her to look at the businesses and determine who would be in

compliance and whom would not be in compliance with the proposed ordinance.

Mr. Meister moved and Mr. Smith supported to table the Chocolay Township Sign Ordinance.

Ayes: 5 Nays: 0 Motion Carried

C. Proposed Zoning Amendment 34-10-10

Ms. Thum explained that she would like to table this item, until she is able to speak to the Township Fire Department about the current private road standards and the old language.

Mr. Sikkema moved, Mr. Tabor, Seconded to table proposed Text Amendment #34-10-10 to replace current ordinance language as amended April 21, 2008 with ordinance language previously used and adopted May 9, 2977, Sec 402 Frontage Requirements in Section 6: 6.7 Road Frontage Requirements until our September 12, 2010 meeting.

Ayes: 5 Nays: 0 Motion carried

Mr. Smith had a question concerning the \$500.00 performance bond and the .25 per foot will be required, he wanted to know if we should have a dollar amount instead of the .25 per foot.

Mr. Tabor asked him how would he do it though.

Ms. Thum explained that they were new language to try and ensure that the private road was built correctly.

The commissioners explained that \$500.00 is not going to cover much, and it's for after the road is constructed. The bond should be there to ensure that if the road was not built to County Road Standards then the Township can pay for the road to be built to County Road standards. Before the road would be accepted that the owner should guarantee that the road is built to County Road standards.

Mr. Sikkema asked why we are asking them to build it to County Road Standards, when they are not going to take over any new roads.

Mr. Tabor explained that they have to the easements.

D. Proposed Zoning Amendment 34-10-11

Ms. Thum explained that the amendment was to remove PUD's as a permitted use in the AF District. Staff has been working on new language for the PUD's as there were several issues with the current language. Ms. Thum talked about the Vista Hills development and the open space issues that arose from the PUD Development. Mr. Sikkema asked if Ms. Thum can go through what staff is proposing and what the current language is.

Ms. Thum read through the proposed language for the PUD Ordinance. She explained that the intent of the PUD needs to be changed and it has to be clear that any proposed PUD's have to follow the underlying zoning district regulations. There is also language concerning open space requirements and how it will be maintained. There is also new language about deadlines and conditions.

Mr. Sikkema talked about what the sub-committee is looking at adding 5 acre parcels back into Township.

There was more discussion on the acreage requirement and the proposed language.

Mr. Tabor moved, Mr. Sikkema Seconded to table proposed text Amendment #34-10-11 until next planning commission meeting to allow staff and the commission more time to work on the language.

Ayes: 5 Nays: 0 Motion Carried

E. Proposed Zoning Amendment 34-10-13

Mr. Milton thought that we should be doing proposed zoning amendment #34-10-13 and #34-10-14 at the same time as they are both dealing with Agricultural, or define Agricultural first before looking at the 20 acres or more for livestock.

Mr. Milton read the proposed definition of Agriculture. Mr. Milton wanted to know about the current agriculture on the parcels on less than 20 acres, they can still farm and/or have their livestock as they would be there before the language went into place. Ms. Thum stated that would be corrected. The Commissioners questioned why there should be a minimum lot size for livestock. Ms. Thum explained that there were phone calls from residents asking why what the minimum lot requirement was for horses and chickens, and that is why the Township looked into setting up a requirement.

Mr. Sikkema stated that he did not see any problems with the definition, and asked what staff's concerns were.

Mr. Sikkema moved and Mr. Tabor Seconded to Deny Zoning Amendment #34-10-13.
Reasons for denial:

1. If you are in an area that is Zoned AF then you should be able to have animals regardless of your acreage.
2. If you are in the AF District then you should have the acreage needed for the animals.

Ayes: 5 Nays: 0 Motion Carried

F. Proposed Zoning Amendment 34-10-14

Mr. Sikkema moved, and Mr. Tabor seconded to approve Zoning Amendment #34-10-14, amending the current definition of agricultural to now read, " *Farming in all its branches, including cultivating soil. Growing and harvesting any agricultural, horticultural, or floricultural commodity and Dairying. Raising livestock, bees, fish, fur-bearing animals, or poultry, including operating a game bird hunting preserve licensed under part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712, and also including farming operations that harvest cervidae on site where not less than 60% of the cervidae were born as part of the farming operation. As used in this paragraph, "livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats. Raising, breeding, training, leasing, or boarding horses. Turf and tree farming. Performing any practices on a farm incident to, or in conjunction with, farming operations. Agricultural uses includes use in a federal acreage set-aside program or a federal conservation reserve program.*

and recommended approval by the Chocolay Township Board.

Ayes: 5 Nays: 0 Motion Carried

G. Proposed Zoning Amendment 34-10-15

Ms. Thum explained that this amendment was to permit Wireless Towers in the AF District. Currently the ordinance does allow for them in the Wireless Section of the Ordinance, they are just not listed as a Conditional Use in Section 4.7 in the General Regulations of the Zoning Districts.

Mr. Tabor moved, Mr. Smith seconded to approve proposed text amendment #34-10-15 to add wireless communication facilities to Section 4 4.7 Agricultural / Forestry District (AF) (C) Conditional Uses: 14. Wireless Communication Facilities to the Chocolay Township Zoning Ordinance and to recommend acceptance by the Chocolay Township Board.

Ayes: 5 Nays: 0 Motion Carried

H. Proposed Zoning Amendment 34-10-16

Ms. Thum explained that this was to regulate swimming pools and this was discussed at last month's meeting.

Mr. Sikkema moved and Mr. Meister seconded to deny the proposed text amendment #34-10-16.

Ayes: 5 Nays: 0 Motion Carried

VIII. NEW BUSINESS

A. Township Fire Hall

Township Manger Mr. Lawry asked that the Planning Commission consider an alternative site for the Township Fire Hall. The Township did hire an architecture firm to draw up design plans for a new fire hall. Basically, the township needs to have a shovel ready plan for any government grants that they may be able to attain.

In order to have plans done, we need to identify the site that the fire hall could potentially be built on. The current bell buildings is a possibly for the new fire hall and would not require that much alternation. Also the fire department needs to be able to work at their current fire hall location. The bell building would provide enough space for the fire hall and was identified as a possible site by the Fire Department. Mr. Lawry explained that there is an offer on the building, but there are enough conditions on it that Bell is looking at other offers. Mr. Lawry wanted to know if the Bell building rezoning to municipal properties would be the same vision that the Comprehensive Plan had in mind.

Mr. Milton asked if he is looking for permission or recommendation from the Planning Commission to use the Bell Building in the feasibility study. Mr. Lawry stated that is corrected and they would have to change the scope of work with Integrated Design to do the feasibility study.

Mr. Gary Johnson discussed the location of the new fire hall on the existing site, the building would have to be next to the existing fire hall which would cause problems with snow storage, current pavilion and parking.

The commissioners asked where the stalls for the trucks would go, there was further discussion of the Bell building and the current fire hall.

Mr. Sikkema asked about the nearby residents and if they have been informed. He also asked what other permitted uses are under municipal properties in the Zoning Ordinance. Ms. Thum stated what the permitted used were and conditional uses. Ms. Thum stated that the Fire Department could also seek a Conditional Rezoning.

Mr. Meister thought that the site made sense in that there is a light that fire trucks can utilize to get out on the highway. Also, that no matter where the fire hall goes it will have an impact on the neighborhood.

Mr. Johnson stated that the current siren will not go with the proposed hall. Mr. Sikkema did not have a problem with the location, he just wanted to ensure that the residents knew that the site was being considered for the fire hall.

Mr. Meister and Mr. Tabor felt that they could do the study without contacting the residents.

Mr. Tabor asked if the Board really needs a recommendation from the Planning Commission.

Mr. Larwy stated that the board should have an idea if the Planning Commission feels that its part of the comprehensive plan and the zoning impact that it would have on the neighborhood district.

Mr. Sikkema felt that he would have a hard time knowing that until he was able to hear from the residents.

Mr. Tabor moved and Mr. Meister supported recommend to the Chocolay Township Board to authorize the feasibility study on the current Bell Medical building to be conducted by Integrated Design for an alternative site for the proposed fire hall.

Ayes: 5 Nays: 0 Motion Carried

B. Comprehensive Corridor Access Plan

Mr. Milton stated that this is a follow up from Mr. Al Feldhouser from Marquette County presentation on our access management plan and issues along the corridor. Mr. Milton stated that in the packets was some homework. Ms. Thum stated that the Commission were to go through the list and see what items could be removed or amended.

1. Felt that the existing #1 could be edited to state something about constructing a bike path from the City of Marquette on the west side along the rock cut to connect with the existing bicycle path on the west side.
2. The commissioners felt that #2- #7 appeared adequate.
3. Felt that #8 could be reworded to just talk about the intersection radius at Corning Street.
4. #10 was a bit strange, Silver Creek Drive actually serves the Township Hall and there is a driveway on US 41 that serves the Police and Fire Dept? The Township has talked with the neighboring property owner on Silver Creek Road about purchasing land from them to move our driveway and that have said no on several occasions. This could probably be removed. The road commission did place a do not block sign in front of our driveway and this has helped with people stacking right in front of our property.
5. #10 through #14 seems alright
6. #15 we do have a service drive from the gateway shopping to holiday. It could talk about a serve driveway from Holiday to Snyder's.
7. #16, we felt this could be removed, it most likely will never happen
8. #17 can be removed, we did do this one.

C. Comprehensive Plan update work plan

Ms. Thum gave an update on the status of the Sub-Committee and that they are working on an Agricultural / Forestry #2 where the acreage requirement would go down to 5 acres instead of the 20. This would make more of the lots conforming and the resident would still be able to keep their agricultural status. The Committee tried to keep the 5 acre lots closer to the highway. The committee is also working on scheduling the visioning session.

IX. PUBLIC COMMENT

A township resident wanted to know if any agency was going to mow the weeds along the Green Bay bridge. The weeds have overgrown the bridge and are now in the road. Mr. Sikkema stated that the County Road Commission does not mow anymore and MDOT is only mowing once this year and will probably not mow next year. Mr. Lawry stated that the Township might be able to mow the weeds.

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A City of Marquette Planning Commission Minutes, June 15, 2010

XII. ADJOURNMENT

Milton moved and Mr. Sikkema seconded to adjourn the meeting at 9:30pm

Kendall Milton
Chairperson

Charter Township of Chocolay

Planning Commission Minutes

Monday, September 13, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton (Chairperson), Dr. Ken Tabor, Andy Smith (Vice chairperson), and Tom Mahanney

Members Absent: Estelle DeVooght, and Eric Meister (excused)

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of August 16, 2010 Minutes

Milton moved, Smith seconded to approve the minutes as written

III. Additional Agenda Items / Approval of Agenda

Mr. Milton moved Mr. Sikkema seconded to approve the agenda as written

Ayes: 5 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

A. None

V. PUBLIC COMMENT

- a. Mr. Art Geisha representing Northern Michigan University, discusses the proposed signage for the NMU Golf Course, they wanted to make that it would be in compliance of the new sign ordinance and to get the opinion of the Planning Commission.
- b. Mark Maki 370 Karen Road, wants to discuss the August 2, 2010 meeting.
Page 2: Where it talks about the Township Marina he wanted to know why staff felt that the marina was not a suitable location for recreation equipment. He wanted an explanation as to why the PC changed their mind.
Page 3, discussion on the Holiday, about Mr. Smith statement that he feels that sign looks nice, Mr. Maki was not sure if that is accurate. Mr. Maki also stated that the sign is in violation, and therefore Mr. Smith must feel that it's ok to violate the ordinance. Mr. Smith commented on Mr. Maki's comment concerning the Holiday Gas station sign.
Page 5 and why the Planning Commission denied 34-10-15, and the minutes don't reflect clearly what the amendment is.

VI. PRESENTATIONS

Mr. Andy Sikkema abstained from this discussion

- A. Dr. Emerson and Mr. Brad Corey asked to be on the Planning Commission agenda to discuss two-way snowmobile traffic along the US 41 Business Corridor in Chocolay Township. Dr. Emerson talked the meeting that took place last year, with representatives from the Township, MDOT, DNRE and Representative Lindberg to discuss the possibility of two-way traffic along the Business Corridor. At that time the group discussed the safety aspect and the lack of right-of-way in certain areas along US 41 that could prevent the trail from becoming two-way traffic. At this point, Dr. Emerson would like to see the Township take the initiative to start the required process in order for the snowmobile trail to be two-

way, and to work with the DNRE and local snowmobile associations. Mr. what month's motorized traffic is permitted states and it's only one-way. Also, to see about installing wayfinding signs that would direct the snowmobilers to the businesses. Dr. Emerson also talked about the need for the two-way traffic due to safety concerns along the existing trail that utilize the old railroad grade in our Township and having them use the Green Bay Bridge to get to the businesses in Harvey.

- B. Mr. Brad Corey echoed what Dr. Emerson stated and he stated that he lives adjacent to the trail and he would like to see the Planning Commission address the issue of RR grade by Lakewood Lane that is the designated snowmobile trail, but during the summer and fall months. The problem that they have during those months is with motorcycles and 4-wheelers most of this happens during the weekends when you cannot get a hold of the police. The trail has been improved, but as a result there has been an increase in the number of motorcycles and 4-wheelers. He is not sure what to do on the weekends, as he stated that the police are not available on weekend. He would like to see modified turn styles along the trail that permit walkers and not motorcycles and 4-wheelers they have been installed in other areas. (see attached document concerning the weekends)

In closing, Dr. Emerson is looking for the Township to figure out a way to have two-way traffic along the US 41 Business Corridor for this snowmobile season.

Tom Mahanney stated that he hopes that the new crushed limestone will be maintained as it's a great asset to the township.

VII. OLD BUSINESS

a. Township Proposed Sign Ordinance

Mr. James Thams, representing NMU, started the conversation that NMU is looking at the installing a new sign at the golf course and they have provided a rendering to the township for the Planning Commission to look at. The Commissioners did not have any comments concerning the sign at this time. NMU does have permission from MDOT for the sign to be located in the right-of-way. Staff discussed the two sections in the ordinance where it references golf course signs.

The commissioners decided to start at the beginning of the proposed sign ordinance, and go from there.

Chairperson Milton read out load the Applicability section of the proposed ordinance and the Intent of the ordinance.

18.1 Applicability

No issues

18.2 Intent

Mr. Sikkema commented on letter A, it should read, "recognize the proliferation of signs CAN be unduly distracting to motorist and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusing, reduced desired uniform traffic flow and creates potential for accidents.

18.3 Definitions

The commissioners added the following definitions;

Animated Sign – any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

The commissioners deleted the following definitions

~~**BOX, CAPSULE OR PANEL SIGN – An internally illuminated sign enclosed within a cabinet or cover encompassing the sign.**~~

~~FLASHING SIGN—Any lighted or electric sign which gives out light or varying intensities of light in sudden intermittent bursts. Non-Commercial, electronic message signs, such as time, temperature, date, open/close and 24hrs are not considered flashing for the purpose of this Ordinance. (DO YOU WANT THIS?)~~

Mr. Smith wanted to know what signs would be conforming to the current ordinance and what signs would not be. Staff is going to measure the signs at Citgo for next meeting to see if they are in compliance with the current ordinance. Staff stated that Wahlstroms, Jacks IGA, and Habitat for Humanity would be in violation of the proposed sign ordinance if the ordinance was to get approval.

Dr. Tabor stated that Mr. Meister had some good points concerning banners and temporary signs and that we should permit them and that he did not want the proposed sign ordinance to be too restrictive to the business owners. There was more discussion on the Holiday Gas Station sign. Mr. Milton stated that we could set up a Conditional Use for the electric message signs. Staff was directed to write language about intensity of the lights for the message signs and look at how often the message can change for next meeting.

Mr. Sikkema stated that we need to continue to work on the definitions and then look at each section, but we have to know the definitions to know what the ordinance is regulating.

Mr. Smith just wants to know what would be conforming and non-conforming and that someone has to enforce the ordinance and where are the people going to go, the ordinance has to be practical.

The commissioners edited the following definitions;

FLAG – An official governmental, or **corporate** emblem displayed on fabric or other material mounted to a pole.

~~FLASHING, ANIMATED or MOVING SIGNS (Flashing)—A sign that internally emits or reflects light from an artificial source, or the sun—a sign which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity; a sign that has any visible motion caused by either artificial or natural source.~~

INTERNALLY-ILLUMINATED SIGN – A sign that is lighted by a source inside the sign face, behind the sign face, or otherwise back-lighting the sign face or message. Only letters, numerals, and logos may be of translucent material to allow internal lighting to reveal the message of the sign. (Figure 4)

PORTABLE SIGN – Any sign which is not permanently affixed to a building, structure or the ground including, but not limited to, sandwich board signs, A-frame signs, inverted “T” signs and signs attached to a motor vehicle, **trailers** or carried by a person. This does not include temporary, real estate, construction, and similar signs defined herein.

SIGN – Any words, numerals, figures, devices, artwork, graphics, or trademarks, **excluding sculptures**, used to convey a message, or attract attention to an individual firm, profession, business, product or message and is visible to the general public.

REAL ESTATE/MARKETING SIGN – **A temporary sign placed advertising a property for sale, rent or lease.**

WALL SIGN – **A sign erected or fastened to the wall of a building having the exposed face of the sign; not extending more than 12 inches beyond**

the surface of the portion of the building wall on which it is erected or fastened. (Figure 9)

18.4 Illustrations

No issues

18.5 General Provisions

The Commissioners deleted the following provision(s)

~~3. D. Change of Message~~

~~No change of message shall be permitted (except on a changeable message sign) without bringing the sign into full conformance with this Ordinance.~~

The Commissioners edited the following provision(s)

4. Height of Signs

No free standing sign shall exceed a height of thirty (30) feet

A monument sign shall not exceed a total height of fifteen or ten (research what other signs are permitted to be in other areas) (15) feet including the sign pedestal. Sign height shall be measured to the top of the sign, from the adjacent grade. A freestanding sign/ ground sign on a man-made base, including a graded mound, or that is located in a depression below the adjacent grade, shall be measured from the grade of the nearest pavement to the highest point of the sign.

The commissioners discussed the difference between a ground, monument sign and free standing sign. They felt that there was confusion with the definitions, as a result they should be cleaned up to reflect each type of sign. Mr. Sikkema asked if the Shiras Hills sign is a monument or ground sign. Mr. Smith talked about his sign and that it is considered a monument sign. This can be a bit confusing to our business owners and this section of the ordinance needs to be clear. The proposed ordinance does have a free standing sign and ground sign grouped together.

There was some concerned about having 30ft sign near the residential areas; staff should look at some language to restrict the height of signs that are nearby residential districts. One example is the Varvil Center.

7. Illumination of any Sign

A. Residential Districts – Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property. Indirect lighting shall be pointed downward to prevent direct light rays from being visible of neighboring properties.

B. Commercial and Industrial – Indirectly, or internally illuminated signs are permitted providing such sign is shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

C. No sign shall have blinking, flashing of fluttering lights or other illumination devices which have a changing light intensity, brightness or color, or which are so constructed and operating as to create an appearance of writing or printing, except that movement showing date, time and temperature exclusively shall be permitted. ALL illumination shall be steady and stationary in source and intensity. Beacon lights or search lights shall not be permitted as a sign for advertising purposes. (Edit out and revise language.)

Staff will work on adding language about intensity, frequency, size, applicant to provide illumination sheet for lights to determine the intensity of the sign.

No animated signs (see definition) are permitted in any district.

8. Signs in or over a Right-of-Way

~~No sign other than traffic control or directional signs erected by a unit of government shall be allowed on any right of way.~~ (Finish revising) The placement of any sign that projects more than thirty (30) inches from the building and overhangs a public right-of-way shall be prohibited unless approved by the governmental unit having jurisdiction over that right-of-way and upon satisfaction of all requirements in this Ordinance and the Chocoday Township Zoning Ordinance. If applicant receives permission from the correct road jurisdiction to permit a sign in the Right-of-way the applicant can then apply for a sign permit through Chocoday Township. Permits by road jurisdiction do not supersede the rules of this ordinance.

The commissioners discussed if the current signs are going to be grandfathered in or how that would work? Staff stated that our attorney stated that no, because this ordinance is a regulatory ordinance so the signs would not be grandfathered in, but staff is not sure. The Commissioners' asked Ms. Thum to get this clarified for next month's meeting.

9. Signs Constituting a Traffic Hazard

No sign shall be located on any street or street corner signs which would obscure the vision of drivers using said streets, or conflict with traffic control signs or signals in any location. No sign shall obstruct the vision of drivers at any driveway, parking lot or other route providing access to any land use. (At the recommendation from the Township Police or road jurisdiction, work on language) Staff will consult with the Township Police and the appropriate road jurisdiction.

The commissioners discussed in detail how this would be enforced and who would determine what sign would constitute a hazard. There were several examples given where a sign could be considered a hazard. Staff was directed to work on this language for next month's meeting.

10. Abandoned Sign

Abandoned Signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, they shall be removed within ninety 90 days. Where the sign is conforming, but abandoned they shall be removed after one year. Any abandoned conforming sign or abandoned non-conforming sign or sign structure may be removed by Chocoday Township as the expense of the property owner.

Dr. Tabor, moved and Mr. Sikkema, seconded to table the Township Sign Ordinance until our October 4, 2010 meeting.

Ayes: 5 Nays 0 Motion Carried

b. Proposed Zoning Amendment 34-10-10 - Roads

Dr. Tabor, moved Mr. Milton, Second to postpone Proposed **Text Amendment 34-10-10** to replace current ordinance language as amended April 21, 2008 *see attached pages* with ordinance language previously used and adopted May 9, 1977, Sec 402 Frontage Requirements. *see attached pages* in Section 6: 6.7 Road Frontage Requirements.

Ayes: 5 Nays 0 Motion Carried

c. Proposed Zoning Amendment 34-10-11 – PUD’S

Dr. Tabor move Mr. Milton, Second to POSTPONE Proposed **Text Amendment 34-10-11** to allow staff and the commission more time to work on the language.

Ayes: 5 Nays 0 Motion Carried

d. Proposed Amendment to Ordinance #55 Vehicle Parking and Storage

Dr. Tabor, move Mr. Smith, Second to POSTPONE proposed **ordinance #55 Vehicle Parking and Storage** to allow staff and the commission more time to work on the language.

Ayes: 5 Nays 0 Motion Carried

VIII. NEW BUSINESS

A. Lakenenland Sign

Ms. Thum explained that at last month’s Township Board meeting, Trustee Maki made the motion to hold a public hearing to have the large Lakenenland sign discussed and determine if the sign needs to have a conditional use permit due to sign being larger than what is permitted. Staff stated that she believes the sign is larger than 60 square feet which is the maximum that the sign can be, but is hoping to get out there before the next meeting in order to measure the sign.

Staff will have to get permission to be the applicant for the Conditional Use Permit, and to hold the public hearing for the Lakenenland Sign.

There was further discussion the existing Conditional Use Permit for the bandshell and how the township got to that point and approval of the Conditional Use Permit. Staff was directed to determine the size of the Lakenenland sign and to determine if the sign is in violation of the Township Zoning Ordinance.

Dr. Tabor moved and Mr. Milton second to table this item until next meeting.

B. Comprehensive Plan update work plan

Ms. Thum discussed the upcoming Township vision session and hopes that everyone will be able to make the meeting. Ms. Thum explained the set up of the meeting and there will be “experts” at each of the tables leading the discussion on land use, natural features, transportation and aging service. Ms. Thum then talked about the next steps that will be taken by the sub-committee.

IX. PUBLIC COMMENT

Wayne Dees, 512 Woodvale – not sure either if the current signs are grandfather in. Mr. Dees talked about the Holiday Sign

Mark Maki, 370 Karen Road – will provide his written questions to staff so he can get a written response. He stated that Chocoley Township is a nice area and Harvey is looking nice and the business deserves credit, but he does not want to see changes to the sign ordinance that would detract from how it looks now.

X. COMMISSIONER’S COMMENT

Mr. Mahanney had a question concerning the Access Management plan and Ace Hardware. Mr. Sikkema stated that nothing has been official, the Township approached MDOT about some traffic concerns and the number of driveways along US 41 was an issue. There has been talk about closing one of the Ace hardware drives, but the Township has to get support from the owners to do this. The Commissioners discussed the driveway closure and the service driveway that would connect the Marquette Veterinary Office to Ace Hardware.

XI. DIRECTOR'S REPORT

A. Property Maintenance Code

Ms. Thum stated that in the current plan it states that the Township should explore the possibility of passing a property maintenance code and wanted to get input from the commissioners.

B. Noxious Weeds Requirements

Ms. Thum stated that in the current plan it states that the Township should explore the possibility of passing a property maintenance code and wanted to get input from the commissioners.

Mr. Milton stated that should keep the weeds down for traffic control and the site triangle would come into play here. Dr. Tabor could see it in the village area and in some subdivisions, but not in the AF Districts. Mr. Sikkema stated that there should be residential covenants in some of the subdivision that regulate the weeds. Also, should residents be required to mow their entire 10 acres?

The Commissioners stated that at this point they don't believe there is a need for either of these items.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A Planning and Zoning News, August 2010

B. Letter to MDOT Corridor Group from Township Manager Steve Lawry

XII. ADJOURNMENT

Dr. Tabor made the motion to adjourn the meeting at 9:45pm.

Charter Township of Chocolay
Planning Commission Minutes
Monday, October 4, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton (Chairperson), Dr. Ken Tabor, Andy Smith (Vice chairperson), Eric Meister, Estelle DeVooght and Tom Mahanney

Members Absent: None

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of September 13, 2010 Minutes

Dr. Tabor moved, Mr. Sikkema seconded to approve the minutes as written

III. Additional Agenda Items / Approval of Agenda

Mr. Sikkema moved Dr. Tabor seconded to approve the agenda as written

Ayes: 5 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

A. None

V. PUBLIC COMMENT

A. Mr. Steve Zarkowski had general comments regarding the current Bell Hospital building. Mr. Zarkowski stated that he is consider purchasing the old Bell building on Corning Street, to turn into a multiple family building that would cater to the disabled and aging residents of our Township. He has talked to staff concerning his thoughts for the building. He just wanted to see if the Planning Commission thought it sounded like a good use for the building.

VI. PRESENTATIONS

A. None

VII. OLD BUSINESS

A. Township Proposed Sign Ordinance (from where we left off after last meeting)
The Planning Commission and staff discussed the sign ordinance in detail and had discussion regarding banners and electronic message signs. The consensus was to permit electronic message signs and staff was directed to work on language conceding the brightness of the signs. The Commission felt that the Township should permit banners with a total maximum of sixty (60) square feet and a permit would only be required after 30 days.

4. Height of Signs

No free standing sign shall exceed a height of thirty (30) feet

A monument sign shall not exceed a **total height of fifteen or ten (research what other signs are permitted to be in other areas) (15) feet** including the sign pedestal. Sign height shall be measured to the top of the sign, from the adjacent grade. A freestanding sign/ ground sign on a man-made base, including a graded mound, or that is located in a depression below the adjacent grade, shall be measured from the grade of the nearest pavement to the highest point of the sign.

The commissioners discussed the difference between a ground, monument sign and free standing sign. They felt that there was confusion with the definitions, as a result they should be cleaned up to reflect each type of sign. Mr. Sikkema asked if the Shiras Hills sign is a monument or ground sign. Mr. Smith talked about his sign and that it is considered a monument sign. This can be a bit confusing to our business owners and this section of the ordinance needs to be clear. The proposed ordinance does have a free standing sign and ground sign grouped together.

There was some concerned about having 30ft sign near the residential areas; staff should look at some language to restrict the height of signs that are nearby residential districts. One example is the Varvil Center.

5. Sign Construction and Assembly

All free-standing signs shall have a sign face that is an integrally framed structure and shall not have multiple, attached separate sign units on the face of the sign supports. The entire sign shall be made of materials that maintain this integral character, rather than an assemblage of different signs types and materials. Changeable-message signs shall be an integral part of the face of any free-standing sign. In addition, such message signs shall have uniform dark background with light-colored lettering and satisfy all other conditions of this Ordinance. (Northern Meats, Bayou Bar)

6. Sign Maintenance

All signs and all components thereof, including supports, braces, anchors, etc. shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this ordinance. Any sign which is determined by the Zoning Administrator to be insecure, in danger of falling, endangering the public safety or otherwise deemed nonconforming because it does not conform to all standards and regulations of the adopted ordinance or amended ordinance, shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance. The Zoning Administrator will contact the Marquette Building Department to determine if a sign is in face unsafe and violates and building or electrical codes.

Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

7. Illumination of any Sign

- A. No animated signs are permitted in any district.
- B. Residential Districts – Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property. Any existing indirect lighting shall be pointed downward to prevent direct light rays from being visible of neighboring properties.
- C. Commercial and Industrial – Indirectly, or internally illuminated signs are permitted providing such sign is shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

Where illumination of signs is permitted, the following standards shall apply.

- 1. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- 2. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of diffused exposed neon.

3. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.

~~4. Signs shall not be illuminated after 10:00 p.m. or close of business, whichever is later.~~

5. Each sign shall be designed so that illumination does not exceed 100 luxes (10 foot-candles) measured at a distance of 10 feet from the sign.

6. All electronic changing image signs shall be equipped with an automatic dimming feature that accounts for ambient light levels.

VII. Electronic Variable Message Signs: Any sign type may be an electronic variable message sign subject to the following regulations:

1. Surface Area: The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.

2. Length of Cycle. The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every ~~six (6) seconds~~ (INSERT 20 SECONDS). Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.

~~3. Color. All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.~~

4. Brightness Adjustment: An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.

Staff asked to re-word for next meeting.

~~5. Maintenance: Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.~~

E. ~~Service Station LED Signs~~

~~Permanent ground mounted sign for use only by fuel service stations for the purpose of advertising fuel costs are allowed.~~

~~1. No such sign shall exceed thirty-two (32) square feet with a maximum height of six (6) feet. The LED numerals may not exceed twelve (12) inches in height. Signs may double sided.~~

~~2. All ground mounted signs shall be located a minimum of five (5) feet behind the street right-of-way. At intersections, no sign shall be in the sight triangle as defined by this ordinance. See example of required sight triangles on Page 10.3.~~

~~3. Color. All lighted LED numerals shall only be green or red in color. LED background screen may only be black.~~

~~4. Illumination. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Such signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver~~

8. Signs in or over a Right-of-Way

If applicant receives permission from the correct road jurisdiction to permit a sign in the Right-of-way the applicant then must submit the drawings and sign application to the Planning Commission for their approval. Permits by road jurisdiction do not supersede the rules of this ordinance.

9. Signs Constituting a Traffic Hazard

A sign constituting a hazard to safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage, abandonment or inability to meet lateral and/or vertical loads as determined by the Township Police, appropriate road jurisdiction and/or Marquette County Building Codes Department.

No person shall install or maintain or cause to be installed or maintained any sign which simulates or imitates in size, color, lettering, or design any traffic sign or signal, or any other words, phrases, symbols and/or characters, in such a manner as to interfere with, mislead or confuse traffic.

10. Abandoned Sign

Abandoned Signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, they shall be removed within ninety 90 days. Where the sign is conforming, but abandoned they shall be removed after one year. Any abandoned conforming sign or abandoned non-conforming sign or sign structure may be removed by Chocolay Township as the expense of the property owner.

11. Setback

~~All signs shall be setback a minimum of five (5) feet from the right-of-way (ROW) of a public or private street.~~ All signs should have a setback of 30ft from the side lot line. All signs that will be located in the right-of-way must have written permission from the appropriate road jurisdiction. At intersections, no sign shall be in the sight triangle as defined by the local road jurisdiction.

No monument sign shall be located within 200ft of any other monument sign unless the Zoning Administrator determines that practical difficulties exist for locating the sign.

12. Signs constituting Planning Commission Review

- A. Any sign that is proposed to be taller than 20ft and borders a residential zoning district(s) on at least two sides.
- B. The placement of any sign that projects more than thirty (30) inches from the building and/or is located or overhangs a public right-of-way.

18.4 Signs Permitted in all Districts

The following signs are permitted in all districts; subject to the restrictions herein contained and shall not require permits for erection.

1. Governmental Signs.

Governmental signs of a branch of local, state or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule or regulation.

2. Flags or Emblems

Flags or emblems of governmental, civic, philanthropic, educational, or religious organizations, provided that the height of any flagpole shall not exceed thirty (30) feet.

3. Commemorative Signs

Commemorative signs such as cornerstones, historical markers, memorial plaques or tablets, and the like. (Figure ____)

4. Warning Signs

Warning signs such as “No Trespassing,” “No Hunting,” “danger,” and “Beware of Dog,” not **exceeding six (6)-square feet in area.**

5. Permanent Window Signs

A business shall be permitted interior signs (including neon as long as it’s not moving, flashing, blinking) and that occupy not more than twenty-five (25%) of the individual window area.

6. Church Bulletin Signs

One (1) Church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-four (24) square feet in area and a height of sign (6) feet, and is set back a minimum of ten (10) feet from the property line.

7. Political Sign

Political signs which are intended to advertise a public election, issues to be balloted upon in that election, promote individuals and/or parties participating in the election are exempt providing that no sign shall have an area exceeding four square feet in area. Sign areas may be increased to thirty two square feet provided the sign is so located that no portion of the sign area is located on the public right of way or lands of which are being used for public right of way and further provided that all political signs be removed within ten days after the election, and provided that all signs authorized are authorized only 90 days prior to any election. (34-08-02)

8. Residential/Address Sign

Signs having an area of not more than ~~two (2) square feet~~, **sixteen (16) square feet** the message of which is limited to conveying street number, the name of the premises, the name of the owner of the premise, and the name of the occupant of the premises.

18.5 Prohibited Signs

1. Banners

Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk signs or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 18.8 Temporary Signs.

2. Moving Sign

No sign shall have any visible moving parts, visible mechanical movement or any other apparent visible movement achieved by electrical, electronic, or kinetic means, intermittent electrical pulsations or wind currents.

3. Signs Constituting a Traffic Hazard

Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or constructed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection. The Township will work with the local road jurisdictions and Township Police to determine if the sign is constitution a traffic hazard.

4. Signs Constituting a Public Nuisance

Signs which contain statement, words or pictures of an obscene, pornographic or immoral character. Signs which emit auditable sound, odor, visible matter. The

Township will work with the local road jurisdictions and Township Police to determine if the sign is constitution a traffic hazard.

Signs in or on a vehicle when the vehicle is placed in a location not normally expected for such vehicles, and the location has the apparent primary purpose of attracting attention or providing advertising in addition to that permitted for legal signs on the site.

5. Exterior Signs Prohibited

- A. Roof Signs: A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof, a sign that is above the deck line of the mansard roof.
- B. Portable signs: A sign not permanently affixed, anchored, or secured to the ground or to a structure, including trailer signs, tripods, menu and sandwich-board signs.
- C. Tacking, pasting, painting, or otherwise affixing of signs or posters visible from a public way except “no trespassing”, “no hunting”, or beware of animal, warning of danger signs and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, posts, fences, or other natural features is prohibited.

Mr. Milton, moved, Mr. Meister, seconded to table the proposed Chocolay township sign ordinance until the next Planning Commission meeting.

B. Lakenenland Sign

Mrs. Thum explained that her and Ms. Fuller went to Lakenenland and measured the sign from the road using a scale. Staff has determined that the sign measured 26ft long and thee height is 2.5 ft tall with a total of 65 square feet. The Township zoning ordinance sets the maximum size for ground sign at 60 square feet, but there is an enlargement factor. The sign is setback approximately 75 feet and therefore can be increased by 10%, which would be an additional 6ft. Staff stated that the bird is separate piece and is considered art not a sign.

C. Comprehensive Plan update work plan

Mrs. Thum discussed the Township vision session.

VIII. NEW BUSINESS

A. None

IX. PUBLIC COMMENT

A. None

X. COMMISSIONER’S COMMENT

A. None

XI. DIRECTOR’S REPORT

Mrs. Thum discussed various violations around the Township.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A Information from Central Dispatch
- B. Marquette Township Planning Commission minutes, September 8, 2010
- C. Questions from Township Vision Session

XII. ADJOURNMENT

Dr. Tabor made the motion to adjourn the meeting at 9:45pm.

Charter Township of Chocolay

Planning Commission Minutes

Monday, November 1, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton (Chairperson), Dr. Ken Tabor, Andy Smith (Vice chairperson), Eric Meister, Estelle DeVooght and Tom Mahanney

Members Absent: None

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of October 4, 2010 Minutes

Staff noted that the second page was missing, but the only item on that page pertained to the changes that were made under the Township Sign Ordinance.

Mr. Milton moved, Mr. Sikkema seconded to approve the minutes as written

Ayes: 7 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Dr. Tabor, moved Mr. Sikkema, seconded to approve the agenda as written

IV. PUBLIC HEARINGS

A. None

V. PUBLIC COMMENT

Mr. Gary Niemela, 111 Lara Lei Trail wanted to talk about the current height restrictions. Mr. Niemela read a letter addressed to the Planning Commission, which discussed the height change last year when the PC increase the detached accessory height from 15' to 16' 6". Though what has happened due to some language error was that the height was measured from the top of the detached garage, instead at the midpoint. The increase was done, but staff denied an application because the height definition states that it's measured to the top. Also Mr. Niemela discussed that the definition is measured from the grade prior to any ground breaking. He would like detached accessory structures to be measured from the average height with a maximum being 16' 6".

VI. PRESENTATIONS

A. none

VII. NEW BUSINESS

Height regulations and definitions

Mr. Milton stated that it was the intent of the Planning Commission, last year to state the same thing as the Building Codes and that the average height is the midpoint of the regular gable roof and the intent was not to be different from that. With regards to natural grade, that might be to restrictive, the intent was not to allow drainage to go on to neighbors property. The grade should be at the property line and not the setback line. That would be intent of our deliberation.

Estelle DeVooght, we have been trying to figure out a definition of grade, someone has to tell what a grade is and what we can use in our Ordinance.

Mr. Niemela, stated that here is natural grade which has elevation changes and a finished grade.

There are few instances where you can start with a natural grade. In most cases, you have to bring in fill to make sure you have a flat starting point. The final grade is one that has been altered and different than the existing grade. Estelle wanted to see if the language can state final.

Mrs. Thum asked if we can use a cut and fill cross section to help determine if the height of the overall structure does or does not affect the drainage onto the neighboring lot. This could be something we could add as a requirement to obtain a zoning compliance permit. Ms. Thum stated that maybe then we could remove the height definition and then require a cut and fill cross section.

There was further discussion on drainage and who regulates it and if local staff level can look at drainage and determine if there will be problem. Mrs. Stated that we could do that by reviewing cross sections and working with the drain commissioner. There was discussion on a detached garage, with an energy truss are they allowed with a 16' 6" measured from the midpoint would work under the ordinance.

Mr. Sikkema asked when you put a height restriction on structures, what are you trying to accomplish. With zoning you are trying to make sure that whatever is built does not adversely affect neighboring properties and that is why we have setbacks. For example, if someone has a sloping lot, you would not want that person to put 6ft fill on that, raise their lot higher than the neighboring lots. Another question that we have to ask, does a higher building which blocks a river from their neighbor, does that detract for the neighboring home value? We need to find a compromise for our residents.

Mr. Mahaney, asked if we should change the grade from average to finish

Ms. Thum stated that she was not sure about finished grade and like the discussion that Andy Sikkema had started. We should look at incorporation language with regards to the natural grade around the buildings. Should we require cross-sections?

Andy Sikkema – we need to have some control of grade if we remove the statement about natural grade and measuring the height before breaking ground, the intent might be to have that statement in place for site plan review. If we take out the section about measuring the height from grade prior to breaking of ground then we need to have some form of controlling the height for those permits that do not require a site plan review. You don't want to take away a control item.

Mr. Milton, if you are impacting an area that is near the property line, that is the control feature, if you are attempting to put your drainage on to your neighbor property, the setbacks help to control that.

There was further discussion on site plan review in relationship to grade and height.

Mr. Sikkema, we need to amend the height definition and if we take out the natural grade then there needs to be some way to control the grade and how tall a structure can be on that lot. If you use average grade, you are trying to get things level, but if some is a lot that slopes off considerably to another lot, that 6ft of fill that could impact the drainage and image of that persons lawn. If we take that out, that you can change the grade of a lot, so do we use a number that would then kick in site plan review. Or, if you are not going to start construction at the natural grade then you have to go through site plan review. I don't like but it's a fair way to get a permit and to ensure that the neighbors are protected.

Andy Smith, as long as we keep the average word in the definition.

Eric Meister, the grade and definition has to be in relationship to the house/lot.

Ms. Thum gave some examples where the height or filling of a lot has affected a neighboring lot.

There was further discussion on height and that it would impact few individuals, but we need to try and protect everyone. How we should try and require site plan review that might be the only option to try and protect our residents. Any changes for ___ ft would require a site plan review, we need to figure out what number we should use.

Mr. Milton, if they are adding fill in the setback that should kick in site plan review, the interior of the property, one should be able to do what they want, but the setback limits could affect the neighboring property and that should kick in the site plan.

Mr. Smith commented that this is the right direction, if it is setback if you are in that 15ft with grade adjustments to accommodate your building then you should have to go through site plan review. If you are not then you won't affect your neighboring property, so this should work.

Mr. Sikkema, any changes to grade within the setback limits would require site plan review?

Mr. Smith, so the 16' 6' comes from the natural grade then you build in the setback then you will affect your neighboring lots. Any grade changes within the necessary setback would require site plan review.

Mr. Sikkema, any grade changes within setback in any district, and any adjustments of grade over 2ft would require site plan review. If your structure requires any grade changes within the setback, then you would have to go through site plan review, so we are adding another condition to get approval. That takes care of that portion, now we have to look at the definition of height and the changes that go with accessory buildings, that state average height. There is no definition of average height, then you have to go look at the definition of height. What we need to do is define average height and leave the definition of height alone. We need to come up with the term average height and in the section where it talks about accessory structures, it states height, not building height.

Mr. Milton, the building code measures from the finished grade to half the distance from the eaves to the peak. Then its difference from mansard roof, but that is from the finished grade as well.

Do you define average height, and its difference from height? We have to be careful changing the definition that you are not changing height or another portion of the ordinance.

The commissioners read the building height and figure they could change average height to building height, so that no detached accessory structure will exceed 16'6" in **building** height as determined by the Zoning Administrator.

Mr. Milton made a motion and Mr. Sikkema seconded that the Planning Commission be the applicant for proposed text amendment #34-10-18, to amend Section 6.7 General Provision, Footnote #6 and Section II, Definitions of height.

Ayes: 6 Nays: 1 (DeVooght)

VIII. OLD BUSINESS

Township Proposed Sign Ordinance

4. Height of Signs

No sign shall exceed a height of thirty (30) feet. (See #11 if proposed sign will be taller than 20ft)

A monument sign shall not exceed a total height of twelve (12) feet including the sign pedestal. Sign height shall be measured to the top of the sign, from the adjacent grade. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

All wall mounted signs shall be mounted such that no part of the sign is higher than the height of the façade of the building upon which it is mounted.

(Figure 7)

5. Sign Construction and Assembly

All free-standing signs shall have a sign face that is an integrally framed structure and shall not have multiple, attached separate sign units on the face of the sign supports. The entire sign shall be made of materials that maintain this integral character, rather than an assemblage of different signs types and materials. Changeable-message signs shall be an integral part of the face of any free-standing sign. ~~4~~

addition, such message signs shall have uniform dark background with light-colored lettering and satisfy all other conditions of this Ordinance.

6. Sign Maintenance

All signs and all components thereof, including supports, braces, anchors, etc. shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this ordinance. Any sign which is determined by the Zoning Administrator to be insecure, in danger of falling, endangering the public safety or otherwise deemed nonconforming because it does not conform to all standards and regulations of the adopted ordinance or amended ordinance, shall be removed within fifteen (15) days removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance. The Zoning Administrator will contact the Marquette Building Department to determine if a sign is in face unsafe and violates and building or electrical codes. Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

7. Illumination of any Sign

- A. No animated signs are permitted in any district.
- B. Residential Districts – ~~Only indirectly (externally) illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property. Any existing indirect lighting shall be pointed downward to prevent direct light rays from being visible of neighboring properties.~~
No home occupation sign shall be illuminated.
- C. Commercial and Industrial – Indirectly,(externally) or internally illuminated signs are permitted providing such sign is shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

Where illumination of signs is permitted, the following standards shall apply.

- 1. ~~Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.~~
The direct light rays shall not glare or shine outside the sign face.
- 2. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of diffused exposed neon.
- 3. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
- 4. ~~Signs shall not be illuminated after 10:00 p.m. or close of business, whichever is later.~~
- 5. ~~Each sign shall be designed so that illumination does not exceed 100 luxes (10 foot candles) measured at a distance of 10 feet from the sign.~~
- 6. ~~All electronic changing image signs shall be equipped with an automatic dimming feature that accounts for ambient light levels.~~

- D. Electronic Variable Message Signs: Any sign may be an electronic variable message sign subject to the following regulations:

1. Surface Area: The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.

~~If mounted on a building or if free standing, the maximum area is 16 square feet. If part of a pole sign, the electronic message center may only constitute 20% of the overall sign area.~~

2. Length of Cycle. The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every twenty (20) seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.

~~3. Color. All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.~~

~~4. Brightness Adjustment: An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.~~

All electronic signs must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions.

All electronic signs may not be set above 60 percent of the brightness capability of the sign. DETERMINE THE AMOUNT OF NITS FOR THE BRIGHTNESS. CONTACT SIGN FOR MAXIMUM NIIS.

~~All electronic signs within 200 feet of a residence must be switched off between 11 p.m. and 7 a.m.~~

~~E. Service Station LED Signs~~

~~Permanent ground mounted sign for use only by fuel service stations for the purpose of advertising fuel costs are allowed.~~

~~1. No such sign shall exceed thirty-two (32) square feet with a maximum height of six (6) feet. The LED numerals may not exceed twelve (12) inches in height. Signs may double sided.~~

~~2. All ground mounted signs shall be located a minimum of five (5) feet behind the street right of way. At intersections, no sign shall be in the sight triangle as defined by this ordinance. See example of required sight triangles on Page 10.3.~~

~~3. Color. All lighted LED numerals shall only be green or red in color. LED background screen may only be black.~~

~~4. Illumination. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Such signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver~~

8. Signs in or over a Right-of-Way

~~If applicant receives permission from the correct road jurisdiction to permit a sign in the Right of way the applicant then they must submit the drawings and sign application to the Planning Commission for their approval. Permits by road jurisdiction do not supersede the rules of this ordinance. (REWORD)~~

9. Signs Constituting a Traffic Hazard

A sign constituting a hazard to safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage, abandonment or inability to meet lateral and/or vertical loads as determined by the Township Police, appropriate road jurisdiction and/or Marquette County Building Codes Department.

No person shall install or maintain or cause to be installed or maintained any sign which simulates or imitates in size, color, lettering, or design any traffic sign or signal, or any other words, phrases, symbols and/or characters, in such a manner as to interfere with, mislead or confuse traffic.

10. Abandoned Sign

Abandoned Signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, they shall be removed within ninety 90 days. Where the sign is conforming, but abandoned they shall be removed after one year. Any abandoned conforming sign or abandoned non-conforming sign or sign structure may be removed by Chocolay Township as the expense of the property owner.

11. Setback

All signs shall be setback a minimum of five (5) feet from the right-of-way (ROW) of a public or private street. At intersections, no sign shall be in the sight triangle as defined by the local road jurisdiction. **(ADD ZERO SETBACK FROM THE RIGHT OF WAY)**

No monument sign shall be located within 200ft of any other monument sign unless the Zoning Administrator determines that practical difficulties exist for locating the sign.

12. ~~Signs constituting Planning Commission Review~~

~~A. Any sign that is proposed to be taller than 20ft and borders a residential zoning district(s) on at least two sides.~~

~~B. The placement of any sign that projects more than thirty (30) inches from the building and overhangs a public right-of-way.~~

~~C. All electronic message signs shall be required to come before the commission to determine the impact of the proposed sign.~~

18.4 Signs Permitted in all Districts

The following signs are permitted in all districts; subject to the restrictions herein contained and shall not require permits for erection.

1. Governmental Signs.

Governmental signs of a branch of local, state or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule or regulation.

~~**2. Flags or Emblems**~~

~~Flags or emblems of governmental, civic, philanthropic, educational, or religious organizations, provided that the height of any flagpole shall not exceed thirty (30) feet.~~

3. Commemorative Signs

Commemorative signs such as cornerstones, historical markers, memorial plaques or tablets, and the like.

4. Warning Signs

Warning signs such as "No Trespassing," "No Hunting," "danger," and "Beware of Dog," not **exceeding six (6)-square feet in area.**

5. Permanent Window Signs

A business shall be permitted interior signs (including neon as long as it's not moving, flashing, blinking) and that occupy not more than twenty-five (25%) of the individual window area. **If we increase to 50%.**

6. Church Bulletin Signs

One (1) Church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-four (24) square feet in area and a height of sign (6) feet, and is set back a minimum of ten (10) feet from the property line.

7. Political Sign

Political signs which are intended to advertise a public election, issues to be balloted upon in that election, promote individuals and/or parties participating in the election are exempt providing that no sign shall have an area exceeding four square feet in area. Sign areas may be increased to thirty two square feet provided the sign is so located that no portion of the sign area is located on the public right of way or lands of which are being used for public right of way and further provided that all political signs be removed within ten days after the election, and provided that all signs authorized are authorized only 90 days prior to any election. (34-08-02)

8. Residential/Address Sign

Signs having an area of not more than sixteen (16) square feet, the message of which is limited to conveying street number, the name of the premises, the name of the owner of the premise, and the name of the occupant of the premises.

~~9. Agricultural operations including pick your own produce and pick your own plants and trees grown on the premises may install a maximum of six (6) off premises signs for the purpose of directing to the location of the agricultural operation. The signs shall not exceed 6 square feet per exposed face, or 12 square feet in total area. The maximum sign height shall not exceed three (3) feet. Nothing in this subsection authorizes the placement of any sign on private property without the consent of the property owner.~~

10. Signs not legible from the road are permitted. As the sign is not attended for the.

18.5 Prohibited Signs

1. Banners

Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk signs or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 18.8 Temporary Signs.

2. Moving Sign

No sign shall have any visible moving parts, visible mechanical movement or any other apparent visible movement achieved by electrical, electronic, or kinetic means, intermittent electrical pulsations or wind currents.

3. Signs Constituting a Traffic Hazard

Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or constructed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection. The Township will work with the local road jurisdictions and Township Police to determine if the sign is constitution a traffic hazard.

4. Signs Constituting a Public Nuisance

Signs which contain statement, words or pictures of an obscene, pornographic or immoral character. Signs which emit auditable sound, odor, visible matter. The Township will work with the local road jurisdictions and Township Police to determine if the sign is constitution a traffic hazard.

Signs in or on a vehicle when the vehicle is placed in a location not normally expected for such vehicles, and the location has the apparent primary purpose of attracting attention or providing advertising in addition to that permitted for legal signs on the site.

5. Exterior Signs Prohibited

A. Roof Signs: A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof, a sign that is above the deck line of the mansard roof.

B. Portable signs: A sign not permanently affixed, anchored, or secured to the ground or to a structure, including trailer signs, tripods, menu and sandwich-board signs.

C. Tacking, pasting, painting, or otherwise affixing of signs or posters visible from a public way except "no trespassing", "no hunting", or beware of animal, warning of danger signs and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, posts, fences, or other natural features is prohibited.

18.6 Signs permitted in the Agricultural Forestry (AF) and Municipal Properties (MP)

Agricultural-Forestry

One (1) sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twelve (12) square feet in area. Up to two additional signs not exceeding twelve (12) square feet in area each may be placed on land owned by, or under the control of, the operator of a roadside stand, or a farm offering customer harvesting of crops, during the period said stand or operation is open for business. Said signs shall be located within a one and one half (1.5) mile radius of the farm advertised and be placed behind the right-of-way line.

Add language pertaining to farms. Setback/right of way.

Signs permitted in the AF District in conjunction with conditional uses shall not exceed 60 sq ft and shall be subject to the height and setback requirement in Section 6.1 of the Township Zoning Ordinance.

Recreational Signs

One sign identifying each recreation park up to a maximum of two (2) per structure for a recreational facility, having an area not exceeding thirty (30) square feet and a height not exceeding eight (8) feet is permitted.

Snowmobile business tourist directional signs shall be located at designated turnoffs and on the right-of-way of the D.N.R. snowmobile trail, signs shall be 12 inches x 12 inches or smaller, shall be limited to the "Standard International Symbols for food, gas, and lodging," one sign post per approved location. No business names allowed on any signs. (Signs shall not be in violation of any State ordinances, pamphlets, guides or directives).

Municipal Property

One sign or changeably copy sign identifying each municipal owner facility, having an area not exceeding thirty (30) square feet in area and a height not exceeding eight feet is permitted. Municipally-owned signs shall not be placed in any sight visibility triangle and shall be located at least fifteen (15) feet from any privately-owner parcel of land.

18.7. Signs permitted in the R-1, R-2, WFR and MFR Districts

One sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding twenty (20) square feet and a height not exceeding eight (8) feet is permitted. During development of a subdivision or other property for a period not exceeding two years, one sign, naming the subdivision or other property, developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding fifty (50) square feet, and height not exceeding 12 feet, is permitted in the subdivision, together with signs having an area not exceeding six square feet each and a height not exceeding six feet, directing the public to or identifying models.

On premise signs for golf courses are limited to one sign per course with a total area not exceeding 60 square feet provided that the sign is setback 5 feet from the front line and setback 30 feet from a side lot line.

18.8 Signs permitted in C and I Districts

1. Signs permitted on lots not located in a Shopping Center

~~A.-Area — Total area of a sign is not to exceed six square feet for each ten feet or fraction of frontage.~~

- B. No monument sign shall exceed sixty (60) square feet in area.
- C. No pole sign shall exceed 70 square feet in area.
- D. Total signage permitted for each building shall be determined as one (1) square foot of sign area for each one (1) linear foot of lot frontage provided that the maximum permitted area for any sign shall be 100 square feet.
- ~~E. NUMBER—Each developed lot shall be permitted one monument sign. Each developed lot that is located at the intersection of two (2) collector or arterial streets as classified in the Township’s Comprehensive Plan, may have one additional monument sign, provided that only one (1) identification sign shall be permitted on any single street. Each developed lot shall be permitted one wall sign.~~
- F. Menu/Price Boards – In addition to the signs permitted in paragraphs a. and b. above, drive-thru businesses with automobile pick up windows may have two (2) menu/price boards and each shall not exceed twenty-four (24) square feet in area.
- G. Ingress/Egress Signs: On premise signs of non-advertising, non-identification nature designed exclusively to control access or use, to warn or to direct traffic or pedestrians. Only one (1) entrance/exit directional sign is permitted per legal driveway, and it may not exceed four (4) square feet in area.

2. Signs permitted in a Shopping Center

Signage Guidelines

Shopping center identification signs should be compatible with the design theme of the development. They may identify multiple tenants, but larger shopping centers with more than 5 tenants should avoid listing individual tenants, other than the project anchors, to avoid sign clutter. The sign structure should contain elements of the design theme of the buildings in the center.

- A. One ground mounted/multi-tenant monuments shall be allowed for commercial and mixed-use developments only. (Shopping centers, office complexes, etc.) Individual tenant ground mounted signs are not permitted under this set of criteria. Each store or industry may have one wall sign with a maximum of two and one –half (2 – 1/2) square feet of sign area for each lineal foot of building frontage up to a maximum of one hundred (100) square feet.
- B. Overall monument (armatures, monument bases, brick or stone structural elements, etc.) including maximum allowed sign area should not exceed 100 sq. ft.
- C. Additional monuments on secondary road entrances should be smaller in scale than the primary sign and are limited to 32 square feet. Such signs must be on the same lot as the shopping/business center.
- D. Each tenant of shopping center shall be guaranteed at least 10 square feet of wall signage.
- E. Landscaping must be planted and maintained around the base of any free-standing identification sign.
- F. Menu/Price Boards – In addition to the signs permitted in paragraphs a. and b. above, drive-thru businesses with automobile pick up windows may have two (2) menu/price boards and each shall not exceed twenty-four (24) square feet in area.
- ~~4. A time and temperature sign shall be permitted provided that ownership identification or advertising copy does not exceed ten percent (10) of the total sign area and further provided that the total area of the sign does not exceed twenty four (24) square feet. Such signs shall follow the provision in Section 18.5, (2)~~

18.9 Temporary Signs

Un-illuminated on-site temporary exterior signs may be erected in accordance with the regulations of this section.

- 1. In single-family and multi-family districts one (1) sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed thirty-two (32) square feet in area. Each sign shall be removed within one (1) years after the initial rental or sale of eighty (80) percent of all lots or dwelling units within said development.

2. One (1) identification sign shall be permitted for all building contractors, one (1) for all professional design firms and one (1) for all lending institutions on sites under construction, each sign shall not exceed six (6) square feet in area, with not more than a total of three (3) such signs permitted on one (1) site. If all building contractors, professional design firms and lending institutions combine together in one (1) identification sign such sign shall not exceed thirty two (32) square feet in area with not more than one (1) sign permitted on site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of construction, construction shed or construction trailers ~~and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.~~

3. Real Estate Directional Signs

Real estate signs advertising the sale, rental, or lease of property in residential districts are permitted provided:

A. The sign is located on the lot or in front of the unit for sale.

B. One (1) sign is permitted.

C. Sign shall not exceed six (6) square feet in area.

D. Sign shall be placed at least ten (10) feet from the edge of the road right-of-way or easement.

E. Signs shall be removed within seven (7) days after the property has been sold, rented or leased.

4. Banners are permitted without, a permit shall be required if such banner will be posted for more than thirty (30) days. If such banner is proposed to be up a longer a temporary sign permit will be required. Such signs shall not obstruct pedestrian or vehicular view. Gas filled figures are not permitted.

~~A. Banners may be no larger than 40 square feet in area, and located on a building with all four corners securely attached.~~

B. Not exceed twenty (20) percent of the wall area to which the sign is attached. **Increase that to be the same as wall sign area.**

C. Not to be attached to or between telephone poles, fences, fence posts, utility posts, public or private light posts, trees, vehicles, or any other apparatus other than a building wall.

D. Be maintained in a neat, attractive and safe condition.

E. Work on language for sandwich board signs – right –of way. Include working about lot frontage, each business is limited to ____ how many permitted for each lot.

5. In residential districts, temporary direction signs, not exceeding three (3) square feet in area and three (3) feet in height, shall be permitted on approach routes to a private garage or rummage sale, for a period not to exceed seventy-two hours. Said signs shall contain address, dates of the sale and shall be removed within 16 hours of the end of the sale.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

Mrs. Thum read a letter from a concerned citizen discussing the holiday gas station and the fatal accident. The resident stated that the gas station signs and lights really make it difficult for people whom are turning into Holiday hard to see the driveways. Mrs. Thum stated that staff mentioned that there was the possibility that the curbs could be painted white, to help drivers see the driveways.

Estelle DeVooght, there are so many light there, it's hard to see the driveways.

Andy Smith, stated that he had a conversation with the manager from Holiday about wanting to install lights at the edge of the curb and painting of their curbs. In the winter when they have the orange stakes in its easy to see, in the summer at night it's hard to see the driveway.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A Planning and Zoning News, September 2010
- B. City of Marquette Planning Commission Minutes, September 7, 2010 and September 21, 2010



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on December 6, 2010.

The meeting was cancelled.

Charter Township of Chocolay

Planning Commission Minutes

Monday, January 10, 2011

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton (Chairperson), Andy Smith (Vice chairperson), Eric Meister, and Tom Mahaney

Members Absent: Dr. Ken Tabor, Mrs. Estelle DeVooght

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval November 1, 2010 Minutes

Mr. Andy Smith asked that his comment on the last page be written to state that he had a conversation with the gas station manager about placing lights at the corners of the lot. Staff noted the change.

Mr. Meister moved, Mr. Milton seconded to approve the minutes as written

Ayes: 5 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Ms. Thum asked that the Sign Ordinance be moved to Item VIII B.

Mr. Milton moved, Mr. Sikkema seconded to approve the agenda with the added change.

Ayes: 5 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

A. Conditional Use Permit #87

Mr. Milton stated that this was the neighbor of the person that had requested the Zoning Board of Appeals grant them a side setback of 2ft on the east side. Mrs. Thum explained that the owners of 2003 M 28E have a signed purchased agreement to purchase 25ft from Ms. Weiger, the applicant, for CUP #87. Mrs. Thum's concern was that if the agreement goes through, than part of the dune and vegetation that Ms. Weiger would like to see removed, could be part of 2003 M28E property. Ms. Thum explained that in her report she had written that maybe the Planning Commission should table this item until they can get confirmation that the sales agreement has gone through and then request that an updated survey be conducted to ensure that the dune and vegetation that is being proposed to be removed is not part of the purchase agreement. Mr. Milton noted that by looking at the pictures, they started the work prior to obtaining any of the permits.

Mr. Mahaney asked about the location of the garage. Ms. Thum stated that they are proposing to remove a portion of the dune and some vegetation on the East side of the property and place the dune fill on the West side.

Mrs. Thum stated that she went to the site and attempted to find where the new property line would be if the 25ft sales agreement went though. She stated that it appears that a portion of the dune that was removed would be located on the 2003 M-28E property.

Mr. Mahaney asked if we should wait and see what happens with the sales agreement? Mr. Milton stated the purchase agreement has already taken place, and the house was removed from 2003 M-28E.

Mr. Gary Enright, the construction firm for 2007 M-28E. He stated that the work began and he was not aware that they needed a permit. He asked if the purchase agreement had been signed. He was not aware of the purchase agreement. Mr. Enright approached the Commission to view the sales agreement that they had as part of their packet. The Commission reviewed the sales agreement and that the closing date had passed, so then it might not be official yet, and Mr. Milton stated that then complicates things.

Mr. Enright, explained the details of the garage, and that it will be a detached garage. Ms. Weiger wants it near the entrance of her house that is on the East Side. Mr. Enright showed the location of the garage on a picture that was provided to get a better idea of where it would be located in reference to the dune. Mr. Enright explained that the dune will be cut into, not completely removed. The dune should only be cut about 10ft in. There was further discussion with regards to the purchase agreement.

Mr. Milton asked if there were any other proposed comments on CUP #87. Hearing none the public hearing was closed.

B. Rezoning #145

Mr. Milton stated that proposed Rezoning #145 is for a five unit apartment complex with record storage in the basement and that the property is located at 425 Corning Ave. Mr. Milton then opened up the public hearing.

The applicant, Mr. Zarkowski, 1982 Orchard Street, they plan to turn the building into 5 units handicap accessible apartments; 4 will be two bedroom and 1 will be a one-bedroom apartment. The building would be 100% barrier free. Mr. Zarkowski went over the floor plan of the building. He stated that the basement will be rented to Bell Hospital as they are the owners of the records in the basement and there will be a separate entrance for them and the basement has sprinklers.

Mrs. Fradette, 126 W. Terrace

Mrs. Fradette, stated that they were concerned about the commercial aspect that is being introduced as part of the neighborhood, where this area is highly residential. They object to the commercial aspect of the proposed PUD. They stated that Bell Hospital were good neighbors. Also, that if the apartments could be done without having commercial in the basement, and then they would support this project. Mrs. Fradette stated that she is concerned about their property values.

Mr. Zarkowsk stated that the parcel has been commercial for over 30 years and the multi-family will be a nice transition between the commercial that exists and the single-family residential. The commercial will be in the basement.

V. PUBLIC COMMENT

Mr. Bob Cambsney, (insert address) engineer for the site. With a PUD if granted their approval and use can be rescinded, and that would assure the residents that no other commercial use would occupy the basement. If at some point the apartments don't make it you can't just put a new use in the basement without going before the Planning Commission, as there would be a major change in the approved plan. The commercial use is only for the continuation of record storage.

VI. PRESENTATIONS

A. None

VII. NEW BUSINESS

A. Rezoning #145

Mr. Milton stated that we should continue with Rezoning #145. The applicant is proposing to combine the multi-family designation with a commercial designation in the basement and he has to go through the PUD process. He will maintain the storage facility and use the upper portion for the multi-family use.

Mrs. Thum gave her report and her concerns along with the Department of Public Works and Fire Department. Her concerns dealt with regards to the use and that another driveway may want to be added for emergency purposes. Mrs. Thum was also concerned that there could be an increase in traffic on the streets and wondered what the expected number of vehicles would be at the site on a day to day basis. Also if there would be set hours for the building, as to when family or staff such as nurses and other doctors would be permitted to visit the building. Mrs. Thum also mentioned that past practices of PUD development and the Planning Commission's review has been to add landscaping and open space requirements to the proposed development. Mrs. Thum stated that this should be considered. However, the proposed development would be utilizing an existing site, so she was not sure if open space and additional landscaping would be required for an infill development. Mrs. Thum has stated that she has not received any comments from any of the local or state organizations that the notices were mailed to. The future land use map does show this site as residential. With regards to the Commercial use, if the business does not work, one of the conditions can be that it will revert back to residential. Also, the conditions could be that any commercial change in the basement has to come back before the Planning Commission as well.

Mr. Mahaney asked about the minimum lot requirement and if the applicant would be permitted to build an additional building onto the site or not.

Mrs. Thum explained that the proposed rezoning went before the ZBA at their December meeting and went over the minimum Floor Area ratio's and lot coverage. It would be something that the engineer and developer would have to show on a site plan so we could get an understanding as to what the lot coverage would be with an additional building. Mrs. Thum also mentioned that the sewer could be an issue if another building is proposed, she will have to check with DPW.

Mr. Sikkema stated that, the additional building is a good concern and that could be something that we add as part of the conditions, that any new building would have to go through the site plan process again. It would have to be part of the application.

Mr. Wolfson (realtor for Bell Hospital) stated that the only entrance for the basement is in the front. There is a service drive in the rear of the building that is used for maintenance people to get to the air conditioner and dumpster.

Mr. Sikkema read from the Township Zoning Ordinance about the PUD regulations and what is approved and permitted. They would not be able to change the use of commercial and we could name who the records belong to.

The applicant, Mr. Zarkowski, questioned the Planning Commission comments about the types of records that would be stored in the basement. There was further discussion between the Planning Commission and the applicant about the commercial request in a residential neighborhood. The Planning Commission wanted to address the commercial use to satisfy the residents and preserve the integrity of the neighborhood.

Mrs. Thum stated that she can work on a list of proposed conditions for approval of this site.

Mr. Milton went over the final site plan items that are required per the Township Zoning Ordinance and reviewed the current site plan.

Mr. Cambseny went over the current fence location and the staff's comment about the fence needing to be extended. Mr. Cambseny asked that if you were a neighbor, would you want to have to stare at a fence or the trees that they can see now. Also the neighbor's driveway is partially on Bell Hospital's property. Mr. Cambseny went over the neighboring lots that are zoned commercial.

Mr. Sikkema stated that there still appears to be some gaps into the application and that we need to make a recommendation to the Board, but we still needed answers. We need the applicant to quantify some items. A discussion occurred between the Planning Commission and the applicant with regards to record storage. In terms of the way records are stored, there are numerous ways that they could be stored including a computer system, paper, and so we need to get the intentions of the commercial storage.

There was a further conversation about records and the length of the process between the applicant and the Planning Commission.

Mr. Smith asked about what items should be added on the approval of preliminary approval for the applicant to follow and items that need to be added on the final site plan.

Mr. Meister moved, Mr. Mahaney second, that following the review of Rezoning Request #145, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends Preliminary Approval and will forward Rezoning #145 to the County Planning Commission for their review. The applicant shall prepare the drawings for Final Site Plan review and those will be reviewed at our next Planning Commission meeting. The following information must be supplied to the Township as part of the Final Site Plan review.

1. The number of vehicles that would be expected to be at the site on a typical day.
2. Hours that the building will be open.
3. To indicate any signs that might be requested.
4. To indicate dedicated open space, new landscape and any fencing that will be expanded.
5. The Final Site plan will address any comments that were made by the state and local agencies
6. The applicant will provide a detailed definition of what records will be stored in the basement.
7. Any revisions to landscape, parking, lighting be shown on the final site plan and be approved by the Planning Commission.

Ayes: 4 Nays: 0 Abstained 1 (Milton)

Motioned Carried

B. Conditional Use Permit #87

Mr. Milton explained that this is a request for a Conditional Use Permit to construct a new garage at 2003 M-28E and the applicant has already cut into the dune and removed vegetation. We are not sure what type of vegetation was removed. Also the boundary line on the west side needs to be hashed out with regards to the dune and vegetation that is being proposed to be removed. The big issue is the ongoing sales agreement.

Mr. Milton is not sure how the conditions can be met at this time.

Mr. Sikkema asked about the application and the wall that is being proposed to be built. The home owner would like to install a rock wall along the beach and at the toe of the slope. The applicant, Gary Enright, showed on a picture, the potential location of the rocks.

Staff asked a question as to why she would not build a garage on the opposite location of the lot. Mr. Enright stated that is where the home owner wanted to build the garage.

The applicant stated that they would not have to remove the total dune, just enough to place the garage. The dune that was removed would be used for fill on the East side of the lot.

There was further discussion with the Planning Commission, applicant, and staff about the proposed garage and the layout in relationship to the dune.

The Planning Commission asked the applicant for further information, such as a cross section of the dune, and a drawing of the garage.

Mr. Smith commented that if the garage is built and the purchase agreement went through, would the applicant be able to meet the side setback? That needs to be addressed in order to approve the permit.

The applicant may not be able to build on the opposite side, because the applicant would have to drive over the septic tank and drainfield.

Mr. Meister moved, Mr. Sikkema seconded to table this item pending outcome of the property dispute and the applicant shall provide a detailed site plan showing the dune restoration plan, setbacks, cross section of the dune that is being proposed to be removed, and the new lot line

Ayes: 5 Nays: 0 Motion Carried

C. Proposed Text Amendment #34-10-19

Mrs. Thum explained that this was part of the package of additional amendments that were proposed by Trustee Mark Maki. This is the only one that can be started though the process as the other is still in the works. Mrs. Thum explained that the proposed amendment is to change Section 1.6: Administrative Standards and Polices to be changed to the original language in the 1977 Zoning Ordinance. The Township changed this section in 2008 to be in conformance with the Michigan Zoning Enabling Act. Mrs. Thum explained the current language and why it was changed and that the specific MZE does cover what the old language did in relation to publishing and public notices.

Mr. Sikkema moved and Mr. Milton second to hold a public hearing for proposed text amendment #34-19-10 at our March 7, 2011 Planning Commission meeting.

D. Annual Report 2010

Mrs. Thum went over the report and stated that there were some grammar changes that needed to be made. It was also explained that it included what the Planning Commission did for the last year.

E. Top Priorities 2011 (not in any particular order)

1. Sign Ordinance
2. Junk car ordinance
3. Comprehensive plan
4. Attract new businesses
5. Playground in Harvey
6. Underground utilities along US 41S
7. DDA in Chocolay Township
8. Recreation sub-committee
9. Look into creating an additional AF zoning district that has a 5 acre minimum

F. Joint Meeting

Mrs. Thum explained that the Township Board wanted to hold a joint meeting this year. Mrs. Thum thought that the February meeting would be a good one, to get a better idea of the direction of the comprehensive plan. The Planning Commission needs to make a motion to hold a joint meeting with the Board, because they are inviting the Board to one of their meetings. Each Planning Commission member went over a couple of items they would like to see on the joint agenda.

Mr. Sikkema moved, Mr. Meister seconded, to hold a joint meeting with the Chocolay Township Board to discuss the sign ordinance, comprehensive plan, and other items that the Township Board would like to discuss at their February 7, 2011 meeting.

Ayes: 5 Nays: 0 Motion Carried

VIII. OLD BUSINESS

A. Proposed Text Amendment #34-10-18

The Planning Commission discussed the definition of height and the Michigan Building Codes department of height. The Commission wanted to remove the word "natural" from the

definition. There was further discussion by the Commission on the word grade and the previous discussion.

Mr. Smith moved Mr. Milton seconded, that the language that is written on the Zoning Ordinance Text Amendment application has been changed to state the change that was made at this meeting, is acceptable and we will hold a public hearing at the next schedule Planning Commission meeting.

Ayes: 5 Nays: 0 Motion Carried

B. Proposed Sign Ordinance

Mr. Sikkema moved and Mr. Smith seconded to table the proposed sign ordinance until our March 7, 2010 meeting

Ayes: 5 Nays: 0 Motion Carried

C. Proposed Text Amendment #34-10-13

Mr. Sikkema moved and Mr. Smith seconded to table amendment #34-10-13, #34-10-14, #34-10-14, #34-10-15 and #34-10-16 until next scheduled meeting.

Ayes: 5 Nays: 0 Motion Carried

D. Proposed Text Amendment #34-10-14

Mr. Sikkema moved and Mr. Smith seconded to table amendment #34-10-13, #34-10-14, #34-10-14, #34-10-15 and #34-10-16 until next scheduled meeting.

Ayes: 5 Nays: 0 Motion Carried

E. Proposed Text Amendment #34-10-15

Mr. Sikkema moved and Mr. Smith seconded to table amendment #34-10-13, #34-10-14, #34-10-14, #34-10-15 and #34-10-16 until next scheduled meeting.

Ayes: 5 Nays: 0 Motion Carried

F. Proposed Text Amendment #34-10-16

Mr. Sikkema moved and Mr. Smith seconded to table amendment #34-10-13, #34-10-14, #34-10-14, #34-10-15 and #34-10-16 until next scheduled meeting.

Ayes: 5 Nays: 0 Motion Carried

IX. PUBLIC COMMENT

Kim L. Hillier, Co-owner of the Maple Tree Court and Togo's. They are looking at adding new signage and are concerned that their proposed sign won't meet the proposed sign ordinance. They would like to add a roof sign and was not sure if it would be permitted. The Planning Commission had discussion about the roof sign, and that due to the location of the sign, it really is not considered a roof sign and, therefore, could be permitted. The roof signs were not intended to extend above the roof.

X. COMMISSIONER'S COMMENT

Mr. Sikkema stated that MDOT is moving ahead of the reconstruction of US 41 from Bayou Street to the Carp River Bridge, which is scheduled for 2012. The project will consist that the pavement will stay in place, raise the road about 2ft and then the curb and gutter will be eliminated, will have a standard ditch.

XI. DIRECTOR'S REPORT

A. Public Notices

XII. ADJOURNMENT

Mr. Sikkema made the motion to adjourn at 10:00pm.

SPECIAL MEETING
CHOCOLAY TOWNSHIP BOARD
CHOCOLAY TOWNSHIP PLANNING COMMISSION

February 7, 2011

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, February 7, 2011 at the Chocolay Township Office, 5010 U. S. 41 South, Marquette, MI. Supervisor Seppanen called the Township Board meeting to order at 7:30 p.m.

Planning Vice Chair Andy Smith called the Planning Commission meeting to order at 7:30 p.m.

TOWNSHIP BOARD.

PRESENT: Greg Seppanen, John Greenberg, John Trudeau, Mark Maki, Ken Tabor, Susan Carlson.

ABSENT: Arlene Hill.

TOWNSHIP PLANNING COMMISSION.

PRESENT: Andy Smith, Andy Sikkema, Tom Mahaney, Estelle DeVooght, Ken Tabor (also on Township Board).

ABSENT: Kendall Milton, Eric Meister.

STAFF PRESENT: Steve Lawry, Mary Sanders, Jennifer Thum.

The purpose of the Special Township Board/ Planning Commission meeting was to discuss and coordinate direction for the Planning Commission 2011 priorities and goals.

PUBLIC COMMENT.

Mark Maki, 370 Karen Road - Commented that misinformation went unchallenged on Planning and Zoning issues prior to him being a Trustee on the Board. There have been decisions made based on this inaccurate information. Examples are Blondeau Trucking stipulated agreement, zoning for the church on Green Garden Hill, and the Sign Ordinance/Holiday Station sign.

PLANNING COMMISSION 2010 ANNUAL REPORT.

Jennifer Thum, Planning Director summarized the 11 page annual report; Including descriptions of 18 text amendments, Sign and Junk Car Ordinances and various permits.

Comments made by Planning Commission members and Township Board members on the annual report:

- When the Sign Ordinance is complete the Planning Commission will test it on at least 5 business locations to check compliance of current signs.
- Technology is rapidly changing and the Sign Ordinance needs the ability to evolve with it.
- Discussed the difference between flashing light vs. lighted sign (Holiday Sign).
- The change on the Holiday Sign is not noticeable when driving past it.
- The entrance lighting at the Holiday Station is poor and should be addressed.
- Planning Commission feels the assessment of all of the Township parks is important, but they did not have time to complete it in 2010.
- The Planning Commission worked mainly on text amendments and the Sign Ordinance in 2010.
- Judy Vonck – 559 Little Lake Road, concerns about lack of access to wireless communication towers in the agricultural district. How do we move forward in that direction?
- The demand for wireless communications continues to grow and the tower demand will grow with that.
- Page 10 of the 2010 annual report stated that the Planning Commission made several changes to the Sign Ordinance and should have read *the Planning Commission suggested many changes to the Sign Ordinance*.

Greenberg moved, Trudeau second to accept the Planning Commission annual report with the changes addressed above.

AYES: 6

NAYS: 0

MOTION CARRIED.

PLANNING COMMISSION 2011 PRIORITIES AND GOALS.

Dick Arnold, 312 Co. Road 545 commented that the rezoning of A/F District rezoned 13,000 acres into agricultural district that currently contains 3 active farmers, 6 or 7 part time farmers and 300 single family homes.

The Planning Commission proposed top priorities for 2011 are:

- Sign Ordinance
- Junk Car Ordinance
- Comprehensive Plan
- Attract new business to Chocolay Township
- Playground in Harvey
- Underground utilities along U S 41 S.
- DDA in Chocolay Township

- Recreational sub-committee
- Look into creating an additional AF zoning district that has a 5 acre minimum

Comments from Township Board and Planning Commission:

- Farming area should stay at 20 acres or larger.
- Industrial and commercial zoning districts are needed in the Township.
- DDA district would have to be initiated by the business community
- We need an area designated as transitional for commercial and industrial.
- The market should decide on when and where additional commercial and industrial zoning should be.
- Zoning should be flexible enough to allow for adding commercial and industrial when the need arises in the future.
- The Comprehensive plan would be a good place to indicate locations for future commercial and industrial development.
- The Board is not interested in setting up a Township Industrial Park area; that should be driven by the market.
- The Township should notify the residents through larger display ads and larger mailing areas when we change zoning.

Tabor moved, Carlson second to accept the Planning Commission 2011 priorities with the Sign Ordinance, Comprehensive Plan, transitional commercial zoning and a playground in Harvey as top priorities.

AYES: 6

NAYS: 0

MOTION CARRIED.

SIGN ORDINANCE.

Considerations when writing the Sign Ordinance:

- The Holiday sign is set at a lighting change every 20 seconds. That seems an appropriate amount of time and is not distracting to drivers.
- Changeable LED lighting is appropriate on signs; scrolling text/flashing on signs is too distracting.
- We need to think about multiple businesses in the Township with lighted signs possibly being a hazard to driving.
- The Planning Commission should get input from sign companies while writing the Sign Ordinance.
- We need to consider camp signs on M-28 and Lakewood Lane when writing the Sign Ordinance.

PUBLIC COMMENT.

Trustee Maki is concerned with absences of Planning Commission and Zoning Board of Appeals members.

Supervisor Seppanen thanked the Planning Commission for all the work they do for the Township.

Supervisor Seppanen adjourned the meeting at 9:15 pm.

Arlene E. Hill, CMC
Clerk

Mary L. Sanders, CMC
Deputy Clerk

**Charter Township of Chocoday
Planning Commission Minutes**

Monday, February 15, 2011

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice chairperson), Andy Sikkema, Eric Meister, Tom Mahaney, Dr. Ken Tabor, and Mrs. Estelle DeVooght

Members Absent: None

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval January 10, 2011 and February 7, 2011,

Mr. Milton asked that page 5 of the Minutes be amended. There were only 4 Ayes votes and he has to abstain. Mrs. Thum stated that she corrected that part.

Mrs. DeVooght moved, Mr. Milton seconded to approve the Minutes as written

Ayes: 7 Nays: 0 Motion Carried

I. Additional Agenda Items / Approval of Agenda

Mr. Sikkema moved, Mr. Milton seconded to approve the agenda with the added change.

Ayes: 7 Nays: 0 Motion Carried

III. PUBLIC HEARINGS

A. None

IV. PUBLIC COMMENT

Mr. Darrell Adair, 141 Terrace Street, stated that he received a letter from the Township concerning the proposed use by Z and P properties. He stated that he is not for the project, because of the concern with the increase in traffic the multi-family site could cause because it's nearby a day care center. He also stated that the site is large and the applicant will probably want to expand. He was concerned with the possibility of traffic and the expansion of additional multi-family buildings.

Steve Zarkowski, 1982 Orchard Street, Marquette, MI

Showed the plan of the building will remain one story and will be barrier free, but no government money, so he cannot discriminate against anyone, but being barrier free should determine who goes into the apartment. In the future, he may want to build an additional building that would be a 5-plex apartment. With the commercial across the street his lot will be a transition lot from the commercial to the residential. He is to present the proposal for the final site plan approval.

Mr. Milton asked for any additional public comment. Hearing none he moved to Old Business.

VIII. OLD BUSINESS

A. Rezoning #145

Mr. Milton stated that the proposed use will improve the overall Township's tax base as the building will go back on the tax roll, so it will be a benefit to the community. He then asked for any other Board comments.

Mr. Tabor stated that it looks like a good idea.

Mr. Sikkema discussed the parcel size and that the applicant has stated that he would like to develop more apartment buildings on the site. That is something that the

Planning Commission needs to consider, especially when you look at what the residents' concerns have been with the proposed plan. The residents, who took the time to come to a Planning Commission meeting, stated that there were concerned about the possibility of a future building.

There was further discussion on if an additional building would change the overall character of the R-2 neighborhood.

Mr. Sikkema discussed the numbers in detail, under the R-2 District, 7 units would be permitted, so the applicant could potentially have two more units. We need to address this and figure out what number we would expect to see on the lot.

Mr. Mahaney stated that he likes what is on the plan and that is what we are approving tonight.

Mr. Sikkema – we need to have a discussion so that we are fair and let him know what we will expect. So we need to pick out some number that is fair for both the applicant and the neighbor.

There was open discussion about the zoning ordinance and the current layout of the lot and the future layout of the lot if another building is proposed. The commissioners discussed if they can discuss if they should have discussion with the applicant on the future development and how many additional apartment units they would approve.

Bob Camsney, Engineer for Z & P properties, stated that you are looking at one building, but any additional change will have to go through the process again, so it's hard to say what number we will expect.

Dr. Tabor- stated that we are approving what is in front of us. We cannot really set number. Tabor does not see the practically to a point, nice to look in the future, but things could change.

There was further discussion on what to expect in the future. The rest of the members felt that they are approving what is in front of them.

Mrs. Thum asked the applicant, Mr. Zarkowski, about the expected traffic impact, as it was not noted on the site plan.

Mr. Zarkowski stated that its hard to figure out what the traffic impact would be. Should not see more traffic.

Dr. Tabor, moved Mr. Meister seconded, that following the review of Rezoning Request #145, and the Staff/File Review, and holding a public hearing on January 10, 2011, the Planning Commission recommends Final Approval and will forward Rezoning #145 to the Chocolay Township Board for their review. The applicant shall prepare the drawings for the Township Board with the recommended changes from the Planning Commission. The following are conditions of approval:

1. The rezoning is consistent with the Township Comprehensive Plan; and
2. The rezoning will allow the redevelopment of a current vacant building and put the building back on the Township tax roll ; and
3. That the applicant is required to obtain all necessary State and Local permits prior to opening of the development; and
4. If the proposed development does not make it, then the building and lot shall revert back to the original zoning district of R-2 (High density residential).; and
5. The applicant shall complete a Zoning Compliance Permit and pay the necessary fee; and
6. The applicant shall contact the Department of Public Works before utilizing the sewers.

Mr. Milton asked if there was any discussion.

Mr. Sikkema stated that he just cannot support this proposed development. It's still too

wide open and by not knowing what the future development looks like, it's not fair to the development or neighborhood.

Not against this type of development, but just cannot support this.

Ayes: 6 Nays: 1 (Sikkema)

VIII. OLD BUSINESS

B. Proposed Sign Ordinance:

Staff asked about the bill board near the Varvil Center and the snowmobile signs. There was discussion on billboard and billboard permits.

There was discussion about the electronic message signs and the results of the joint planning commission sign.

The Commissioners discussed the joint meeting and the Township Board input and about their idea to send it to the local sign companies.

There was discussion on the residential signs and what would be permitted as far as camp signs in the WFR district and the AF District. The Commission also discussed the definition of "camp" and how we could regulate residential signs and certain areas.

There was further discussion on the sign ordinance, and the types of banners that will be permitted, the sandwich board signs, and the size of signs that would be permitted in the AF District.

The Commissioners felt that more square footage should be permitted for banners, but they did like the 20% limit. The Commissioners felt that 100 square foot would be sufficient, with the 20% rule.

Mr. Sikkema moved and Dr. Tabor seconded to table approving the sign ordinance until the local sign companies can read the document over.

Ayes: 7 Nays: 0 All in favor.
No discussion.

IX. PUBLIC COMMENT

Jennifer introduced Mr. Anthony Gerzetch, an intern from NMU, that will be working with her to assist with the Township Planning and Zoning Projects.

X. COMMISSIONER'S COMMENT

XI. DIRECTOR'S REPORT

Public Notices

A. Dick Arnold stated that it's not too much to ask the Township to place the public notices as block ads. Talked about the zoning ordinance change. We should do more notices.

Mr. Mahaney mentioned that we could try running off some copies of the proposed ordinance changes and leave them in front of Ace, and if they are in the newspaper, they should be located in the main section not the legal section.

B. Zoning Amendments

Amendments 1.6, talk to Mike Summers about the proposed ordinance. If we can use portion of his amendment or if we have to take our own and start over.

Staff will put together a tentative calendar of zoning text amendments, and proposed work schedule.

XII. ADJOURNMENT

Mr. Milton adjourned the meeting at 9:00pm.

Charter Township of Chocolay Planning Commission Minutes

Monday, March 7 2011

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice chairperson), Andy Sikkema, Eric Meister, Dr. Ken Tabor, and Mrs. Estelle DeVooght

Members Absent: Tom Mahaney

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval February 7, 2011 and February 15, 2011 Minutes

Mrs. DeVooght moved and Dr. Tabor seconded to approve the Minutes as written.

Ayes: 6 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Dr. Tabor moved, and Mrs. DeVooght seconded to approve the agenda with the added change.

Ayes: 6 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

- A. Proposed Text Amendment #34-10-18
- B. Proposed Text Amendment #34-10-19
- C. Proposed Bicycle and Snowmobile Ordinance #57

Don Britton – 121 Deerview Trail

Spoke about proposed ordinance #57. He stated that he is an avid snowmobiler, and is the Vice Chair for Iron Ore Heritage Trail. Mr. Britton stated the he supports the Township allowing snowmobiles to use the M-28 and US41s trails and for two-way traffic along M-28 and one-way traffic along US 41S. Mr. Briton also indicated that the MDOT and DNR funds were used for the trail and bridge. The grant money that was used does not allow motor traffic, but it does allow local government to authorize sleds to use the trail, then they can operate the trail with snowmobiles, will not allow ATV's.

Mark Maki - 370 Karen Road

Spoke about proposed text amendment #34-10-19

Mr. Maki discussed his previous amendments and that he did not receive notification for some of them and that is why he is proposing text amendment #34-10-19. Mr. Maki stated that he would like to use the old administrative procedures language that was used in the 1977 Township's Zoning Ordinance. (Mark approached the table to look at one of the PC packets to show the old administrative procedures and law).

Mr. Maki stated that he just received a copy of what Ms. Thum is now proposing and read the sentence where it referenced that the applicant for any proposed text amendments shall be notified. He stated that the wording looks ok at this point and that he could work with Ms. Thum on the wording that should be used.

V. PUBLIC COMMENT

Mark Maki – 370 Karen Road

Mr. Maki discussed the minutes from the joint meeting and that he was not in favor of changing the sign ordinance. He believes that the flashing signs could be a hazard for drivers who are passing the signs along US 41S. Mr. Maki also commented about his own experience driving by the Holiday Gas Station sign.

VI. PRESENTATIONS

A. None

VII. NEW BUSINESS

A. Proposed Text Amendment #34-10-18

The commission discussed the 2ft adjustment within the setback and the requirement of site plan review. It was stated that if you stay out of the setback then you are fine, but if the grade change is located in the setback area then you have to come before the Planning Commission.

Mr. Meister moved, and Mr. Sikkema seconded, to approve Proposed Text Amendment 34-10-18, to amend Section 2: Definition- Height to read as follows, the vertical distance measured from the average grade to the highest point of the roof. (Accessory structures are to the midpoint of the roof) and to amend Section 6.1 General Provision – footnote #6 to read as follows, no detached accessory building shall exceed sixteen feet and six inches (16’6”) in average BUILDING height as determined by the Zoning Administrator nor exceed the exterior perimeter dimensions of the principal structure on the lot. Any grade adjustment within the setback of any district and/or any grade adjustments over 2t would require site plan review, with the following formula:

R-1 District - Side and rear yard setbacks for accessory structures must be increased two (2) feet for every foot over fifteen (15) feet.

R-2 District - Side and rear yard setbacks for accessory structures must be increased three (3) feet for every foot over fifteen (15) feet (34-09-17)

The Planning Commission recommends that this proposed amendment be approved by the Chocloy Township Board. The Planning Director shall forward this amendment to the County Planning Commission for their recommendation then send it to the Township Board.

Ayes: 6 Nays: 0 All in Favor

B. Proposed Text Amendment #34-10-19

The Planning Commission discussed the current language and the Michigan Zoning Enabling Act. Mrs. Thum went over the new law and that it does not state that the applicant should be notified. She clarified that she has brought forward new suggested language that the Commission should consider adding under Letter B in Section 1.6. Mrs. Thum also stated that the requirement to send the date of the schedule public hearing to the applicant is part of a checklist that staff does follow. However, it might not be a bad idea to include it in our Township Zoning Ordinance.

Mr. Sikkema moved and Dr. Tabor seconded to table proposed text amendment #34-10-19 until our next meeting. Also to direct staff to review ordinance in the surrounding areas that deal with notification of the applicant for various zoning changes.

Ayes: 6 Nays: 0 All in Favor

C. Proposed Bicycle and Snowmobile Ordinance #57

Mrs. Thum explained why the ordinance is needed and that we had a resident voice their concern about the decibels that the snowmobiles produce. It was pointed out that it's not the manufacture mufflers, it's the modifications that people do to their machines.

The dates of the snowmobile trail were discussed and it was stated that ordinance should include the actual dates and not just say that when the trail is covered with snow. Then the snowmobilers know when they can utilize the trail. If the signs are up for motorized users, the dates have to be up and shown then they can operate on top of the trail.

There was conversation about bicycles and snowmobile using the trail and it was stated that under most circumstance they won't be sharing the trail.

The Planning Commission discussed the decibels of snowmobiles compared to logging trucks on the highway. The snowmobile act states that the limit is 78 decibels at 50 feet.

Mr. Andy Smith that there is the potential for him to groom the trail so he will excuse himself from voting on the proposed ordinance. The Planning Commission also discussed two-way traffic along M-18 and US 41S.

Dr. Tabor moved, and Mr. Milton seconded to approve the proposed Bicycle and Snowmobile Ordinance #57 with the change to Section 3 to specify the dates that the trail may be used by snowmobiles and recommend that the Chocoday Township Board concur with the Planning Commission and approve the proposed ordinance #57. The Planning Director shall forward the proposed ordinance and any comments received by the Township residents for or against the proposed ordinance to the Marquette County Planning Commission for their review.

Ayes: 5 Nays: 0 (Mr. Smith abstained)

D. Township Noise Ordinance

Mrs. Thum stated that it was suggested by Dr. Scott Emerson to look at a Township wide noise ordinance and to deal with the snowmobiles. Mr. Sikkema discussed that the state does set limits for the decibel levels for vehicles traveling on the roads and some vehicles do exceed the limit, but it's hard to enforce. There was further discussion about the snowmobile testing that has been going on by law enforcement and that it's a long procedure and the problem is the aftermarket additions to the sleds. The commissions felt at this time the current ordinance is in place and is effective so no changes were recommended.

E. Home Occupations

The Planning Commission discussed the current ordinance in relationship to the Michigan Medical Marijuana Act.

F. Schedule for Zoning Amendment

The Planning Commission looked over the schedule for the next four months as to what proposed text amendment will be brought forward and no changes were recommended. The proposed schedule is:

- April 11, 2011**
- 34-10-19 (section 1.6)
- 34-10-13 (acreage requirement for livestock)
- 34-10-14 (Revising definition for agriculture)

May 2, 2011

34-10-10 (roads)

34-10-15 (wireless)

June 6, 2011

34-10-11 (PUD's)

VIII. OLD BUSINESS

A. None

IX. PUBLIC COMMENT

A. None

X. COMMISSIONER'S COMMENT

The commissioners discussed the Holiday Gas station entrance. Mr. Sikkema talked about the reconstruction of US 41S for 2012. There was also discussion about adding something to Section 1.6 that all owners that would be affected by a zoning map change shall be notified. For example if the AF2 is created the effected properties will be notified by mail.

XI. DIRECTOR'S REPORT

A. None

Dr. Tabor made the motion to adjourn the meeting at 8:50pm, all were in favor.

Charter Township of Chocoday Planning Commission Minutes

Monday, April 11, 2011

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice chairperson), Andy Sikkema, Eric Meister, Tom Mahaney, Dr. Ken Tabor, and Mrs. Estelle DeVooght

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of March 7, 2011 Minutes

Mr. Milton moved and Mrs. Devooght seconded to approve the Minutes with the suggested changes from Mr. Milton written.

Ayes: 7 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Dr. Tabor moved, and Mrs. DeVooght seconded to approve the agenda with the added change.

Ayes: 7 Nays: 0 Motion Carried

IV. Public Hearings

A. None

V. Public Comment

A. None

VI. Presentations

A. None

VII. New Business

A. Silver Creek Recreation Property

The Township has discussed at the staff level about purchasing a lot on Silver Creek Rd that would make ingress and egress easier for our residents to utilize our SCRA. The lot would also allow the Township to straighten out the driveway and make it easier for the park users to park their vehicles. Ms. Thum went over the assessed value and the history of that lot. Also, there was some concern if a new home would be able to be built and meet the current setback for that zoning district. Mr. Johnson, the DPW Foreman talked about the benefits to the users of the park and to the Township.

Dr. Tabor moved, and Mr. Smith seconded to have Township staff explore the possibility of utilizing the neighboring property that we already own to straighten out the driveway. Then also to explore how much the home owner would sell the property for.

Ayes: 5 Nays: 2 (Sikkema, DeVooght)

Motion Carried

B. Township Marina

Ms. Thum talked about how staff came across this grant opportunity and thought it would be a great idea for the residents in the Harvey area. Ms. Thum went over the details and that the Board granted permission to start the writing and to submit the grant, as they can always turn it down.

Mr. Sikkema stated that this park of the larger scale tend to attract more people and wondered what the size of the proposed park will be.

Mr. Mahaney questioned what type of equipment would be at the park? Ms Thum stated they are looking at a large play structure, slide and some swings. In the future we hope to relocate the current pavilion that is at the Township Hall property to this site as well.

Mr. Meister stated that if you look at the parks that are in the City of Marquette, they are close to water and hardly any of them are surrounded by a fence.

Dr. Tabor moved, and Mr. Meister seconded to hold a public hearing at our May 2, 2011 Planning Commission meeting to hear the residents' concerns and suggestion on the proposed park at the Township Marina.

Ayes: 7 Nays: 0 Motion Carried

C. Planning Commission Ordinance

The commissioners discussed the proposed ordinance, one error was noted by Mr. Sikkema. Ms. Thum explained that this ordinance does not have to go to the County Planning Commission, she just wanted the PC to review.

VIII. OLD BUSINESS

A. Proposed Text Amendment #34-10-19

Ms. Thum discussed that this proposed text amendment was raised by Mr. Mark Maki and it's to change section 1.6: Administrative Standards and the wording regarding public hearing notices. The Commissioners like the newly suggested language, Mr. Smith wanted one changed. He suggested that no matter how many property owners would be affected, the individual owners should be notified if their zoning district is going to change. The proposed change was to (B) #10, which stated, "If there is a proposed zoning map change the owner(s) will be given written notice at least 15 days prior to the public hearing. The notice shall explain their current zoning district and the proposed zoning district. This shall be done regardless of the number of parcels that would be potentially affected."

Mr. Meister moved and Dr. Tabor seconded that we accept proposed text amendment #34-10-19 and recommend that the Marquette County Planning Commission approve the text amendment.

Ayes: 7 Nays: 0 Motion Carried.

B. Sign Ordinance

There was discussion on the electric licensing, and whether the Township should enforce it. Mr. Milton suggested that some language stating that electrical permits are required and must be pulled from the County Building Codes should be included on the sign application.

The commissioners looked through the ordinance and the suggested changes from Cook Sign and made the following changes to the proposed sign ordinance.

1. Change page 7, Page 5. To read - other sign configurations can be submitted and approved by the Township Zoning Administrator. Each individual signs shall be compatible in size, in relationship to width and height.
2. Strike #5 from Section 18.5, on page 8
3. Add to Section 18.5, #6, the word County after Marquette and before Building.
4. Add to Section 18.5, #9, the sign only has to be removed at grade if such sign is not located in the right-of-way.
5. Add to Section 18.7 Letter F, increase the square footage of the menu board to 40 square feet.
6. Modify Section 19.0 #2E, to read that sandwich board signs shall not be located in the right-of-way.

Dr. Tabor moved and Mr. Milton seconded to approve the proposed sign ordinance, with the suggested changes listed about and to recommend approval and send it to the Marquette County Planning Commission for their approval.

Ayes: 7 Nays: 0 Motion carried

C. Proposed Text Amendment #34-10-13

This is a proposed amendment that was brought up by the Planning Commission in 2010 to explore the possibility of placing acreage requirements on livestock in the Agricultural/Forestry District, (AF). The commissioners felt that if you are living in the AF District, regardless of the acres you should be permitted to have chickens and other livestock. It's not the Planning Commission job to regulate animal safety. Ms. Thum thought we should look into modifying the definition of kennels.

Mr. Mahoney moved and Mr. Meister seconded to rescind proposed text amendment #34-10-13.

Ayes: 7 Nays: 0 Motion carried

D. Proposed Text Amendment #34-10-14

Mr. Sikkema moved and Mr. Mahaney to table proposed text amendment #34-10-14.

Ayes: 6 Nays: 1 (DeVooght)

VIII. PUBLIC COMMENT

- A. None

IX. COMMISSIONER'S COMMENT

- A. Mr. Sikkema discussed the construction project that will occur on US-41S during 2012.

X. DIRECTOR'S REPORT

- A. Ms. Thum informed the Commission of the correspondence from Trustee Maki.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, February 2011
A. Fax from Mark Maki, April 4, 2011
B. Information from MSU Extension about Census

XII. ADJOURNMENT

Mr. Milton adjourned the meeting at 9:15pm

**Charter Township of Chocolay
Planning Commission Minutes
Monday, May 2, 2011**

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice chairperson), Andy Sikkema, Eric Meister, Tom Mahaney, and Mrs. Estelle DeVooght

Absent: Dr. Ken Tabor

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of April 11, 2011 Minutes

Mrs. DeVooght moved and Mr. Milton second to approve the Minutes with the suggested changes from Mr. Sikkema concerning the vote on the Township Property and his comment about the size of parks.

Ayes: 6 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Mr. Milton stated that there was an additional item presented, which was to reappoint two Planning Commission members, Mr. Milton and Mrs. DeVooght. Mrs. DeVooght has not made up her mind yet.

Mr. Milton moved, and Mr. Sikkema second to approve the agenda with the additional change.

Ayes: 6 Nays: 0 Motion Carried

IV. Public Hearings

A. Township Marina, proposed playground

Public Comment

Mr. Pete LaRoo wanted to state that as a long time volunteer for Chocolay Township, there have been a lot of upgrades with regards to bicycle paths and tunnels, but we have neglected the little kids. The Lion's Club is willing to help out with the proposed park. He has visited the site and he thinks that the east side of the marina would work out well for the kids. A lot of our residents and their kids go to Marquette to utilize the playgrounds. However, the park should be in small scale.

Ms. Deb England, 1431 M-28E, she stated that she is the youth director at the Silver Creek Church and runs the Block Party that the Church has put on the past three years. Agrees that we need a park for little kids, she does use the marina and believes that it's a great place as it's off the highway.

Ms. Dorothy Kahler, 121 W Main Street, thinks that a park for little kids is a great idea, but the marina is a bad idea. That location is for boaters and it has been established as a Hiawatha Spot and basically it has been established as an adult place and they won't want little kids at that site.

Mr. Don Harris – objection to the Marijuana place that is in Chocolay Township. Not sure how the permit was issued when the gentleman asks for set donations.

Mr. Forrest Libby, 136 W. Main Street, not in favor of the playground at the Township Marina site due to the number of fisherman. He does know that young adults and children need recreation and is ok with a slide and some picnic tables. He has had individuals park their vehicles on his property.

Mr. Denny Magadanz, 158 Main Street, also recognizes that kids need a place to play in that neighborhood, but there are people that park on their lawn. Another place would be the Lion's field for the kids would give them a playground on that side.

Public Comment was closed.

V. Public Comment

A. None

VI. Presentations

A. None

VII. New Business

A. Planning Commission Reappointments (added at meeting)

Mr. Milton asked if Mrs. DeVooght has made her decision yet, and she stated that she has not decided.

Mr. Sikkema moved and Mr. Meister second to recommend to the Township Supervisor to reappoint Mr. Milton to the Planning Commission.

Ayes: 5 Nays: 0 Abstained: 1 (Milton)

VIII. OLD BUSINESS

A. Township Marina

Mrs. Thum went over the grant project and that it was indented for a neighborhood park, and the Harvey area does meet the criteria. The applicant does require an exact location, as an address needs to be typed in.

The Commission asked if the Silver Creek Recreation Area could be utilized for the playground equipment as there appears to be less of an issue with parking and traffic. Also it was pointed out that there siblings of the children that are participating in a baseball or soccer game would be able to utilize the equipment.

The Commission asked question about what equipment would be used (slide, swings, etc.) staff stated that there would be a slide, swings and playground unit with a climbing wall. The total amount would be about \$25,000. There is room for playground equipment, but it was intended to be a walk to park and not for people to drive too.

Mr. Mahoney discussed that the City of Marquette has several parks that are near water and roadways. It's more the parent's responsibility to watch their children. There could be a problem with the parking at the marina and that is a concern. That is the big issue. The location is good because it's in a neighborhood.

Mr. Milton stated that we should pursue the grant as the consensus is more for it than not.

Mr. Milton moved and, Mr. Smith second, to pursue grant through Lowes and the Planning Commission would like to have the playground located at Silver Creek Recreation because more of the funds could be spent on the equipment, with the Township Marina as a back up space if Lowe's does not feel that the SCRA would be a suitable location.

Ayes: 4 Nays: 2 (DeVooght, Sikkema) Motion passed

B. Proposed Text Amendment #34-10-14

Mr. Sikkema read the current definition of agriculture. There was further discussion on businesses that are currently active in the AF District and that there is nothing that states that they are not permitted. Mr. Sikkema stated that he does not see anything wrong with the current definition, Mrs. DeVooght and Mr. Meister agreed. Mr. Milton stated that the Right to Farm Act should cover the rest.

There was discussion on what types of farms would be considered commercial and what would be permitted.

Mr. Sikkema moved and Mrs. DeVooght second to rescind proposed text amendment #34-10-14

Ayes: 6 Nays: 0 Motion approved

C. Proposed Text Amendment #34-10-15

Mrs. Thum went over the history of this proposed amendment and stated that there is part of the current zoning ordinance that states that wireless towers are permitted in the Agricultural/Forestry (AF) District. There was discussion about the current language in the ordinance and if there should be a lot size requirement. There is current language in the ordinance that states that towers in the AF District can only be 75 feet. It was the consensus of the Commission to do more research and to see what other communities have as far as regulating wireless towers in their communities.

Mr. Meister would like Wireless Towers to be a conditional use that way the neighboring parcels would have input on the proposed tower. There was a question about what would be considered a tower.

There was discussion about what would happen if a home owner who wants to put a tower for the purpose of Television should be required to obtain a permit.

Overall the Commission felt that towers should be a conditional use in the AF District. Looking at acreage requirement should also be part of the research.

Mr. Sikkema moved and Mr. Meister second to table proposed text amendment #34-10-15 to allow staff more time to research neighboring communities' ordinances on wireless towers.

Ayes: 6 Nays: 0 Motion carried

VIII. PUBLIC COMMENT

A. None

IX. COMMISSIONER'S COMMENT

A. Mr. Smith asked about the marijuana operation in the Township

X. DIRECTOR'S REPORT

A. None

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, March 2011
- B. City of Marquette Planning Commission minutes, March 1, 2011, March 15, 2011 and April 5, 2011

XII. ADJOURNMENT

Mr. Milton adjourned the meeting at 9:15pm

Charter Township of Chocolay Planning Commission Minutes

Monday, June 6, 2011

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice chairperson), Andy Sikkema, Eric Meister, Dr. Ken Tabor, Tom Mahaney, and Max Engle.

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator, and Police Chief Greg Zyburt.

II. Approval of May 2, 2011 Minutes

Mr. Sikkema moved and Mr. Milton seconded to approve the Minutes as written

Ayes: 7 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Dr. Ken Tabor moved and Mr. Sikkema seconded to approve the agenda as written for the June 6, 2011 meeting.

Ayes: 7 Nays: 0 Motion Carried

IV. Public Hearings

A. None

V. Public Comment

A. None

VI. Presentations

Mr. Tony Harry, ORV's

Mr. Harry lives at 6369 US 41S and has been a resident of Chocolay Township for 26 years and asked to be on the agenda to discuss ORV's in Chocolay Township. He stated that in 2008, Marquette County passed an ordinance to permit ORV's to drive in the shoulder of County Roads, but shoulder of roads, but Chocolay Township opted out. He stated that he would like to see them allowed on the rural roads such as, Little Lake Road, CO 480, West Branch Road, Magnum Rd, Kawbawgam Road, Greenfield Road, N and S. Big Creek Roads and Green Garden Road.

Police Chief Zyburt spoke and stated that Chocolay Township is considered a bedroom community and roads are not maintained for ORV's. The department gets about 30 to 50 calls a year, and the individuals are calling about ORV's tearing up their property, and their speeds. If the Planning Commission does decide to move ahead with this, he would like the Planning Commission to spell out the roads they would like to see and then get the public comments about those roads to see if they would be for or against them.

Mr. Milton asked the Commission if at this point they should entertain the idea of opening up the roads to ORV's. Mr. Engle stated that when you opt in all the roads will be open to ORV's, but we could specify which ones and then signage is going to be another factor of this as well.

Mr. Milton stated that we could add this to our Master and Recreation Plans.

There was further conversation about how education is the key in this process and that there will be people that would like to see the Township allow ORV's on certain roads and those that don't want them anywhere.

Mr. Sikkema asked the Commission, "How far do you allow someone to ride to get to a trail, 5 or 10 miles?"

The Commission discussed what the first step should be; develop a map, and establish criteria to choose the roads, or form a sub-committee? Staff will use a computer program to generate a random sample from the following roads and work with the Police Department to find people who would be interested in serving on the committee and there are for or against them. The roads that people for the sub- committee would be chosen from are: Timber Lane, Lakewood Lane, Magnum Road, Green Garden Road, Greenfield Road, Silver Creek Road, Ortman Road, Cherry Creek Road, Kawbawgam Road, West Branch Road, and County Road 480.

The PC liaisons will be Mr. Kendell Milton and Mr. Andy Smith who will be the chairperson.

VII. New Business

A. Planning Commission By-laws

The Planning Commission looked at the By-laws and discussed if they should go up to nine members or stay at seven members.

Mr. Sikkema moved, and Dr. Tabor seconded to keep the Planning Commission members at seven and not amend their By-laws.

Ayes: 7 Nays: 0 Motion passed

B. Election of Officers

Chairperson

Mr. Smith moved, and Dr. Tabor seconded, to appoint Mr. Milton as Chairperson.

Vice Chairperson

Mr. Milton moved, and Mr. Meister seconded, to appoint Mr. Smith as Vice Chairperson.

Secretary

Mr. Milton moved, and Mr. Meister seconded, to appoint Mr. Sikkema as Secretary.

Vice Secretary

Mr. Milton moved, and Mr. Smith seconded, to appoint Mr. Meister as Vice Secretary.

Ayes: 7 Nays: 0 Motion Passed

C. 2010 Corridor Access Management Plan Update

Mrs. Thum explained that at the Planning Commission August 2010 meeting they went over the 2004 Corridor Access Management Plan and the suggested improvement that could be made along US 41S and the items that were accomplished since that time.

Mr. Sikkema then went over the upcoming 2012 project and that it now includes resurfacing of US 41S from the Welcome Center to the M-28/US 41S intersection and as part of that construction work MDOT will be trying to work with the business owners to close some driveways that are either underutilized or problem areas. Currently, they are working with Ace Hardware to close one driveway. It was also discussed that installing a service road between the Vet Clinic and Ace would not work because they are two different uses.

VIII. OLD BUSINESS

A. Proposed Text Amendment #34-10-15 (Section 4.7: Wireless Communication Facilities)

Mrs. Thum discussed why this amendment is before the Planning Commission and stated that we could also look at changing parts of this Section in the Ordinance. As requested, she was able to get information concerning wireless towers from Marquette and Negaunee Townships.

There was discussion on why the current ordinance only permits towers in the AF District that are 75 feet.

The Commission went over the ordinances and picked a couple of items from both of them that they liked and felt that would be appropriate in our ordinance. They felt that we could put a text amendment together that would include some language similar to Marquette and Negaunee Township's ordinance. It was stated that this section of the ordinance should not be more restrictive than any part of the ordinance.

The Commissioners will mark up the ordinances and give them back to Mrs. Thum before next month's meeting. Mrs. Thum will then prepare a text amendment for next month.

B. Proposed Text Amendment #34-10-10 (Section 6.7: Road Frontage Requirement)

Mrs. Thum stated this proposed text amendment was proposed by Mr. Maki and that he was unable to make the meeting tonight. This amendment was postponed at our August 2010 meeting. At that time Mrs. Thum was directed to speak to the fire department about any concerns that they had regarding private roads. Mrs. Thum stated that the biggest concerns that they had at this time was addressing of the homes and used Pine Cone Trail as an example.

Mr. Sikkema suggested that the ordinance be clear as to what option people have when developing private roads and that its essentially site condominium projects. For example, an individual that wants to build a subdivision can sub-divide, have a common driveway (servicing 4 homes) or develop a site condo project. Then the Township does not really allow private roads, but we give developers a couple of options. The site condo would deal with the maintenance, signage and how the road should be constructed.

There was further discussion on the width and length of roads and other private roads in our Township.

Mr. Sikkema moved, and Dr. Tabor seconded, to table proposed #34-10-10 text amendment to allow staff time to look at the impacts of site condos on private roads and compare neighboring communities.

C. Silver Creek Recreation Area Driveway

Mr. Smith talked about how he went to the site with Mr. Brad Johnson and there was a difference in going out there and comparing that to the aerial photo. Mr. Smith stated that it makes sense to pursue purchasing this lot and went over the current driveway and entrance and the safety concerns that were there. Mr. Smith went over what you could do with the area if the Township was able to purchase the lot from the current owner.

Staff will continue to move forward with the project and Dr. Ken Tabor will bring it up at the next Township Board meeting.

IX. PUBLIC COMMENT

A. None

X. COMMISSIONER'S COMMENT

Mr. Mahaney spoke about the pedestrian/bicycle tunnel and the potential damage when you are coming through the tunnel and heading towards Fairbanks Road. There could be riders coming down the ramp and people leaving the tunnel that don't see each other. Mr. Mahaney would like this to be looked into.

Mr. Milton stated that he was asked by the Zoning Board of Appeals to bring up the fact that maybe the Planning Commission should look at amending the section about not allowing detached accessory structures to be larger than the home, in the AF District only though. Staff will check into this and see if some language could be written up.

Mr. Smith discussed the meeting time and date. After some discussion, it was decided to keep the same day of the week, Monday. The time could be discussed in November of this year when the calendar gets created.

XI. DIRECTOR'S REPORT

Mrs. Thum asked for the members to come see Deputy Clerk Mary Sanders to get sworn in.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Planning and Zoning News, April 2011

XII. ADJOURNMENT

Dr. Tabor moved, and Mr. Milton seconded, to adjourn the meeting at 9:30pm.

Ayes: 7 Nays: 0

Motion passed

**Charter Township of Chocolay
Planning Commission Minutes
Monday, July 11, 2011**

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice Chairperson),
Andy Sikkema, Eric Meister, Tom Mahaney, and Max Engle.

Members absent: Dr. Ken Tabor

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of June 6, 2011 Minutes

Mr. Engle moved, and Mr. Sikkema seconded, to approve the Minutes as written

Ayes: 6 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Mr. Milton noted that there was additional information on the table, a resolution for HB 4746.

Mr. Sikkema moved, and Mr. Meister seconded, to approve the agenda with the additional item under New Business, VII D.

Ayes: 6 Nays: 0 Motion Carried

IV. Public Hearings

A. None

V. Public Comment

A. None

VI. Presentations

A. None

VII. New Business

A. Burn Barrel

Mrs. Thum explained why the Planning Commission was asked to review the burn barrel issue and read a letter from a Township resident. The letter was presented to the Township Board at their June 20, 2011 meeting. The Township Board requested that the Planning Commission look into having a burn barrel ordinance. Mrs. Thum stated that Negaunee and Marquette

Townships have ordinances on burn barrels. The Planning Commission discussed in length potential setbacks for the barrels in the higher density subdivisions and the types of items that should be prohibited from burning. The overall consensus of the Commission is they did not want to outright ban burn barrels, but felt some restrictions were needed for the smaller lots. The Commission felt that people should still be allowed to burn logs and brush.

The Commission discussed burn barrels in length and stated that, they can be a nuisance and some type of setback from neighboring homes needs to be established. The Commission discussed reasonable setback distance and types of items that should be prohibited from burning. After discussion it was decided that there should be a 150 foot setback from any residential structure. The following items should be prohibited:

- I. Non-wood construction material, including but not limited to fiberglass, shingles and tar.
- II. Hazardous Substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
- III. Tires
- IV. Any plastic materials including but not limited to nylon, PVC, ABA, polystyrene or urethane foam, and synthetic fabrics and plastic containers.
- V. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

Mr. Sikkema moved, and Mr. Milton seconded, to direct staff to develop proposed language to regulate burn barrels with a setback of 150 feet, prohibiting the items listed above, language stating that the fire shall be monitored at all times, and a description that the burn barrel shall have 3.4 inch openings on the sides. Also a permit shall not be required. Staff is to bring this back for the August 1, 2011 meeting.

Ayes: 6 Nays: 0 Motion passed

B. Potential Snowmobile Routes

Mrs. Thum explained that the Township Board adopted Ordinance #57, Bicycle and Snowmobile Ordinance that states that snowmobiles are allowed to utilize the paved bike paths in our Township, but the Township Board has to approve which paths. At this point the Commission can request which portions of the bike path they would like to see snowmobiles be allowed, and this includes US 41S. The Commission discussed in the length the safety concerns with regards to the right-of-way and the grooming aspect of the trails. Mr. Sikkema stated that

the Township has been asked on several occasions to look into that portion of the trail and if it would be MDOT guidelines for a snowmobile trail with the flow of traffic.

Mr. Meister moved, and Mr. Engle seconded, to recommend to the Township Board to authorize snowmobiles along the bike path on M-28 and if the Township can meet the MDOT and DNR requirements allow snowmobiles on US 41S, one-way with the flow of traffic.

Ayes: 5 Nays: 0 Abstained: 1 (Sikkema)
All in Favor Motion Passed

C. Potential Agricultural/Forestry 2 (AF-2)

Mrs. Thum gave some background on this item and the Planning Commission pointed out they raised this problem up to the Township Board at their joint meeting back in February. The Commission discussed the current AF and the number of lots that are under the 20 acre requirement. There was further discussion on what types of activities such as farming would be permitted in the AF-2 District. Mrs. Thum explained that the old RR-2 permitted animals as a right and there were certain acreage requirements for intense farming activities. The Commission felt that this needed to be addressed.

Mr. Milton moved, and Mr. Sikkema seconded, to continue this discussion next month and to develop language with potential permitted and conditional uses for the Planning Commission next meeting, August 1, 2011.

Ayes: 6 Nays: 0 Motion Passed

Mr. Sikkema commented that the map would need to be adjusted, but the boundaries can be parcel to parcel.

D. Resolution for HB 4746

Mrs. Thum explained what HB 4746 is and how it could impact local zoning regulations. Mr. Smith explained that natural resources are where Mother Nature put them and we cannot control where they are locate. There is a current problem where local governments are not allowing for local sand and/or gravel mines to expand. There was further discussion on the impact of local mines and the Township current zoning regulations. Mr. Engle explained that the Township Zoning Ordinance does allow for mining operations within reason and the applicant is required to do a site plan and go before the Township Board for review. The Commission felt that the regulations that the Township has in place is the right way to do things and communities should permit the opening and continued expansion of the mines, within reason.

Mr. Engle moved to sign the resolution to not support HB 4746. There was no second.

Motion Failed

VIII. OLD BUSINESS

A. Proposed Text Amendment #34-10-15

Mrs. Thum explained the history of this text amendment and that the language has been written to include the comments from last month's meeting. The Commission discussed the language and made some changes to the proposed amendment.

Definitions –no comment

Section 13.2 (A)

- #3 Changes were acceptable
- #15 Modify the statement about professional engineer
- #16 - Delete
- #17 Modify to state the National Tower Code

Section 13.2 (B)

- #1 Modify the height requirement

Mr. Sikkema moved, and Mr. Milton, seconded to table proposed text amendment #34-10-15 for staff to make the changes and present them at our August 1, 2011 meeting.

B. Proposed Text Amendment #34-10-10

Mrs. Thum stated that she incorporated the suggestions from last time and stated that the Michigan Condominium Act does not state that private or public roads are required. Mrs. Thum went over the Marquette and Negaunee Townships' ordinances. The Commission felt that there was not enough time left to properly discuss the proposed text amendment and would like to see it at the beginning of the agenda for next month's meeting.

Mr. Sikkema, moved, and Mr. Smith, seconded to table proposed text amendment #34-10-10 (roads) until our August 1, 2011 meeting, and to place the item at the beginning of the agenda.

C. ORV Committee (verbal update)

Mrs. Thum gave an update and stated that letters were sent to random residents asking if they wanted to be part of a sub-committee and if they did not have time to give input if they would like to see some or all the roads in Chocoley Township opened up to ORV's.

Mr. Smith asked if the information that was sent out could be part of the packets for next month. Mrs. Thum stated that she would do this.

IX. PUBLIC COMMENT

A. None

X. COMMISSIONER'S COMMENT

A. None

XI. DIRECTOR'S REPORT

A. Mrs. Thum informed the Commission about the webinar on creating ordinances and if they have an interest to watch them, then let her know. Mrs. Thum informed the Commission of the price that the owner is asking for vacant lot near SCRA.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, May 2011
- B. City of Marquette, Planning Commission minutes, April 19, 2011 and May 3, 2011

XII. ADJOURNMENT

Mr. Milton moved, and Mr. Engle seconded, to adjourn the meeting at 10:15pm.

Ayes: 6 Nays: 0 Motion passed

**Charter Township of Choccolay
Planning Commission Minutes
Monday, August 1, 2011**

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice Chairperson), Andy Sikkema, Eric Meister, and Dr. Ken Tabor.

Members absent: Tom Mahaney and Max Engle.

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of July 11, 2011 Minutes

Dr. Tabor moved, and Mr. Sikkema seconded, to approve the Minutes as written

Ayes: 5 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Mr. Sikkema moved, and Dr. Tabor seconded, to approve the agenda as written.

Ayes: 5 Nays: 0 Motion Carried

IV. Public Hearings

A. None

V. Public Comment

A. None

VI. Presentations

A. None

VII. New Business

A. Home Occupations

Mrs. Thum explained that the new zoning ordinance states that all home occupations are required to go through the conditional use process, which includes paying a fee of \$250.00. Mrs. Thum went over the wide variety of home occupations that one could have and stated that the old ordinance did have discrepancy with the levels of home occupations.

The Commission discussed when a conditional use permit might be required and if having an employee would mean that it was no longer a home occupation, but a commercial operation. There was also discussion on whether a sign made the home occupation a commercial enterprise as well. The Commission felt that the addition of the commercial sign and/or advertising the business via website might be the threshold that would trigger a review by the Planning Commission. The Commission felt that language that was in the 1977 zoning ordinance seemed sufficient, but there was conversation regarding the text amendment that changed the standards and definition for home occupation.

Mr. Meister moved, and Dr. Tabor seconded, to direct staff to draft language that is similar to the old zoning ordinance, specifically to add numbers 1 -3 and modify #5.

Ayes: 5 Nays: 0 Motion passed

VIII. OLD BUSINESS

A. Proposed Text Amendment #34-10-10

Mrs. Thum stated that the information that was provided in the packets for this month was the same as last month's. Staff tried to combine some of the wording similar to what the neighboring communities have. Mrs. Thum went over the Marquette and Negaunee Townships' ordinances.

The Commission discussed what the current language is and what the proposed text amendment applicant, Trustee Maki, wanted to see. The Commission felt that by allowing up to four parcels to utilize one common driveway it allowed for less impervious surface, reduces the number of conflict points along the roadways and helps traffic move smoothly along the roads. The standards of approval are located on the private road application for the application and the Commission members to see.

Mrs. Thum stated that the fire department would like to look at how private roads are addressed and the clearance of the road and road width. Mrs. Thum stated that there is a hold harmless agreement that is in place and maybe that should be modified. Mr. Smith talked about the maintenance agreements and they can be the key to the condition of the road. Mr. Milton stated that Ishpeming allows for a driveway to serve up to four parcels as well.

Mr. Sikkema, moved, and Dr. Tabor, seconded to have staff work on the hold harmless agreement and work on the finding of fact for proposed text amendment #34-10-10 and present it at our September 12, 2011 meeting.

Ayes: 5 Nays: 0 Motion passed

B. Proposed Text Amendment #34-10-15 (wireless towers in the AF District)

Mrs. Thum stated that the language should be ready to hold a public hearing at our September meeting. The comments that were stated at last month's meeting were incorporated into the amendment.

The Commission reviewed the proposed language and found it satisfactory.

Dr. Tabor moved, and Mr. Milton seconded to approve the language as written for proposed text amendment #34-11-03 (formally #34-10-15) and to hold a public hearing at the September 12, 2011 Planning Commission meeting.

Ayes: 5 Nays: 0 Motion passed

C. Burn Barrel Proposed Text Amendment

Mrs. Thum stated that the proposed text amendment would be to modify Section 6.5 of the Township Zoning Ordinance. Mrs. Thum stated that she believed all the comments that were stated and discussed at the previous meeting were incorporated into the text amendment.

The Commissioners discussed the title and felt that it needed to be changed as it was confusing and gave the impression that the Township banned burning of brush. They also felt that a statement about open burning of brush was permitted as long as the residents followed the MDNR guidelines.

Dr. Tabor moved, and Mr. Smith seconded, to approve the language for proposed text amendment #34-11-04 with the following changes and to hold a public hearing at our September 12, 2011 meeting.

1. Change title to (C) Open and Outdoor Burning of Refuse
2. Add #3 to read, "Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is permitted, but the burn shall comply with the requirements of the Michigan Department of Natural Resources."

Ayes: 5 Nays: 0 Motion passed

D. Agricultural/Forestry District (AF-2)

Mrs. Thum explained that the Township Board agreed with the Planning Commission that an addition rural residential district needs to be formed and would like the Planning Commission to move forward with this. The Township Board set a deadline of December of 2011 to have this proposed zoning map completed. Mrs. Thum stated at this point she would like to establish the guidelines for the proposed district, such as, setbacks, title, minimum lot size, lot width and the permitted and conditional uses. The Commissioners discussed the permitted and conditional uses along with the lot size and title of the district. Mr. Sikkema stated the new district should still allow for personal gardens, chickens and other livestock. Mr. Meister stated that commercial livestock should be kept for the larger lots. Mr. Sikkema wanted to look at the map next month and see if there are any R-1 parcels that might belong in the new rural residential district.

Mr. Dick Arnold, 312 West Branch Road, passed out a map from the Marquette County Plat book and had concerns about Sections 34 and 35. Dr. Tabor moved, and Mr. Sikkema seconded, to direct staff to complete a text amendment application and present the language in a draft format for review at our September 12, 2011 meeting.

Ayes: 5 Nays: 0 Motion passed

E. ORV Committee (verbal update)

Mrs. Thum gave an update on the Committee and asked for direction from the Planning Commission due to lack of response from the letters that were mailed out to the residents. Mr. Sikkema stated that a follow up letter should be sent. Mr. Smith stated that Mrs. Thum should maybe contact Mr. Tony Harry to see if the petition that has been circulating has gotten any responses from people, positive or negative.

IX. PUBLIC COMMENT

- A. None

X. COMMISSIONER'S COMMENT

- A. Mr. Sikkema filled the Commission in on the proposed road construction for 2012 that MDOT has scheduled.

XI. DIRECTOR'S REPORT

- A. Mrs. Thum informed the Commission about the special board meeting to review the sign ordinance. The Commission was disappointed to see another item be sent back to them.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Chocoley Township Master Plan – Transportation chapter and the Executive Summary. (DRAFTS)

XII. ADJOURNMENT

Mr. Milton moved, to adjourn the meeting at 9:30pm.

Ayes: 5 Nays: 0 Motion passed

**Charter Township of Chocolay
Planning Commission Minutes
Monday, September 12, 2011**

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice Chairperson), Andy Sikkema, Tom Mahaney, Max Engle, Eric Meister, and Dr. Ken Tabor.

Members absent: None

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of August 1, 2011 Minutes

Dr. Tabor moved, and Mr. Milton seconded, to approve the Minutes with the changes.

Ayes: 7 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Dr. Tabor moved, and Mr. Meister seconded, to approve the agenda as written.

Ayes: 7 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

A. Proposed Text Amendment #34-11-03 (Section 13: Wireless Communication Facilities)

No public comment was received on proposed text amendment #34-11-03

B. Proposed Text Amendment #34-11-04 (Section 6.5: Outdoor Wood Burning Boilers and Appliances)

Mr. Richard Kierzek, 55 Edgewood Drive stated his opposition to burn barrels and felt that the proposed language was good and the setback distance would help his situation. He also stated that he was happy to see that people could still have fire rings.

Ms. Thum read comments from Ms. Deborah Mulchaey, 633 Lakewood Lane, stated that we should look at listing the items that would be permitted to burn rather than list the items that are prohibited. Also we should define refuse as that is hard to define. Ms. Mulchaey also stated her concerns with the current language for outdoor wood boilers.

Mr. Milton closed the public hearings at 7:45pm

V. PUBLIC COMMENT

None

VI. PRESENTATIONS

A. None

VII. NEW BUSINESS

A. Discussion - Rental Properties in the Waterfront Residential Districts

Mrs. Thum commented that she has been seeing an increase in the number of rental vacation homes along the Lake Superior. Mrs. Thum went over the ordinance language. The Commissioners discussed the language and the grey areas that we currently have. The Commissioners could see where people who are not full time residents would rent out their home to help pay the taxes, but could also see the neighbor's point of view, when you have people renting the home next to you, you can lose that safety factor. In the old ordinance some of the zones were allowed to have a "resort" with a conditional use permit. In the current AF District, resorts are a conditional use.

The Planning Commission would like staff to research this issue more and look at other communities such as Autrain, Onota, Houghton and Higgins Lake.

Mr. Sikkema, moved, and Dr. Tabor seconded, to direct staff to investigate other Township's and consult with Township Attorney to come up with more information to consider in regards to rental of properties.

Ayes: 7 Nays: 0 Motion Carried

VIII. OLD BUSINESS

A. Consideration - Proposed Text Amendment #34-10-10 – Section 6.7 Road Frontage

Mrs. Thum stated that Mr. Maki dropped off some comments and concerns about the proposed text amendment and would like the Planning Commission to look it over and provide any comments they might have.

Mrs. Thum went over the changes that were made to the hold harmless agreement and the Fire Department went over the additions and felt that they were adequate.

Mrs. Thum read the current language with regards to road frontage and lots of record.

The Planning Commission looked at Trustee Maki's comments.

1. The Commission felt that 4 was an appropriate number to have a shared driveway. The Commissioners would like some additional language to the hold harmless agreement about maintenance agreement and that it shall be recorded at the County Register of Deeds. The language could be similar to what is in the Ordinance for private roads. The hold harmless agreement that was presented would address the concerns with regards to fire department access and safety. The Commissioners looked a situation where one driveway could be longer then a shared driveway.
2. The commissioners felt that we should explore a maintenance agreement with shared/common driveways that way everyone would know what the expectations are when it comes to maintenance of the driveways. Afterwards the Township could register the agreement with the County Deeds office and possible put something on our BS & A software.

Mr. Milton stated that this will probably become a problem if the new agricultural district gets approved. The Commission discussed this with regards to properties being split and the recording of easements. Staff is to research the Marquette County Road Commission standards and provide them to the PC at their October 3, 2011 meeting.

Mr. Sikkema, moved and Dr. Tabor seconded to have staff draft a text amendment that allows up to 4 parcels to use a shared driveway, add to hold harmless agreement and requires that a maintenance agreement be attached to the deed and recorded at the County Register of Deeds office to review at our October 3, 2011 meeting.

Ayes: 7 Nays: 0 Motion Carried

B. Consideration - Proposed Text Amendment #34-11-03 – Wireless Communication Facilities

Mr. Milton stated there are no real changes from last time and there have been no complaints.

Dr. Tabor, moved and Mr. Engle, seconded to approve the language as written for proposed text amendment #34-11-03 (formally #34-10-15) and to forward it to the Marquette County Planning Commission for their review and then to the Township Board for consideration.

Ayes: 7 Nays: 0 Motion Carried

C. Consideration - Proposed Text Amendment #34-11-04 – Outdoor Wood Burning Boilers and Appliances –to add language about burn barrels.

The commissioners went over not permitting the burning of household garbage due to plastic being contained in just about everything and the odor that plastic produces. The commissioners stated that the setback would be 150ft.

Mrs. Thum stated that she has not received any feedback from residents, besides the individual that spoke up tonight.

Dr. Tabor moved, and Mr. Milton seconded, to approve the language as written for proposed text amendment #34-11-04, to amend Section 6.5: Outdoor Wood Burning and to forward it to the Marquette County Planning Commission for their review. After their review the proposed text amendment shall be forwarded to the Township Board for their consideration.

Ayes: 7 Nays: 0 Motion Carried

D. Consideration – Proposed Text Amendment #34-11-05 Home Occupation

Mrs. Thum stated that she tried to incorporate the comments and suggestions that were received last month and put them into a draft format.

The commissioners discussed the number of employees that should be permitted for a home occupation and if having an employee who does not live at the location would constitute a commercial enterprise and not a home occupation.

The Commissioners went over the proposed language with regards to the permitted and conditional home occupations. Mr. Sikkema had concern about employees who don't live at the home work at the home business. The Commissioners felt that if you have an employee or more then you should be able to pay the conditional use permit fee. The concern is not the number of employees, but the number of employees that work at that specific home.

Mr. Engle wanted to change the language under conditional home occupation #2 to say "at that location."

Mr. Mahaney discussed the effect when to many employees work from home and don't occupy a commercial space. The Commission also discussed the issue of customers visiting the site and the changing of the character of the neighborhood.

Mr. Milton, move, and Dr. Tabor, second to direct staff to table proposed text amendment #34-11-05 and direct staff to re-write the proposed language taking into account the commissioners comments.

Ayes: 7 Nays: 0 Motion Carried

E. Consideration – Agricultural/Forestry District (AF-2)

Mrs. Thum went over the proposed text amendment, including the permitted and conditional uses along with the setback requirements. Mr. Meister felt that the 10 acre requirement for livestock should be removed, but the commercial agricultural would be fine as a conditional use. Mr. Milton felt that there should be no maximum square footage for detached structures.

Mrs. Thum stated that at our next month's meeting we will be discussing the map.

Mr. Sikkema asked to look at some R-1 parcels that could be added to the new R-A District.

Dr. Tabor, moved, and Mr. Sikkema, second, to direct staff to update the text amendment application to start the process of establishing a new zoning district called, Rural Agricultural (R-A) with the permitted and conditional uses, and setback requirements listed above. Staff is to work on a map outlining potential parcels that could be part of the new R-A District.

Ayes: 7 Nays: 0 Motion Carried

F. Discussion - Sign Ordinance

Mr. Milton discussed the suggestions that the Township Board had for the Planning Commission and felt that they seemed reasonable.

Mr. Smith stated that he measured some of the signs in the Township and stated that majority of them would not meet the new sign ordinance. Several of them were larger than 100 square feet. There was conversation as to whether increase the allowed square footage if majority of the signs are larger than the 100 square feet. Mrs. Thum stated that some of the signs had variances and that the permits were approved with the condition that no sign shall exceed 100 square feet.

Mr. Mahaney expressed his concern about the 40 square feet maximum for banners and felt that was supposed to be for each banner not total.

Mr. Sikkema, moved, and Dr. Tabor seconded to table the sign ordinance to the October 3, 2011 meeting.

Ayes: 7 Nays: 0 Motion Carried

IX. PUBLIC COMMENT

A. None

X. COMMISSIONER'S COMMENT

XI. DIRECTOR'S REPORT

A. Planning Commission Webinar

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. City of Marquette Planning Commission minutes, June 21, 2011

B. Communication from Sands Township

C. Planning and Zoning News, July 2011

XII. ADJOURNMENT

Mr. Milton adjourned the meeting at 10:30pm

**Charter Township of Chocoday
Planning Commission Minutes
Monday, October 3, 2011**

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice Chairperson), Andy Sikkema, Tom Mahaney, Eric Meister, and Dr. Ken Tabor.

Members absent: None

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of September 12, 2011 Minutes

Mr. Sikkema moved, and Dr. Tabor seconded, to approve the minutes with the change on page 3.

Ayes: 6 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Mr. Sikkema moved, and Dr. Tabor seconded, to approve the agenda as written.

Ayes: 6 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

A. None

V. PUBLIC COMMENT

A. None

VI. PRESENTATIONS

A. None

VII. NEW BUSINESS

A. None

VIII. OLD BUSINESS

A. Consideration - Sign Ordinance

TEMPORARY SIGNS

Mrs. Thum stated that she would like to start with the PowerPoint presentation that was presented, before the Township Board at their August 8, 2011 meeting. That would allow us to go through the Board's main points of concerns such as Temporary, Electronic Message and Realtor Signs. Mrs. Thum also stated that we need to have justification as

to why the Planning Commission wants certain things such as a specific square footage for temporary signs. Dr. Tabor reiterated that point.

Mrs. Thum, read the Board's concerns with regards to temporary signs such as permitting, square footage and location of the temporary signs. Mr. Mahoney, felt that we did not use a specific number, but rather a percentage. There was further discussion on the average size of banners and where they could be located on a building, such as Ace Hardware, which has two faces that could be seen from one or two roads.

The Commissioners felt that a total of 80 square feet should be allowed, but cannot exceed 20% of any one wall space, to which the sign is attached. The temporary signs may be located on a fence, posts, pallets, but may not be attached to light poles, vehicles, trees and/or utility posts. The Planning Commission felt that the rationale for the 80 square feet was that, the average banner is 20 square feet so that would allow a business owner to have 4 temporary signs.

Mrs. Thum asked the board how they felt about requiring a permit for a second temporary banner, during that same 90 day period. The Commission didn't feel that a permit should be required, as it takes time and money for that business owner to complete a permit. The commission felt that any banner over 30 days should be required to obtain a permit.

ELECTRONIC MESSAGE SIGNS

The Commissions discussed the NITS and the face of the sign.

There was discussion about, the statement that the message of the sign needs to be relevant to the business that owns and operates the sign. Mr. Sikkema explained that this is regulated under the Michigan Highway Advertising Act of 1972.

REALTOR SIGNS

The Commission looked at the proposed language and felt that it should allow for larger realtor signs on the larger lots, and for commercial signs to be up to 32 square feet as long as they are located outside the right-of-way. For the smaller square foot realtor signs they felt, should be placed at least 30 feet from the edge of a travel lane.

Rationale – state requirement. The Commission also discussed the directional and other realtor signs located in the right-of-way. There is State language that handles this so, the directional signs will just continue to be regulated by the Highway Advertising Act of 1972.

The language in the proposed ordinance would be changed to:

19.1: Temporary Signs

#3 Real Estate Directional Signs

- Real estate signs advertising the sale, rental, or lease of property in residential and commercial districts are permitted provided:

- A. The sign is located on the lot or in front of the unit for sale; and
- B. Sign shall not exceed nine (9) square feet in area.
 - a. Parcel with over 300 feet of frontage can have two additional signs for every additional 400ft of frontage in residential areas, provided that they are located outside of the right-of-way; and
 - i. In the AF District, lots less than 20 acres, but not less than 5 acres or more could have one 16 square foot sign, provided that they are located outside of the right-of-way; and
 - ii. Lots of 20 acres or more could have one 32 square foot sign, provided that they are located outside of the right-of-way

- Signs shall be placed at least 30 feet from the edge of the travel lane.
- Signs advertising commercial real estate signs and subdivision/development signs of 32 square feet or less provided they are located outside of the right-of-way. Such sign shall be maintained and in good repair.
- Signs shall be removed within seven (7) days after the property has been sold, rented or leased.

RESIDENTIAL SIGNS

Mrs. Thum discussed the concerns that the Township Board had, regarding the different square footage requirements for the different zoning districts. There was also discussion about the large signs along M-28E. The Planning Commission felt that the speeds along M-28 are faster than the ones along Lakewood Lane, so they should be allowed to have larger residential signs. The Planning Commission felt that the M-28 homes should be allowed to have larger signs, due to the speed, rather than the zoning district.

The Planning Commission proposed to have the language read, "For speeds less than 45 m.ph. signs shall not exceed 8 square feet and for speeds 45 m.ph. and greater, signs shall not exceed 16 square feet.

The Planning Commission then looked at setting an overall height limit for the residential signs. They felt that one should be allowed, but wanted to ensure that it allowed for the road and grade variances that occur in our Township. The Planning Commission felt that 12 feet would be appropriate and it should say that no residential sign shall exceed 12 feet from the road grade.

BILLBOARDS AND COMMERCIAL SIGNS

Mr. Sikkema stated that the Township can have stricter regulations than the State, but it's hard to get a new permit to construct a billboard. For the State, M-28E and US 41S are regulated and a billboard could not be placed up without a permit. Mrs. Thum stated that the Board voiced concern that no language would open the door up for billboards. The Commission wanted to add a statement that construction of new billboards is not permitted, but the existing ones shall be maintained and those that are not shall be removed. Mr. Milton stated that we should add a definition of a billboard to the ordinance.

The Commission discussed the commercial square footage requirement of the proposed ordinance and our current commercial signs, the pole and ground sign. Mr. Smith stated that he measured that the Holiday, Family Dollar, Shaws, and Citgo are over a 100 square feet and they would be non-conforming signs with the new ordinance. Mrs. Thum stated that the current ordinance states that "no sign shall have an area exceeding 100 sq ft." Mr. Smith wanted it on record that he wants a sign inventory to be conducted before it goes back to the Board. Mrs. Thum stated that she did a sign inventory and it shows different numbers than he has, and she looked at the sign permits that we have on record. Mrs. Thum wanted to check Mr. Smith's numbers to see how they were calculated. Mr. Sikkema stated that this is a tough part, we need to figure out what the Township wants as far as their signs, do they want larger ones or smaller ones and what would take away from our rural character. Dr. Tabor wanted to know if we have a business that has two sides fronting two different streets, should they be allowed to have additional signs.

Mrs. Thum mentioned the international sign code and how it looks at speed limits for square footage requirements. Mrs. Thum stated that she will bring this back to our November 7, 2011 meeting.

Mr. Milton moved, and Dr. Tabor seconded, to table the proposed sign ordinance until our November 7, 2011 meeting to allow staff to make corrections on A, B, C and D and to have staff present information concerning the international sign code.

Ayes: 6 Nays: 0 Motion Carried

B. Consideration – Proposed Text Amendment #34-11-05 (Home Occupation)

Mr. Meister asked if beauty salons and barber shops are permitted as a home occupation right now, and if so they will have more than two visits per day. Mr. Sikkema voiced his concerns about having an employee who does not live in the home, work at that location. He stated that it's his opinion that is not a home occupation, but rather a business. Mr. Mahaney discussed his concern with the home occupation language, and agreed that you should live at your home for the home occupation. Dr. Tabor and Mr. Meister felt that if there is one person answering phones, then it would not change the character of the neighborhood. If it does not affect the overall character of the neighborhood then, it should be allowed, at that same point it might need to be looked at a case by case basis. There was further discussion about if one employee would change the character of the neighborhood or not. The Commission discussed several examples of business that might

have one employee and would really not affect the character of the neighborhood. The Commission wanted to see AF put back into the list of zoning districts where a home occupation could occur. The commission wanted the proposed language to say that if a home occupation would have any employees then it would be a conditional use. The Commission decided to keep current language and add permitted uses not requiring a conditional use and add #1-5 and #8 -9 from the proposed language and delete #2 of the current language.

Dr. Tabor moved and Mr. Mahaney seconded to keep the current language for home occupations, add the permitted uses, # 1-5 and #8-#9 and then delete #2 of the current language.

C. Consideration – Rural Residential Zoning District (RR)

Mr. Sikkema moved and Mr. Milton seconded to table rural residential until our November 7, 2011 meeting.

IX. PUBLIC COMMENT

Mr. Dick Arnold, 312 West Branch Road asked about the AF zoning districts and home occupations.

X. COMMISSIONER’S COMMENT

Mr. Sikkema discussed the 2012 construction and the MDOT Welcome Center.

XI. DIRECTOR’S REPORT

- A. Discussed the sign inventory
- B. Priority list

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. City of Marquette Planning Commission minutes, June 21, 2011
- B. Communication from Sands Township
- C. Planning and Zoning News, July 2011

XII. ADJOURNMENT

Dr. Tabor moved and Mr. Meister seconded to adjourn the meeting at 10:30pm

**Charter Township of Chocolay
Planning Commission Minutes
Monday, November 7, 2011**

I. Meeting called to order at 7:30P.M./ Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice Chairperson), Tom Mahaney and Gary Heinzelman.

Members absent: Eric Meister, Dr. Ken Tabor and Andy Sikkema

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of October 3, 2011 Minutes

Mr. Milton moved and Mr. Mahaney seconded, to approve the minutes as written.

Ayes: 4 Nays: 0 Motion Carried

III. Additional Agenda Items/ Approval of Agenda

Mr. Milton, stated that the calendar for next year's meetings was before the Planning Commission and it should be placed under VIII - New Business.

Mr. Heinzelman moved and Mr. Smith seconded to approve the agenda with the change.

Ayes: 4 Nays: 0 Motion Carried

IV. Public Hearing

a. None

V. Public Comment

Mr. Mark Maki – 370 Karen Road

Mr. Maki stated that he wanted to apologize to the Planning Commission. At the Board's special meeting, he attempted to get specific comments on what they would like the proposed sign ordinance to say. Mr. Maki went on to say that he was disappointed in the County Planning Commission's review of the proposed sign ordinance. Mr. Maki, then spoke about the proposed road frontage amendment. He stated that the 2005 comprehensive plan recommend that the Township do away with private roads. The Planning Commission was going to do that, until a public hearing was held and people spoke out about their removal. As a result, the Commission and Township Board inserted the sentence, "up to 4 parcels may share a driveway." Mr. Maki went on to say that the problem with common driveways is the addressing of them and that emergency vehicles have problems locating a home.

VI. Presentations

A. None

VII. New Business

A. Consideration - Planning Commission 2012 Meeting Calendar

The Commissioners discussed the days of the week that would work for them and the time. There was a consensus that Monday's at 7:30 would work best for everyone.

Mr. Heinzelman, moved and Mr. Smith, seconded to approve the Planning Commission meeting dates and time for 2012.

Ayes: 4 Nays: 0 Motion Carried

VIII. Old Business

A. Consideration – Proposed Text Amendment #34-10-10 (road frontage)

Mrs. Thum went over the history of the text amendment and that this was proposed by Mr. Maki, and the Commission needs to either approve or deny the amendment. At our last meeting, we had talked about the issue with addressing and making changes to the hold harmless agreement, but that was not part of Mr. Maki's amendment.

Mr. Heinzelman stated that, in his past profession there were several times that he was called out to a home with a shared driveway and he went to the wrong house. There were further questions about the requirement for addressing of residential lots.

The Planning Commission went over the proposed text amendment and felt that some of the language from the old ordinance could be added to a separate amendment. There was further discussion on County Road standards with regards to private roads.

Mr. Smith, moved and Mr. Mahaney, seconded, to deny proposed text amendment #34-11-07 (#34-10-10) and forward it to the County Planning Commission for their review. After the County Commission has made a recommendation, it shall be forward to the Township for Consideration.

Ayes: 4 Nays: 0 Motion Carried

B. Consideration - Proposed Text Amendment #34-10-11 (PUD)

Mrs. Thum went over the history of the text amendment and that the Planning Commission needs to approve or deny it. There was discussion on current PUDs in the AF District and the Township rural character. The Commission discussed the cluster development vs. PUD's. There was a consensus that there were several options to land owners to develop the larger lots without resorting to a PUD.

Mr. Heinzelman, moved and Mr. Milton, seconded to approve proposed text amendment #34-11-06 (#34-10-11) and forward it to the County Planning Commission for their review. After the County Planning Commission has made their recommendation it shall be forwarded to the Township Board for their consideration.

Ayes: 3 Nays: 1 Motion

C. Consideration – Sign Ordinance

Mrs. Thum stated that at our last meeting, the Commission was able to make it though the majority of the Township Board’s comments. Mrs. Thum also stated that she met with Dan Landers from Cook Signs to discuss the International Sign Code and with Mr. Smith to discuss the current language. The Commission decided to review the proposed ordinance page by page. The Commission discussed the height limit on the monument signs and felt that when measuring the height the base should be excluded.

Mr. Milton asked if there were any definitions that need to be added to the sign ordinance. The commissioners discussed freestanding, ground, pole and monument signs. There was a consensus that the monument sign height, should stay at 12ft w/o the base.

There was further discussion on the sign ordinance. The Planning Commission made changes to pages: 4, 5, 7, 10, 14 and 15. The Commission was satisfied with the changes that were made to the commercial signage. The commission felt that regulating signage according to the speed limit was the right approach. There was discussion on setting a maximum square footage for a total number of signs per business, which was set at 200 square feet. There was discussion on temporary signs and canopy signs.

The Commission felt that the language for service station canopies needs additional work.

Mr. Smith, moved and Mr. Heinzelman, seconded, to have staff make the changes that were discussed at tonight’s meeting and bring it back to the Planning Commission for our December 5, 2011 meeting. Staff will post the draft on our website, and mail it to business owners.

Ayes: 4 Nays: 0 Motion carried

D. Consideration – Proposed Text Amendment #34-11-05 (Home Occupation)

The language was discussed and staff would like our attorney to review the proposed text amendment. Staff needs to correct the number of vehicles on page 3, and there was some concern about the enforcement of this.

Mr. Mahaney moved and Mr. Smith seconded to table this text amendment until our December 5, 2011 meeting

Ayes: 4 Nays: 0 Motion Carried

IX. Public Comment

None.

X. Commissioner's Comment

None.

XI. Director's Report

Mrs. Thum stated that there will be a public hearing for the Master Plan at our December 5, 2011 meeting. Mrs. Thum also stated that if anyone wants to read the additional research manuals that go with the international sign code, just contact her and she will provide them.

XII. Informational Items and Correspondence

- A. Planning and Zoning News, September 2011
- B. City of Marquette, Planning Commission Minutes, September 20, 2011
- C. Natural Features DRAFT Chapter for Master Plan

XIII. Adjournment

Mr. Milton moved, and Mr. Smith seconded, to adjourn the meeting at 9:30pm.

Kendell Milton
Chairperson

**Charter Township of Chocoday
Planning Commission Minutes
Monday, December 5, 2011**

I. Meeting called to order at 7:30P.M./ Roll Call

Members present: Andy Smith (Vice Chairperson), Tom Mahaney
Eric Meister, Dr. Ken Tabor Andy Sikkema, and
Gary Heinzelman.

Members absent: Kendell Milton (Chairperson)

Staff present: Jennifer B. Thum, Township Planner/Zoning
Administrator

II. Approval of November 7, 2011 Minutes

Dr. Tabor moved and Mr. Heinzelman seconded, to approve the minutes as written.

Ayes: 6 Nays: 0 Motion Carried

III. Additional Agenda Items/ Approval of Agenda

No additions to the agenda were presented.

IV. Public Hearing

a. None

V. Public Comment

None.

VI. Presentations

A. Township Fire Hall Proposal

Mr. Lee Gould, Lieutenant and training officer with the Township Fire Department, presented a power point of the Fire Department's need for a new hall. Mr. Gould presented various facts, such as the current hall doesn't meet the NFPA or OSHA's requirements, there has been had two electric fires in the past five years, lack of meeting space, gear is close to fire trucks, some equipment is stored outside. Mr. Gould then discussed what the proposed interior of the new fire hall, and stated that the drive-thru bays would be used for additional trucks and the office space and meeting room/lounge would be used for the public in emergency situations.

Mr. Meister asked about funding for the project, Mr. Gould stated that the Township would have over \$500,000, and the proposed cost is 1.8 million.

The Commission asked questions about the number of vehicles, the proposed floor plan, and the location of the hall. Mr. Gary Johnson (ex. fire chief) responded to their questions.

The Commissioners like the site plan, but wanted the Fire Department to make sure the proposed hall meets their needs and not necessarily their wants. They were also pleased to see that the Fire Department has a large portion of proposed amount of money already in their account.

VII. New Business

A. 2011 Planning Commission Annual Plan

Mrs. Thum stated that the Planning Commission annual plan is a requirement under the Michigan Planning Enabling Act. The annual plan lists the status of planning activities, including recommendations by the legislative body related to planning and development for 2011. Also, that they should be proud for all that they have accomplished this year.

VIII. Old Business

A. Consideration – Proposed Text Amendment #34-11-02 (sign ordinance)

Mr. Smith wanted to read page 14, service station canopies, and maybe the maximum signage should be a percentage, rather than a specific square footage. Mrs. Thum discussed a particular company that has installed LED lights around their canopies and signs. The Commission discussed these lights and felt that they had high light intensity and would shine above the canopy and potentially to nearby lots. The Commissioners discussed if a statement should be included in the sign ordinance or under another section in the Ordinance. The Commission asked staff to research this and present the information to them at their January 9, 2012 meeting. The Commission discussed what would be considered a building alteration or addition. There was a further discussion on billboards and the casino sign. The Commission requested clarification on the location of the casino sign to ensure that it is compatible with the proposed sign ordinance.

Dr. Tabor moved and Mr. Meister seconded to send the proposed text amendment #34-12-01 (#34-11-02) to the Township Board for their consideration and the first reading. Staff shall send the proposed language to the business owners and CABA for their consideration as well.

Ayes: 6 Nays: 0 Motion Carried

B. Consideration - Proposed Text Amendment #34-11-05 (home occupation)

The language was discussed and Mrs. Thum stated that one correction was not shown on page 3, under conditional use #3. There was further discussion about the hiring of employees for a home occupation. The Commission wanted the language to be clear that if, the home occupation has an employee, then a conditional use permit is required. Mr. Sikkema stated that any time

you have an employee that is a business and is no longer a home occupation. Mr. Smith stated that by having a process that allows for home occupations with employees, it would encourage people to follow the law.

Dr. Tabor moved and Mr. Mahaney seconded to forward proposed text amendment #34-12-02 (#34-11-05) to the County Planning Commission for their review.

Ayes: 5 Nays: 1 (Sikkema) Motion Carried

C. Consideration – Proposed Text Amendment #34-11-03
(wireless communication towers)

Mrs. Thum stated that at the Township Board meeting on November 14, 2011, the Board had some concerns with three specific items, A: 17, they felt that was too restrictive. They also were concerned with B: #4, which states that the applicant shall make every attempt in the design of the wireless tower to disguise the structure to reduce the aesthetic impact to the surrounding area.

Mr. Trudeau discussed his objection to the language that was presented and felt that it was too subjective. The Commission discussed the monopoles and other communication towers. There was further discussion on stealth towers and felt that people, now accept wireless towers. This is a conditional use permit process, so each tower would be evaluated on case by case basis. The Commissioners felt it would be best to delete A: #17 and B: #1 and #4. Mrs. Thum discussed Chapter nine of the Townships Master Plan, which talks about scenic areas in Chocolay.

Mr. Sikkema moved and Mr. Mahaney seconded to forward the proposed text amendment #34-11-03 back to the Township Board for their consideration, with the changes listed above and the first reading of the proposed text amendment.

Ayes: 6 Nays: 0 Motion carried

D. Consideration – Proposed Text Amendment #34-11-06 (Rural Residential)

Mr. Sikkema stated that we should look at rezoning some of the R-1 lots to the Rural Residential District. Mr. Meister wanted to mirror this new district with the old RR-2 District, and to permit commercial farming, but not necessarily livestock. The Commission discussed the old zoning ordinance and the current language with regards to the minimum lot size. Mr. Meister used his father as an example.

Sikkema moved and Mr. Smith seconded to table proposed text amendment #34-11-06 to give Commissioners time to view the maps and proposed changes that were presented by Mr. Meister.

IX. Public Comment

None.

X. Commissioner's Comment

Mr. Sikkema stated the project for out here will now be let out in February of 2012.

XI. Director's Report

XII. Informational Items and Correspondence

A. City of Marquette, Planning Commission Minutes, September 20, 2011

B. Executive Summary DRAFT and Land Use Chapters DRAFTS for Master Plan

XIII. Adjournment

Mr. Smith adjourned the meeting at 10:15pm.

Mr. Andy Sikkema
Secretary

**Charter Township of Chocolay
Planning Commission Minutes
Monday, January 9, 2012**

I. Meeting called to order at 7:30P.M./ Roll Call

Members present: Kendell Milton (Chairperson), Andy Smith (Vice Chairperson), Tom Mahaney, Eric Meister, Dr. Ken Tabor
Andy Sikkema, and Gary Heinzelman.

Members absent: None

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of December 5, 2011

Mr. Sikkema moved, and Mr. Heinzelman seconded, to approve the minutes as written.

Ayes: 7 Nays: 0 Motion Carried

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Dr. Tabor moved and Mr. Sikkema seconded, to accept the agenda as written.

Ayes: 7 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

A. None

V. PUBLIC COMMENT

Mr. Pete Mackin, a Chocolay Township resident spoke about his appointment to the Marquette County Planning Commission. He would like to serve as a liaison between the County and the Township. Mr. Mackin gave a brief history of his professional background.

VI. PRESENTATIONS

A. None

VII. NEW BUSINESS

A. Consideration - Township Master Plan

Mrs. Thum spoke about the completed draft and indicated that a presentation will be done on the plan at our February 6, 2012 meeting, so the Commissioners should look over the document in order to discuss it at our next meeting. Mrs. Thum also indicated that the recreation plan has been completed and it will be sent to the members.

B. Consideration - Building lights

Mrs. Thum stated that this came up after our last month's meeting discussion about a particular business blue LED canopy lights.

The Commissioners felt that the lights are not used for safety purposes, but rather for advertisement. The zoning ordinance does prohibit some exterior lights, but it's not specific to the LED canopy rope lights.

Dr. Tabor talked about the Dark Sky language and the difference between the lights at Founders Landing, street lights and parking lot lights.

Mr. Meister talked about the different types of lighting that are used advertisement purpose, and for architecture features.

Mr. Sikkema moved, and Dr. Tabor seconded, to table this item until we received more information on dark sky regulations and clarification on the wording in the Township zoning ordinance.

Ayes: 7 Nays: 0 Motion Carried

C. Consideration – 2012 Top Priorities

Mrs. Thum stated that this it just to keep items on track and it's good to have the commissioner's set goals for 2012. Mrs. Thum discussed her thoughts and goals for this year. The Planning Commission and staff developed the following list, in no particular order.

1. Transportation Center/ Shelter/Bike Rack near the US 41S/M-28
2. Sign Ordinance
3. Junk Car Ordinance
4. Rural Recreation Zoning District
5. Review Fire Arms Ordinance
6. Explore the possibility of underground utilities along US-41S (Business District)
7. New playground equipment
8. Waterfront Residential – Rental Properties
9. Review of private roads and addressing of residential homes

VIII. OLD BUSINESS

A. Consideration - Proposed Text Amendment #34-11- 06 (Rural Residential)

The Commissioners felt that this should serve as a transitional district between the R-1 and the AF District. The Commission looked at this item and felt that commercial farming should be a conditional use. There was further discussion on contractor yards and shops in this district, due to the minimum lot size. Mr. Smith stated that the current language states that a contractor's yard shall be on a minimum of 20 acres, and it's a conditional use. Mr. Sikkema discussed different uses of contactors yards and where it would be acceptable. Mr. Mahaney, felt that residential areas should stay residential, and a commercial type of business is not compatible.

The Commission wanted to look at removing some of the Section toward the southern end of our Township and that are larger lots. The Commission talked about limiting the

growth towards the road, but limiting the AF-2 to the smaller lots, and not the 20 acre parcels.

Mr. Meister thought we should omit contractor yards as a conditional use and permit commercial farming as a conditional use in the Rural Residential District. The rest of the Commissioners felt that this was a good idea. Mr. Sikkema went over the current list of permitted and conditional uses in the current Agricultural/Forestry and compared those to what one would expect in the Rural Residential District.

Mr. Sikkema moved, and Dr. Tabor seconded, to direct staff to look at the proposed language and locate any non-conforming undeveloped parcels in the southern half of our Township, and to draft a revised ordinance amendment for review at our February 6, 2012 meeting.

Ayes: 7 Nays: 0 Motion Carried

B. Consideration - ORV Community Survey

Mrs. Thum explained that since there was little to no response from our residents about the potentials sub-committee for ORV's she worked with CUPPAD on developing a questionnaire that could be mailed to our residents.

There was question about any interest from other residents beside Mr. Tony Harry. Mrs. Thum stated that was a survey at the Grove Restaurant that did produce some input, but no other residents have written a letter or come to the Township Hall. If this item gets more support and the Township decides to do a survey, Mr. Heinzelman stated that the survey should go to our entire population.

Mr. Mahaney moved, and Dr. Tabor second, to drop the issue, unless we get more residents interested in the idea.

Ayes: 7 Nays: 0 Motion Carried

C. 2011 Text Amendment Update

Mrs. Thum stated that this was informational only, and the list will be continued to be updated as we go. Mr. Sikkema wanted this item in the packets from here on out. Mrs. Thum indicated that this will be done.

IX. PUBLIC COMMENT

Mr. Dick Arnold, 312 West Branch Rd, wanted to know if the Planning Commission is going to finish up the junk car/RV ordinance. (This item is on our 2012 top priority list)

X. COMMISSIONER'S COMMENT

Mr. Sikkema discussed the upcoming MDOT project.

XI. DIRECTOR'S REPORT

A. Zoning Ordinance Review

Mrs. Thum stated that she has been going through the zoning ordinance to review what the current issues are and what items might need to be changed. The Commissioners would like to see a monthly list.

B. Road Frontage Text Amendment

Mrs. Thum stated that the Township Board wanted the Planning Commission to look at the safety issue of private roads and the addressing of them. Mr. Heinzelman stated that staff should review Ordinance #29, address requirement. Mrs. Thum stated that this will be added to the 2012 top priority list.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. City of Marquette, Planning Commission Minutes, November 1, 2011 and November 15, 2011
- B. Planning and Zoning News, November 2011

XII. ADJOURNMENT

Mr. Kendell Milton adjourned the meeting at 9:30 pm

Mr. Andy Sikkema
Secretary

**Charter Township of Chocolay
Planning Commission Minutes
Monday, February 6, 2012**

I. Meeting called to order at 7:30P.M./ Roll Call

Members present: Kendell Milton (Chairperson), Dr. Ken Tabor, Andy Sikkema, and Gary Heinzelman.

Members absent: Andy Smith (Vice Chairperson), Tom Mahaney, and Eric Meister

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of January 9, 2012

Dr. Tabor moved, and Mr. Sikkema seconded, to approve the minutes as written.

Ayes: 4 Nays: 0 Motion Carried

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Mrs. Thum informed the commission that Mrs. Deborah Mulcahey's written comments are on the desk in front of them for review.

Dr. Tabor moved and Mr. Heinzelman seconded, to accept the agenda as written.

Ayes: 4 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

Proposed Text Amendment #34-12-05 (home occupation)

Mrs. Thum read Mrs. Deborah Mulcahey's written comment in its entirety, which was emailed to Mrs. Thum on February 5, 2012. Mrs. Thum stated that Mr. Wayne Dees supplied public comment as well, which was placed in their packet materials.

Mr. Dick Arnold, 312 West Branch Road, stated that he is concerned with allowing home businesses in residential areas. Mr. Arnold felt that there should be an annual review process.

V. PUBLIC COMMENT

Mr. Dick Arnold, 312 West Branch Road, stated that he is disappointed that only a few people were in attendance. Mr. Arnold felt that the Township should send out a survey to the residents and see what they would like the Planning Commission to work on. He also felt that the conditional use permit fee should be set at \$75.00 and an annual fee, versus a onetime fee.

VI. PRESENTATIONS

A. None

VII. OLD BUSINESS

A. Consideration - Proposed Text Amendment #34-12-05 (home occupation)

Mr. Heinzelman stated upon further review, he feels that home occupations, which permit an employee, should not be permitted in residential areas. Mr. Heinzelman discussed the research that he did on this subject and stated the majority of municipalities don't allow

home occupations to have non-resident employees in their residential areas. Mr. Sikkema stated that the reason that home occupations came before the Commission, is because a resident was being honest about her home knitting business, but she did not make enough profit to justify the \$250 fee.

Mr. Sikkema stated that the proposed amendment does need to be cleaned up. There are a couple of options, we could move it along, don't do anything, take the public comment and make the changes to remove the allowance of an employee or leave the current language as is.

Mr. Sikkema moved and Dr. Tabor seconded to have staff draft a new text amendment that mirrors our existing language in Section 6.9, but change home occupations to a permitted use and include a statement that they shall register with the Township. This item is to be brought back before the Planning Commission for review at our March 5, 2012 meeting.

Ayes: 4 Nays: 0 Motion carried

B. Consideration - Proposed text amendment #34-12-06 (rural residential)

Mr. Sikkema stated that he was concerned with #3 under the permitted uses, instead of listing the rabbits, chickens, geese and other small agricultural animals, maybe it should say "animals" or fowl for the private uses of residents. There was further discussion on what would constitute an animal and would exotic animals fit into that category. Staff was asked to review the federal and state laws on keeping of exotic animals to see if we can just put the word "animals" instead of listing each animal.

Mrs. Thum stated that there are 162 vacant non-conforming parcels in the Agricultural/Forestry District.

The commission discussed whether we should regulate the number of animals that can be on a lot. The consensus was that this is something that could be reviewed on a case by case basis, as it's listed as a conditional use.

Mr. Sikkema moved and Dr. Tabor seconded to direct staff to finalize the text amendment and prepare a map for review at our March 5, 2012 meeting.

Ayes: 4 Nays: 0 Motion carried

C. Consideration – Dark Skies- Outdoor building lights

Mrs. Thum informed the commission of the discussion she had with the City of Marquette and the lights that are located at Founders Landing. Mrs. Thum stated that she will follow up with the BLP to see when lights along US 41S and in the subdivision are to be replaced.

The Commissioners discussed the sample light ordinance from the Village of Lloyd Harbor. There was also discussion on the sample language from Pittsfield Charter Township.

Staff will look into finding similar language with municipalities that regulate outdoor advertising lights. The Commission will review the Pittsfield Charter Township ordinance and mark it up for next's months meeting.

VII. NEW BUSINESS

A. Consideration - Township Master Plan

Mrs. Thum spoke about the completed draft. Mr. Sikkema suggested that we review Chapters 1 and 2 for next month's meeting.

IX. PUBLIC COMMENT

Mr. Wayne Dees, 512 Woodvale, discussed an administrative issue with the Planning Commission. Mr. Dees stated that there is a statement in the Planning Directors job description, which states that the Director is to make recommendations to the various boards on items of interest. Mr. Dees stated that he felt that, this was to guide the Commission and not to make actual recommendations. Mr. Dees stated that it's Mr. Maki's interpretation that the statements means that the Director is to make an actual recommendation to the Commission on whether an item should be approve or denied, and their reason for such.

The Commission stated that the Planning Director has the background in planning and they don't always listen to staff, but like to see things from their perspective and get different thoughts on the issue.

The Commission discussed this issue with Mr. Wayne Dees.

Mr. Sikkema stated that the Commission looks to the zoning/planning director for guidance on all issues, and to determine if any issue could arise from an enforcement standpoint. The rest of the Planning Commission agreed with this statement.

X. COMMISSIONER'S COMMENT

Mr. Sikkema discussed the upcoming MDOT project.

XI. DIRECTOR'S REPORT

Mrs. Thum gave a general update.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. City of Marquette, Planning Commission Minutes, December 6, 2011, December 20, 2011 and January 3, 2012.
- B. Planning and Zoning News, December 2011
- C. Fire Arms Ordinance #35
- D. Street Address Ordinance #29A
- E. Proposed Vehicle parking and storage ordinance
- F. Conducting effective meeting (handout from planning presentation)

XII. ADJOURNMENT

Respectfully Submitted by

Andy Sikkema
Chocolay Township Planning Commission Secretary

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 5, 2012

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:30 p.m.

ROLL CALL

Present- Mr. Kendell Milton (Chairperson) - Mr. Andy Smith (Vice Chair) - Mr. Andy Sikkema (Secretary) - Dr. Ken Tabor - Mr. Eric Meister - Mr. Gary Heinzelman - Mr. Tom Mahaney

II. MINUTES

A. February 6, 2012

Motion to approve the minutes as corrected by: Heinzelman

Second by: Sikkema

Vote: All Ayes MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as written by: Tabor

Second by: Sikkema

Vote: All Ayes MOTION CARRIED

IV. PUBLIC HEARINGS

None

V. PUBLIC COMMENT

Mr. James Dunn- 3120 M-28 E, MQT- Discussed the issue of the AF setback requirements and the impact on his property located in Section 12. His lot was created in in the early 1900's and had an existing foundation built on the site in 1975 10 ft. from the lot lines. He would like the board to consider the possibility of changing the zoning along that part of M-28 to Residential 1 so the set backs would be that same as the buildings already there and they would not have to come before a board to request a variance.

IV. PRESENTATIONS

None

VII. OLD BUSINESS

A. Consideration - Proposed Text Amendment #34-12-05 (home occupation)

Sikkema reviewed the background information and the discussion to put home occupations as a permitted use in the R1, R2, MFR, WFR and AF districts.

Smith question what if for instance a beautician would cause more traffic during a day than would someone working on motor parts, why would one be permitted and the other not if they met all other conditions.

Tabor commented the permitted use was to make it easier for home business owners.

Heinzelman discussed the issue of why wouldn't more than one home occupation be

allowed. Residents of a home should be able to each have a home occupation if they meet the conditions for approval.

Motion to amend the proposed text amendment as indicated by: Smith:

1. Uses Allowed: remove (No more than one home occupation is permitted per parcel as written;
3. Prohibited uses: remove (B. Any type of repair, assembly or storage, sale or manufacture of vehicles, or any other work related to motor vehicles and their parts)

Add (9. Conditional uses: Any type of repair, assembly or storage, sale or manufacture of vehicles, or any other work related to motor vehicles and their parts)

Second by: Tabor

Vote: All Ayes MOTION CARRIED

Motion to approve proposed text amendment #34-11-05 as written and forward it to the Township Attorney and County Planning Commission for review and then the Township Board for approval by: Smith

Second by Tabor

Vote: All Ayes MOTION CARRIED

Final Proposed Text #34-11-05

Home occupations are a permitted use in R1, R2, MFR, WFR and AF districts when in conformance with the following requirements:

1. **Uses Allowed:** Uses that comply with all of the standards of this subsection and those provided for under conditional uses, unless specifically prohibited elsewhere in the zoning ordinance.
2. **Size:** A home occupation may not occupy more than twenty-five percent of the gross area of any one story, structure, or dwelling used for the home occupation.
3. **Prohibited Uses:** The following uses are prohibited as home occupations in the R1, R2, MFR and WFR districts:
 - a. Restaurants are prohibited as home occupation in all zoning districts.
 - b. Animal boarding facilities including kennels, commercial stables and all other similar uses.
4. **Location:** All work areas and activities associated with home occupation must be conducted either inside the principal dwelling unit, or in accessory building or garage.
5. **Exterior Appearance:** There shall be no evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation.
6. **Operational Impacts:** No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise,

electrical interference or fluctuation in voltage or the use of hazardous substances or materials.

7. Traffic: No traffic shall be generated by any home occupation in greater volume that would normally be accepted in a residential neighborhood.

8. Registration: Any person conducting a home occupation shall notify and register with the Zoning Administrator, within thirty days of the beginning use, or within sixty days of the effective date of this Ordinance, whichever is later. (34-08-01)

9. Conditional Uses: Any type of repair, assembly or storage, sale or manufacture of vehicles, or any other work related to motor vehicles and their parts.

B. Consideration - Proposed Text Amendment #34-12-06 (rural residential)

Motion to postpone this item until staff can contact the township attorney for an opinion and/or interpretation of *“VI General provisions; 6.1 (A) {Lots of less than 20 acres but not less than 5 acres within the AF district prior to the adoption of this ordinance are legal nonconforming}*

and 6.1 (B) In Districts R1, R2, MFR, WFR and AF, the minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a recorded plat, or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance by Sikkema

Second by: Tabor

Vote: All Ayes MOTION CARRIED

C. Consideration - Dark Skies- Outdoor building lights

Motion to postpone this item until staff can work with MBLP and Alger Delta to get an inventory of the type of street lights that are used in our Township and to inventory the lights that are used at the commercial businesses: by Heinzelman

Second by: Tabor

Vote: All Ayes MOTION CARRIED

D. Consideration and Review - Township Master Plan, Chapters 1 & 2

Board will continue to review the Township Master Plan with Chapters 3 & 4 at the April meeting.

VIII. NEW BUSINESS

A. Consideration – Zoning Board of Appeals request to extend R1 Single Family District in Section 17 to include the NE 1/4 North of US Hwy 41 S.

No Action Taken

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning and Zoning News

XII. ADJOURNMENT

Motion to adjourn the meeting by: Milton

Second by: Sikkema

Vote: All Ayes MOTION CARRIED

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 2, 2012

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:30 p.m.

ROLL CALL

Members Present: Mr. Kendell Milton (Chairperson) - Mr. Andy Sikkema (Secretary) - Dr. Ken Tabor - Mr. Eric Meister - Mr. Tom Mahaney

Members Absent: Mr. Andy Smith (Vice Chair) - Mr. Gary Heinzelman

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Tina Fuller (Assessor/Interim Zoning Administrator)

II. MINUTES

A. March 5, 2012

Motion to approve the minutes as written by: Tabor

Second by: Meister

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as written by: Tabor

Second by: Milton

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC HEARINGS

None

V. PUBLIC COMMENT

Mr. Tony Harry- 6369 US-41 S, MQT- Mr. Harry discussed the possibility of allowing ORV's to utilize the shoulder of county roads in the Township. He requested an update on the progress/results of the ORV survey. Mr. Harry also submitted a petition signed by 51 individuals who would like the Township to open county roads for ORV use on the far right at speeds no greater than 25 mph. The purpose is to allow people to get to the main ORV trails. He mentioned that other ORV groups have been successful in obtaining grants to help with trail development and safety monitoring.

Planning Commission members informed Mr. Harry that only a couple of people expressed interest in participating on the ORV subcommittee, and therefore it was decided in a previous session that the issue (including the proposed Township-wide survey) would be dropped until more interest was expressed by residents.

**Note, Mr. Sikkema joined the meeting at 7:40 p.m.

IV. PRESENTATIONS

None

VII. OLD BUSINESS

A. Consideration - Proposed Text Amendment #34-12-06 (rural residential)

Fuller summarized the opinion by Township Attorney Mike Summers concerning an apparent conflict with respect to three subsections regulating legal nonconforming uses and lots of record. This was pertinent to the discussion of the proposed rural residential zoning district. There was some discussion regarding clarification of what was to be accomplished. The consensus was that Commissioners want to ensure that property owners will be allowed the opportunity to build on currently vacant lots that were conforming lots at the time the original Ordinance was adopted in 1977 even though they don't meet the current requirements for minimum lot area. The Commission also considered the public intent to maintain rural character; how to balance this with increasing the number of developable lots; and how to reduce the number of nonconformities that necessitate action by the Zoning Board of Appeals (usually difficulty in meeting current setbacks). Commissioners discussed what "rural character" means (looks like). They also discussed the logic behind increasing density, such as following primary roads or developing contiguous areas.

A citizen asked the Commission to explain the benefit of 20 acre lots. Tabor explained that the 2008 Board sought to curb urban sprawl and preserve areas for farming and open space per the Master Plan. The impact of the larger lot size on tax base (potential reduction) was discussed in comparison to the value of rural character as a property amenity (attract residents). The Commission had questions regarding current real estate demand. It is difficult to determine whether current regulations curb demand for development or if there are other considerations such as consumer preference or the economy. It was suggested it would be beneficial to research the demand for 5 acre lots and an appropriate location. At the same time, a goal should be consistency with the Master Plan and former decisions.

Motion to postpone consideration of the RR District until there is a demonstrated need, or as identified as a goal in the updated Master Plan by: Tabor
Second by: Meister

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Action Items: Staff was directed to work with the Township attorney to correct the inconsistent language regarding nonconforming lots in the current Ordinance. Fuller will provide a map at the next meeting that illustrates areas with lots less than 5 acres and also 5 acres or more (and less than 20 acres) in existence after 1977.

Consideration – Attorney Mike Summers opinion with regard to the current Chocoday Township Zoning Ordinance provisions as to Home Occupations.

Commissioners clarified their decision from a previous meeting to make Home Occupations a permitted use. They also reviewed citizen correspondence relating to this issue that will be presented to the Board at their next meeting. The Commission decided to move on without further action.

B. Consideration - Dark Skies- Outdoor building lights

The meeting packet included information on new street lighting fixtures being used by the BLP and the 2011 Joint IDA-IES Model Lighting Ordinance. The

Commission discussed their reasoning in pursuing dark skies lighting principles. Reasons include reducing glare and maintaining safety for road traffic, and limiting light pollution.

Motion for Staff to review the lighting ordinance as applicable to the commercial district and to ensure that lighting can be controlled in an acceptable manner by: Sikkema
Second by: Milton

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Action Items: Staff will review the current zoning ordinance and the model ordinance and prepare recommend language for the next meeting.

C. Consideration and Review - Township Master Plan, Chapters 3 & 4

The Commission discussed considerations for the Housing section of the Master Plan. They include:

- Accommodation of elderly accessory housing, perhaps in apartments above the garage. This item should be considered also in terms of enforceability.
- Accommodating diverse housing needs no matter the life cycle of the resident to ensure that existing residents don't have to leave the Township as they age.
- The perceived opportunity vs. demand for rental housing. It was suggested that Staff obtain information on current housing demand from area realtors.
- Strategies include matching zoning regulations to the housing diversity goal and also marketing or actively pursuing opportunities to attract needed housing development to the Township. This item is also tied to the availability and funding of suitable infrastructure, such as through special assessments. Adams Township in the copper country was mentioned as an example of water infrastructure improvements.
- There is a question on percentage of the aging population that wants to age in place vs. percentage who plan to move to Florida or other regions.
- The economy impacts the desire for smaller lots and homes, or for development types that don't require individual maintenance. Commissioners expressed a desire to create places for new solutions and options and to maintain flexibility in addressing needs.
- It was suggested we should consider also the needs of the people who don't attend public meetings, such as the elderly, poor, infirm, etc. Commissioner Sikkema charged others with thinking of their parents' needs.
- Options such as low rise apartments with the availability of public transit were discussed.

Motion to postpone the final review of Chapters 1-4 until the June meeting to allow time for new planning Staff to review and comment unless there is a compelling deadline for this to be done sooner by: Meister
Second by: Tabor

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Action Items: Staff will review Chapters 1-4 and prepare modifications to present at the June meeting. Staff will research regional demand for housing types and acreage.

VIII. NEW BUSINESS

None

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Sikkema gave an update of the upcoming US-41/M-28 road project. There will be off-roadway blasting of rock on the south side of the highway past the Welcome Center on April 9. There will be short-term road closures. Starting April 23 there will be closure of the outside travel lanes for approximately 30 to 45 days. Other lane closures will continue through fall. The Harvey area will receive only resurfacing in mid to late June through August. The new bike path will be paved before the old one is removed.

XI. DIRECTOR'S REPORT

No report was prepared by the newly hired Planning Director. The Commission requested future reports to include enforcement actions, highlights and points of interest from the department, and the spreadsheet on the progress of zoning amendments.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Citizen Correspondence on Home Occupations – 3/19/2012

Planning and Zoning News

Marquette City Planning Commission February Meeting Minutes

XII. ADJOURNMENT

Mr. Milton adjourned the meeting at 9:18 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 7, 2012

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:30 p.m.

ROLL CALL

Members Present: Mr. Kendell Milton (Chairperson) - Mr. Andy Smith (Vice Chair) - Dr. Ken Tabor - Mr. Gary Heinzelman - Mr. Eric Meister - Mr. Tom Mahaney

Members Absent: Mr. Andy Sikkema (Secretary)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

A. April 2, 2012

Motion to approve the minutes as written by: Tabor

Second by: Heinzelman

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

**Note, Mr. Mahaney joined the meeting at 7:35 p.m.

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as written by: Tabor

Second by: Heinzelman

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC HEARINGS

None

V. PUBLIC COMMENT

Mr. Tony Harry- 6369 US-41 S, MQT- Mr. Harry still wants the Planning Commission to consider opening up some County Roads to ORV/ATV use. He is starting an ORV/ATV Club for Region 5 in Marquette County. The first meeting will be 6 p.m., May 16 at the Bayou Inn Restaurant in Harvey.

VI. PRESENTATIONS

None

VII. OLD BUSINESS

A. Consideration - Proposed Text Amendment #34-12-06 (rural residential)

Staff has provided maps of all nonconforming properties less than 20 acres within the AF District, highlighting those that are 5 acres or less. Structures can still be built on nonconforming lots in the AF District as long as all setbacks can be met.

These maps illustrate the spatial pattern of non-conforming parcels in the District.

There are many parcels less than 5 acres, and they are widely scattered. This may necessitate a different strategy in addressing the inability to meet setbacks, rather than a rezoning. Those that are located adjacent to the R-1 District could be rezoned.

The Commission wants a strategy to allow people to be able to build or rebuild on these nonconforming parcels. The property owners have recourse to the ZBA if they can't meet the setbacks. This includes additional staff time, and applicant expense and time.

The ZBA requested the Planning Commission to consider rezoning some parcels (Section 17) to R-1. The decision was too preliminary at the time, and the Commission wanted a more comprehensive process for considering the rezoning, not just spot consideration.

Motion to postpone consideration of the RR District until there is a demonstrated need, or as identified as a goal in the updated Master Plan by: Tabor

Second by: Meister

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Action Items: Staff will continue to determine whether there is a current demand for more 5 acre parcels. This feedback will be obtained from realtors and through the neighborhood planning sessions.

B. Consideration - Dark Skies- Outdoor building lights

The meeting packet included a first draft of Dark Sky lighting provisions and a bulletin explaining the BUG classification system.

There was a question about the new bright blue Holiday lighting that is showing up in other areas of the U.P., and whether it would be allowed under the current ordinance. It was previously thought that this would not be allowed because that particular lighting would relate to sign lighting (advertising), where there is a provision that does not allow similar high intensity light such as strobes, lasers, etc. It was current staff opinion that our ordinance is not very clear in addressing this issue. But the purpose of the Dark Sky provisions is broader – it is meant to address energy conservation and protecting dark skies in rural areas from stray lighting. It ensures that the lighting is more focused in the area where it is needed. It also has the effect of reducing wattage and producing energy savings as property owners strategize ways to provide effective lighting while meeting the total lumen limit.

Commissioners discussed the effect of Dark Sky provisions on current businesses.

These standards would only take effect with new lighting situations, or commencement of a new or changed use requiring a zoning compliance permit.

We cannot know which current businesses would meet the standards since we don't have their lighting information.

Commissioners would like to see examples of existing businesses with lighting that meets these standards, and to see case studies from other communities that have implemented these standards to make sure there were no problems in implementation. They would like to see a test case with a local business to see if they currently meet the standards, or what they would have to do to meet the standards. They would also like to see particular fixtures in operation that meet these BUG ratings, so they can experience the visibility.

There could be a provision that if current lighting was expanded more than 25%, these provisions would apply.

Motion for this item to be postponed until we have more case study information, examples of compliant sites/fixtures, and to give Commissioners more time for study:

Mahaney

Second by: Tabor

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Action Items: Staff will try to identify a couple of local businesses with BUG compliant lighting, and identify a local business that is willing to be a case study for the calculations. Staff will also research case studies from other communities that have implemented these standards.

VIII. NEW BUSINESS

A. Consideration - Proposed Text Amendment #34-12-01 (sign ordinance)

Staff was directed to produce a comparison of standards in the current and proposed sign ordinances. During this process, staff identified some concerns regarding conflicting and unclear provisions that would lead to enforcement difficulties. Staff wished to make the Planning Commission aware of these findings before they were presented, as requested, to the Township Board.

The Township Board will address this existing proposed Ordinance at their next meeting, and will have the choice of approving it or sending it back to the Planning Commission for revision.

The Commission agreed to go through the conflicts/concerns as summarized and make recommendations for necessary revisions. They completed the most pressing concerns on pages 1-3 of the sign ordinance comparison. The Planning Commission wanted to alert the Township Board that they found some irregularities.

The Planning Commission had not seen the side-by-side comparison of sign ordinance standards that Tina Fuller prepared for the Township Board. They want to see this at the next meeting where this is addressed. Throughout the process, they kept getting copies of new versions of the Ordinance, but without changes tracked. They feel that some of the changes they discussed may not have been incorporated along the way.

Motion for this agenda item to be postponed until the next meeting when the Commissioners have the side-by-side comparison to assist with the revision process:

Mahaney

Second by: Meister

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

Action Items: For the next meeting, distribute the previous side-by-side comparison, and incorporate the changes from this meeting by tracking changes to the 3/19/12 draft.

- B. Consideration – Implementation of neighborhood planning initiatives to assist Master Plan and Zoning Ordinance updates.

Staff wants to initiate some neighborhood planning sessions, and wants Planning Commission input on how to best accomplish this. There was agreement that the more people we can get involved, the better. Commissioners asked for an update on the success of the community open house which was held April 12. Twenty-one people were in attendance with short notice. Staff will identify neighborhood champions to help organize the efforts. Ideally, sessions will be held in the neighborhood. Residents will be asked for their opinions on regulations and issues of concern in their neighborhood, and they will be able to meet some of their neighbors. Timing, location, and advertising methods were discussed. We can send letters to property owners based on location, and we can advertise in the Mining Journal. It would be beneficial to hold the meetings in the neighborhoods, because some people are more comfortable with this. We may start with the Silver Creek neighborhood to introduce the community garden and encourage participation. We need help in breaking determining the neighborhood divisions. There was a suggestion that we check with the PD for typical divisions.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Smith heard a rumor about a potential bike path on Lakewood Lane. There was a question about whether there is enough right-of-way to create a path.

There is a new business at Timbercrest – the Rock Shop – and a new physical therapist in the shopping mall.

Mahaney had concerns about safety in the bike tunnel where it exits east and there is a sharp north turn. When people are coming south down the hill to turn west into the tunnel, they have close calls with people coming out through the tunnel because there is no mirror to help with the blind spot. Mahaney asked if the Township can mount a mirror there so people from different directions can see each other. Or can the Township paint a striped line temporarily at this location to divide the path to help alleviate conflicts?

XI. DIRECTOR'S REPORT

Highlights from the April Board report, addressing the public open house, community garden, CABA meeting, 70+ customer calls including 25% neighbor complaints, 3 chicken inquiries, concerns with dumping of inert materials from highway construction or removal of sand, and attendance at the MTA legal update session.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning and Zoning News
Marquette City Planning Commission March and April Meeting Minutes

XIII. ADJOURNMENT

Mr. Milton adjourned the meeting at 10 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 4, 2012

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:30 p.m.

ROLL CALL

Members Present: Mr. Kendell Milton (Chairperson) - Mr. Andy Smith (Vice Chair) - Mr. Andy Sikkema (Secretary) - Mr. Gary Heinzelman - Mr. Tom Mahaney - Mr. Eric Meister

Members Absent: Dr. Ken Tabor

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

A. May 7, 2012

Motion to approve the minutes as written by: Milton

Second by: Meister

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as written by: Heinzelman

Second by: Sikkema

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC HEARINGS

None

V. PUBLIC COMMENT

Peter Ollila of 633 Lakewood Lane had concerns regarding the home occupation ordinance. He feels the current language is very open-ended and unenforceable, and lets people do most anything at their home. He thinks the notification requirements should be expanded from notifying residents within 300 feet of the proposed home occupation (per State requirements) to notifying residents within 2,000-3,000 feet or half a mile because of the size of some Township lots. He also noted there have been significant changes to the ordinance language, and feels another public hearing is needed on the current language.

Dick Arnold, 312 County Road 545, spoke about the need to revisit the junk vehicle ordinance because it allows parking for an unlimited time of three unlicensed vehicles in the front yard if screened. They don't have to belong to the owner. Also, the ordinance puts no limit on the number or size of trailers. This means a licensed non-commercial semi-trailer or two or three could be parked in someone's yard. Commissioner Milton noted that the Planning Commission plans to review this ordinance this year.

VI. PRESENTATIONS

None

VII. OLD BUSINESS

A. Consideration - Proposed Text Amendment #34-12-04 (Home Occupations)

Staff provided copies of the March 5 ordinance provisions as sent to the County Planning Commission, and copies of their response. Staff also provided a Memo detailing the changes that were made to the proposed text amendment after the February 6 public hearing. The Marquette County Planning Commission reviewed the language that was amended on March 5. They noted that the proposed amendment expands the opportunity for residents to earn income through one or more home occupation(s) without having to pay a conditional use permit fee, and results in reduced staff processing time. They also noted that requiring a conditional use permit for particular uses with potential negative impacts secures an opportunity for public comment and review. The Commission voted unanimously in support of the proposed text amendment as amended by the Chocolay Township Planning Commission on March 5, 2012, pending a public hearing on the proposed language. They requested the opportunity to review the language again if it is further amended.

For reference purposes, staff provided a review of home occupation standards from surrounding jurisdictions, and created suggested language including a purpose and intent statement and tiered system of review based on activity and potential impacts.

There was a discussion on the proposed amendment. Commissioners wanted more specific information regarding Board concerns and the level of agreement on specific concerns. Commissioners did not remember approving the “sale and manufacture of vehicles” as a conditional use as noted in item #9. The intent is that uses resulting in exterior evidence be permitted only as a conditional use. A decision was made to permit repair and assembly and work related to motor vehicles and their parts as a conditional use, but to prohibit the sale, storage, or manufacture of motor vehicles as a home occupation. Commissioners discussed the potential conduct of a home occupation in a portable or mobile structure, but made no modification to address this possibility under the provisions for “location”. Commissioners agreed to add a purpose statement clarifying that home occupations are for “residents” as a way of addressing (not permitting) “employees”. Commissioners also discussed adding a provision for periodic inspection with reasonable notice to ensure compliance of home occupations that are approved by conditional use permit or that receive a complaint. There was a question about quantifying “reasonable” notice for inspection, and a suggestion was made

to consult the Township attorney on this issue.

Motion to revise the home occupation ordinance as discussed and to bring it to the next meeting for final review by: Mahaney
Second by: Meister

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Action Items: Staff will submit the text to the Township attorney for review and comment regarding the inspection provision. A public hearing will be planned for the August meeting pending final review at the July meeting.

B. Consideration - Proposed Text Amendment #34-12-01 (Signs)

The meeting packet included the suggested revisions of the ordinance language put together by the Planning Director (with a companion document referencing changes) and reference materials (former version with tracked changes, revisions from the May planning commission meeting, and the comparison table of current, proposed, and model provisions). It was noted that no substantive changes were made to numbers relating to area, dimensions, etc. Changes were noted to definitions, measurement standards, formatting, and the resolution of conflicting or inconsistent provisions. There were also some new provisions for consideration.

Commissioners discussed the definition of flashing (a provision which was noted as important to the Board). The idea was that when someone looked down the road they should not see items changing more often than every 20 seconds; therefore Commissioners agreed to define “flashing” as something with less than 20 seconds between changes.

The commissioners then discussed the definition of “mural”, and agreed this would be a sign only if related by language or logo (deleted pictorial depiction) to the advertising of any product or service or identification of any business. Another similar new provision addresses one-way vision decals and their measurement. It was decided that only the portion of the window decal related by language or logo to the identification of the business is counted toward total permitted sign area. The commission’s intent is not to count the decorative portion of the sign.

Measurement of monument signs was discussed due to a proposed change in measurement standards. The change in measurement was approved as allowing for more consistency, but the maximum permitted height of ground signs was increased to reduce nonconformities with existing signs.

The commission discussed the administration of temporary signs, and whether a fee or permit is really necessary. The commissioners do not

want the process to be complicated or time consuming or cost prohibitive. They considered that banners are usually meant to promote seasonal products or services, and that they are not meant to be permanent. Previously they considered charging no fee for banners unless they were displayed longer than 30 days. However, the Supervisor was concerned that this would be hard to monitor if no permit is required, so he felt that even if no fee is charged, there should be a registration process. The Commission changed the provision to require no permit or fee unless the temporary sign is displayed longer than 90 days. The justification for the 90 days is to accommodate seasonal promotions. There was a lengthy discussion on real estate signs and portable signs. The intent is for portable signs to be used as a valuable tool to allow some timely promotion of special events, but a requirement was added that the signs be removed from the public space during non-business or non-event hours.

The Commission reviewed the changes through page 13 of the proposed document, ending their review at the provisions for wall signs. There was a question about the provisions of Table 2 computing wall sign area. Issues to be resolved include measuring distance of the sign from the road or from the adjacent property line (right-of-way), and whether the allowed percentage of the wall sign should be based on the building façade measurement or the building frontage measurement. The table will have to be revised – using percentages as proposed, permitted area should be based on the area of the building façade; percentages will have to be revised if the permitted area is based on the length of the building frontage. The Commission considered a maximum sign size limit as well, while noting that it is reasonable to allow larger signs on buildings with larger setbacks from the road.

Motion to end the discussion and continue on page 13 of the document at the next meeting by: Smith

Second by: Meister

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Action Items: Staff will document the discussed changes and create revisions to the section on wall signs to prepare the document for review at the next meeting.

VIII. NEW BUSINESS

None

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

The Director asked about next items of importance. Signs will be revisited first at the next meeting, along with the revised Home Occupation provisions. Smith suggested we further discuss the AF District in relation to chicken permitting in residential areas, and Meister mentioned consideration of the Right-to-Farm Act, etc. Commissioners stressed the importance of protecting residential neighborhoods from nuisances. They would like to be made aware when there are a number of citizen complaints or concerns on a particular topic that may need to be addressed.

There will be further consideration of the Dark Sky provisions at some future meeting. Commissioners would like to put the junk car ordinance as a top priority. They also mentioned being tasked with the identification of other areas for industrial uses.

Commissioners inquired about the status of the Silver Creek Recreation Area property purchase (for access) and Lowe's grant for a playground. Planning Director will check on this.

Commissioners discussed the status of the ORV/ATV issue and asked about the proper procedures for the item to be placed before the commission. The Planning Director said that she encouraged Mr. Harry to create a detailed plan for consideration and public input. Commissioners said they could envision the interest group pursuing a survey of adjacent landowners (although it is important the language should be clear and unbiased), and providing information on what surrounding Townships and Counties are doing on this issue. Commissioners were unclear about whether the interest group was asking them to opt into the County ordinance or to create a separate ordinance. There were questions about where and on what kinds of roads this activity is appropriate. Mr. Harry's group is just getting organized now but he plans to revisit the issue with the Commission.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

XIII. ADJOURNMENT

Mr. Milton adjourned the meeting at 10:27 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, July 2, 2012

I. MEETING CALLED TO ORDER BY: Andy Smith at 7:34 p.m.

ROLL CALL

Members Present: Mr. Andy Smith (Vice Chair), Mr. Andy Sikkema (Secretary), Mr. Gary Heinzelman, Mr. Eric Meister, Dr. Ken Tabor

Members Absent: Mr. Kendell Milton (Chairperson), Mr. Tom Mahaney

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

A. June 4, 2012

Motion to approve the minutes as written by: Meister

Second by: Heinzelman

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as written by: Tabor

Second by: Heinzelman

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC HEARINGS

None

V. PUBLIC COMMENT

Mark Maki, 370 Karen Road, spoke about concerns regarding the sign ordinance amendments. He feels it is difficult to follow the changes. He is concerned that it seems the amendments allow greater sign area (about 2.5 times larger in commercial districts and 4 times larger in industrial districts). He wants an explanation for the maximum sign area proposed because he thinks it's a drastic change from what is currently permitted. He wonders what happened to the provision that said no sign could be larger than 100 square feet. What is the maximum sign area permitted for one sign? He thinks some signs could be larger, but this may be too much.

Cheryl Sherony, 1781 M-28 East, is troubled by various conflicts with her neighbor including free ranging dogs, no trespassing signs placed on posts and trees visible from her windows, and regulations regarding fences. She doesn't want the neighbors to plant evergreen trees to obstruct her property and her view of the lake, so she wants more information on the vegetative fences provisions of the ordinance relating to height limit and view obstruction. She

wants a proposed amendment so that “No Trespassing” signs can’t be posted in view of residential windows. She thinks regulations should address the location, height, and size of “No Trespassing” signs. She would like her concerns addressed in writing. Woodward discussed current and proposed sign standards for “No Trespassing” signs and the requirements of the Recreational Trespass Act.

Mark Maki, 370 Karen Road, spoke again, and addressed the size of “No Trespassing” signs. He said they are not usually larger than 2 square feet, so he is concerned about the proposed amendment allowing a maximum area of 6 square feet for Security and Warning Signs.

Debra Mulcahey, 633 Lakewood Lane, pointed out that the regulations of the Recreational Trespass Act are not applicable in residential areas. Of greater concern to her is the Barbieri property near the Welcome Center that has posted large yellow placards (4’ x 6’) saying “police enforced”, along with other 18” x 2.5’ signs trying to keep people off the public beach which is not allowed per a Michigan Supreme Court decision. She says that is also a violation of the zoning ordinance because there are signs everywhere. Mulcahey is mainly concerned with the changes to the Home Occupations amendment. To stay abreast of the matter, she has had conversations with zoning staff, citizens, County planners, and Planning Commission members. She cannot comment on the most recent change because there was no link on the website. She feels the proposed language will bring about a devaluation of her property and maybe constitute a “Taking”. She asked, “if we allow commercial business activity in residential areas, why don’t we allow residential activity in business areas?” She is opposed to the proposed changes because she thinks they are contradictory, open-ended, and unenforceable. She thinks the 300 foot notification (per State requirement) fails to let people know what’s going on because of the 150 foot lot sizes in the area. She thinks the notification area should be increased to allow more property owners to know what is going on. She claimed that the Marquette County Planning Commission said the proposed language needed to come back to them for review because of the notice issues (**note that Marquette County Planning Commission approved the proposed language pending the need for a public hearing on revised language*). She thinks the Planning Commission should review the December 2008 Circuit Court decision involving Chocolay Township, and also look at Anderson’s American Law of Zoning regarding commercial uses in residential areas. She wants to know why the Home Occupation amendment is a priority when the blight and junk car issues are more important.

Mark Maki, 370 Karen Road, spoke again and said he wants to see the application for text amendment for the home occupation and sign amendments. He thinks the process would be more precise if it started with an application detailing what is proposed to change and why.

VI. PRESENTATIONS

None

VII. OLD BUSINESS

A. Consideration - Proposed Text Amendment #34-12-04 (Home Occupations)

Staff provided a memo detailing the progress of the proposed amendment. The packet included the current version of the amendment with changes made at the June 4 meeting, the March 5 version which went to the County Planning Commission for review, and the current ordinance standards. In May, the County Planning Commission voted unanimously in support of the proposed text amendment as proposed by the Chocolay Township Planning Commission on March 5, 2012, pending a public hearing on the proposed language. They requested the opportunity to review the language again if it is further amended.

There was a discussion on the proposed amendment. Sikkema suggested there is a need to use consistent terms in the Ordinance, so changes were made in referring to “dwellings” and “accessory buildings”. Discussion ensued to clarify the size of home occupations.

Smith was concerned that the enforcement provisions of the Zoning Ordinance need to be clear to ensure due process. He said Marquette Township has a very thorough process. Woodward said the Ordinance needs a more thorough administrative section. Sikkema said it's important to ensure consistency in enforcement. Staff was asked to review enforcement provisions of other local jurisdictions and suggest ideas so the Planning Commission can determine whether an amendment to the administrative section of the Ordinance is needed.

Sikkema wants to clarify that a conditional use permit is permitted only after review by the Planning Commission and issuance of the permit by the Township Board (*note that the approval process as detailed in the definition of Conditional Use on page 11 is not the same as the approval process detailed in Section 16 page 111). He doesn't like to restate provisions in the Ordinance, but he thinks the operational impacts are what most people are concerned with, and he wants people to understand the vision behind the conditional use approval provisions in Section 16. Meister suggested a revision which is a clarification that the conditional use approval process includes a public hearing.

The members feel that the home occupation provisions are written well and will protect the public interest, but they noted that no Ordinance will prevent people from violating its provisions. They feel it is not fair to

allow repairs on a lawn mower at a residence, but not an alternator – the operational impacts are what are important, and this amendment is written to address this. A problem with one resident's operations should not prejudice against all similar operations. It is an enforcement issue. Meister pointed out that home occupations are not new, they have been allowed all along. The intent is to allow people to register with no cost on things that are low impact.

Motion to hold a public hearing on the revised language of the proposed home occupation amendment #34-12-04 at the next meeting: Tabor
Second by: Heinzelman

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Action Items: Staff will review enforcement provisions of other local jurisdictions and suggest ideas for more clear guidelines and procedures so the Planning Commission can determine if another amendment is needed.

B. Consideration - Proposed Text Amendment #34-12-01 (Signs)

The meeting packet included the Planning Commission's revisions of the ordinance language from the June 4 meeting, Planning Director's suggested revisions for consideration, and reference materials.

Woodward's suggested changes were noted and discussed as follows.

The permitting of off-premise signs was discussed, including whether to keep the current language permitting off-premise signs in the Commercial district, provided that the off-premise sign area is counted toward the total sign area permitted on the premises. The Highway Advertising Act and other legal issues involving billboards that become nonconforming due to regulation were considered. It was concluded that the intent is to permit no new billboards other than those already approved by MDOT. So billboards should be prohibited except for those with current permits at the time of the amendment. Provisions will have to allow for the off-premise tourist directional signs as permitted elsewhere in the Ordinance.

There was considerable discussion on Church or School Changeable Information signs and electronic message signs in residential neighborhoods. It was supposed that it would be undesirable to have signs that frequently change in these areas. It was decided that manual changeable copy signs for schools/churches would not require a permit provided they met the requirements, but electronic changeable copy signs would require a permit.

The Planning Commission also discussed signage for Home Occupations and other primary permitted uses such as home day care. Two options that were considered include posting the business name on the residential name/address signs that are exempt from permits, and permitting wall signs on residences. It was concluded that home occupation signs should not be permitted so as to protect the residential character of the neighborhood against the proliferation of signs.

The Planning Commission discussed Security and Warning sign standards in relation to public comment.

The Planning Commission noted a clarification of the standards for banners to limit the total area for all banners on a premise. The size limit for portable signs was discussed.

Signs permitted in the AF district (including electronic message signs) were discussed, and in particular, those for farms.

The Planning Commission felt that it would be helpful to have a joint meeting with the Township Board on the Home Occupation and Sign amendments to explain the discussion, history, and rationale behind the chosen provisions. This could be either a special meeting or agenda item at a Board meeting.

Motion to end the discussion and continue on page 13 of the document at the next meeting by: Smith

Second by: Meister

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Action Items: Staff will document the discussed changes and prepare the document for (hopefully) final revisions at the next meeting.

VIII. NEW BUSINESS

Postponed at this time. There was a recommendation that staff propose an amendment to address the biggest problems in the zoning ordinance (things that currently create problems). A zoning ordinance re-draft may be upcoming.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

The Planning Commission needs to develop a list of priority action to address. Board input would be helpful. Smith wants an update of the Lowe's playground grant application. Responsibility for mowing the US-41/M-28 right-of-way was discussed due to aesthetic concerns about the lack of mowing.

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

XIII. ADJOURNMENT

Smith adjourned the meeting at 10:44 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 6, 2012

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:30 p.m.

ROLL CALL

Members Present: Mr. Kendell Milton (Chair), Mr. Andy Smith (Vice Chair), Mr. Andy Sikkema (Secretary), Mr. Gary Heinzelman, Mr. Tom Mahaney, Mr. Eric Meister

Members Absent: Dr. Ken Tabor

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

A. July 2, 2012

Motion to approve the minutes as written by: Heinzelman

Second by: Sikkema

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as written by: Sikkema

Second by: Heinzelman

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC HEARINGS

None

V. PUBLIC COMMENT

*Note, the tape recorder was not started until partway through the public comment. A portion of the following comments are transcribed from notes submitted electronically by Deborah Mulcahey upon Woodward's request.

Deborah Mulcahey, 633 Lakewood Lane, presented comments in regard to the proposed Home Occupation text amendment. Her comments of July 2, 2012, to this Board stand. Her comments this evening are based on her review of the draft proposed text to amend the ordinance pertaining to home occupations as posted on the Chocolay Township website, and as sent to her late Friday afternoon by Woodward. They do not address the administrative changes proposed in the meeting packet.

Her comments relate to promoting public health, safety, and welfare. Mulcahey feels the majority of the comments she has shared with this Board since February 2012 have fallen on deaf ears. Per Andy Smith's comments from the

previous meeting, she is glad to see that the Board finally appears to understand the need for consistent administrative provisions and enforcement.

She does not feel that enforcement should involve inspections via notices to the property owner. Inspection should be accomplished by a “knock and talk” method employed pursuant to the *Administrative Procedures Act*. Also, the Planning Commission did not address the issue of improved notice to the community through an increase in the required notification distance, which currently requires notification of property owners and occupants within 300’ of the proposed home occupation.

She does not agree that the recent alteration in size provisions represents a slight revision. She gave an example of a single story home of 1,200 square feet with a 24’ x 24’ garage of 576 square feet. The existing provisions limit the home occupation to 25% of the gross area of any one story, structure, or dwelling used for the home occupation. Per the current provisions, a home occupation located in a garage of 576 square feet would be permitted a maximum size of 144 square feet. Last month’s revision reads, “A home occupation shall not occupy more than 25% of the floor area of the dwelling, or 25% of the total floor area of all dwellings and accessory buildings on the parcel”. So a home occupation in the garage could now be 25% of 1,776 square feet, or 444 square feet. This is a 208% increase over present standards. This is especially a concern in that the current ordinance does not prohibit property owners from adding multiple accessory structures to their parcel. In some districts, the only restriction is that the perimeter of each accessory building cannot exceed the perimeter of the principal structure, and height is limited. This would enable a property owner to add additional accessory buildings to accommodate additional square footage for the home occupation.

Mulcahey feels it is good that the planning commission has included operational impacts dealing with hazardous substances and materials since the majority of the residents in Chocolay Township use ground water for their drinking water. But she feels the proposed home occupation provisions are actually contrary to this goal by allowing “any type of repair, assembly, or any other work related to motor vehicles and their parts” by conditional use permit involving a public hearing. This work requires the use of hazardous substances in greater quantities than a typical residence. The storage and disposal of the products associated with such businesses necessitates compliance with federal statutes and rules as administered by the Environmental Protection Agency. These materials could include antifreeze, mineral spirits, de-greasers, and carburetor or brake cleaners. It is one thing for a residential property owner to have these waste products in their home and another for businesses to be storing and disposing of these waste products within our residential community. Mulcahey says that according to EPA investigator Hare, any property where a business is being conducted that has a floor drain will now be regulated as an

underground disposal injection facility. She feels that a classification of underground disposal injection sites throughout Chocolay Township would have a negative impact on the entire community.

Also, the State of Michigan regulates mechanics and facilities per the *Motor Vehicle Service and Repair Act 300 of 1974* that requires that any licensed mechanic repair vehicles in a licensed regulated facility. It appears that the Planning Commission is suggesting that the citizens of Chocolay Township who want to work on motor vehicles either do so in violation of the State of Michigan statutes or be unlicensed mechanics, which is also a violation of State law.

Finally, to simplify the process for all who might be involved, including Chocolay Township staff, a home owner, or a neighbor, Chocolay Township should require a license and not a permit, and have home occupations apply prior to commencing the business. Mulcahey says the permitting process requires proceeding according to the *Administrative Procedures Act*. A license can be given and taken away, it's not the same process as getting a driver's license, it's much simpler than that. They should get a license before they open the business, instead of asking forgiveness later.

There were no further comments so public comment was closed.

VI. PRESENTATIONS

A. Presentation – The Commission reviewed the draft presentation for the joint August 22 Township Board and Planning Commission meeting on the proposed home occupation and sign amendments. Commissioners agreed a presentation would be helpful. They submitted comments, additions, and changes as follows.

Sikkema wants to add references to the national standards that were used as a basis for the proposed provisions. Mahaney asked if comments were obtained from the business owners as noted in the timeline. Meister noted some comments were received from Holiday's corporate office. The previous planner, Thum, was thought to have discussed the provisions with CABA and Cook Sign. Woodward will search through the files for previously submitted comments. There have been no recent comments received. A public educational meeting may be needed before the public hearing. Education may also be needed for new members of the Township Board if the amendments are approved after November.

Sikkema noted that the Board of Trustees was also involved in initiating the text amendment for signs, noting concerns over nonconforming signs and lack of enforcement (Holiday EMS, Lankeneland, NMU Golf Course). Particularly, they discussed signs that seemed to be nonconforming to current standards, perhaps indicating difficulty in interpretation. Also there were changes in the sign industry that were not addressed by current

standards (projecting signs, electronic message signs).

Challenges with the current sign provisions were discussed, including difficulty in calculating permitted sign area based on property frontage which is not always easily determined. This also does not relate permitted area to the scale of the building, and is thus more arbitrary and sometimes not equitable. Smith noted that several signs were approved through the variance process (Family Dollar, Shaw's, Citgo, McDonalds), and therefore noncompliant with the current ordinance. He felt that a business should not have to go through the variance process to get a sign that was reasonable. Meister agreed that the standards should reflect what is reasonable so that a variance is not necessary. Mahaney and Sikkema said that standards should be based on scientific research, and should reference national standards and reflect common sense.

Woodward noted current provisions that are hard to administer or to enforce, such as those for multi-tenant buildings, vehicle signs, political signs, and interior signs. She also noted concerns that billboard standards are not in accord with State standards, and nonconforming standards may lead to court challenges. Current nonconforming standards also encourage lack of maintenance to retain nonconforming status. The current standards also do not address electronic message signs, projecting signs, and other customary sign types. There is a lack of detail in applicability, permitting, maintenance, appeals, and enforcement provisions.

In addressing goals for the new provisions, the commission noted they should be organized, more clear, and user-friendly. To make the standards more clear, the Planning Commission decided to base them on national standards that are backed by research to support more informed and less arbitrary decisions. Improvements were also based on input from sign companies who identified difficulties with current ordinance provisions (engineering requirements) and provided guidance in the national standards. Sikkema hopes to create a more professional sign appearance with modernized and up-to-date standards. It was noted that new standards should improve corridor safety by promoting signs of the appropriate size for motorist readability, clearly denoting driveways for safety in locating businesses, and permitting less distractions such as flashing or animated signs. One example is the combined sign for the shopping center across the street, which is larger than current ordinance standards would permit but still is not readable by motorists at that highway speed. The commission wants the ordinance to also reflect what is enforceable.

The new standards reflect changes to sign measurement and permitted area. Current standards allocate a total sign area (for all sign types) based on length of property frontage. The new proposed sign standards separately allocate area for freestanding signs based on highway speed and

setback, and area for wall signs based on façade area and setback. Woodward presented a revised chart for freestanding sign area, which simplifies the former chart based on national standards by consolidating some speed zones (to reflect conditions in Chocoyocoma) and reducing the permitted area. It was clarified that applicants would not be allowed to transfer unused sign area from the permitted freestanding sign calculation to permitted wall sign area. These allocations are separate. Woodward also suggested an increase in sign area for freestanding signs that are setback more than 40 feet. The Commission noted that setback measurement should be from the edge of the travel lane as marked, not the road edge (edge of the pavement). They want it noted in the presentation that the proposed sign area is less than the suggested national standard. They added a provision to limit the additional sign area granted for freestanding signs with greater setbacks to a maximum increase of 40%.

Smith noted corrections to the sign inventory findings based on his physical measurements. He measured Citgo at approximately 100 sq ft (5 ft x 20 ft), Shaw's 135 sq ft (7.5 ft x 18 ft), Family Dollar 120 sq ft (10 ft x 12 ft), Mr. Movies 120 sq ft with the roof, Holiday 117 sq ft (75 ft from the white line), and Marquette Meats 144 sq ft (8 ft x 18 ft – 90 ft setback from the white line). Almost every existing monument sign was found to be above 12 ft in height which is the limit in the current sign ordinance.

Woodward presented three business case studies comparing permitted sign area per both current and proposed standards. Under the current ordinance, Family Dollar would be permitted a total sign area (all sign types) of 263 sq ft plus 12 ft additional wall sign area per the enlargement factor, for a total sign allowance of 275 sq ft. Per the new provisions, they would be permitted a freestanding sign of 120 sq ft, and walls signs of 210 sq ft, or a total of 330 sq ft. This is an increase of 20% over current standards.

Citgo would be permitted a total sign area (all sign types) of 124 sq ft, which they currently exceed by at least 110 sq ft (total sign area recorded as 234 sq ft). Per the new provisions, they would be allocated 120 sq ft for the freestanding sign and 151 sq ft for the wall sign, making both existing signs conforming. This would be a total permitted area of 271 sq ft, compared to their current approved nonconforming allocation of 234 sq ft, an increase of 16%.

Under the current ordinance, Snyder's would be permitted a total sign area (all sign types) of 150 sq ft plus an enlargement factor of 30% or 22.5 sq ft for the wall sign, for a total sign allowance of 172.5 sq ft. Per the new provisions, they would be permitted a freestanding sign of 120 sq ft, and wall signs of 339 sq ft, or a total of 459 sq ft. This is an increase of 166% over current standards.

Smith estimated that at least 80% of all Township signs would be nonconforming to current standards in some way.

Meister wondered if there should be a maximum limit on the area of wall signs. We could reduce potential sign area by increasing the setback range for the first category of wall signs (15% of façade area), for example, “zero to 100 ft” could be changed to “zero to 200 ft”, meaning more signs would be allocated at the 15% level. The purpose of this method is that the sign area be in scale with the building. The maximum proposed allocation is 25% of the area of the building façade for buildings setback over 301 feet. The sign area will also be limited by economic factors (what they can afford to spend on signage).

The presentation also highlights temporary signs that are meant to accommodate seasonal promotions. The new standards would not require temporary signs to be included in total permitted sign area, but a maximum size is stated. Woodward noted the Supervisor’s concern that if permits are not required for temporary signs, the Zoning Administrator would not know how long the signs were on display (enforcement difficulty). The commission did not feel it was necessary for businesses to take the time to get a permit for a temporary promotion, they feel this could be on the honor system. Also promotions would be over and signs removed in many cases before enforcement action would make a difference. The need for enforcement would become evident when the sign topic becomes unseasonable. The goal is to address temporary banners that are displayed too long and become deteriorated. The goal is not to generate additional income for the Township.

Woodward added a provision to electronic message signs so that the sign change must be accomplished in one second or less to avoid animation effects. Sikkema wondered if we used national standards for the brightness, and Woodward answered “yes”.

Woodward explained the provisions for nonconforming signs. Smith noted that in a previous draft, all nonconforming signs had to be removed with initiation of the site plan review process. This is a trigger in the newly proposed provisions.

The Commission also reviewed the presentation for Home Occupation revisions. Sikkema said the project was initiated because the lady wanting to make potholders in her home could not afford the \$250 home occupation fee, and the Planning Commission wanted to make the process less costly and time consuming for home businesses with minor impacts. There was a text amendment application for home occupations detailing the reason for the proposed change. The fee is meant to mitigate the costs of the public process.

The Commission wanted to be forwarded a copy of Deborah Mulcahey's comments.

VII. OLD BUSINESS

A. Consideration – Proposed Text Amendment #34-12-01 Signs

The meeting packet included a memo detailing discussion items, complete up-to-date draft provisions, some comparison tables of proposed sign area chart changes, and current sign provisions.

New provisions include measurement standards for illuminance. It was noted the definition of "nit" might need to be removed if we are using only footcandles. Meister asked if the Holiday sign would pass the proposed footcandle standard. Woodward said she couldn't determine that without either testing or being provided with the appropriate information. Woodward noted that she changed the standard to be based on footcandles because the nit gun was much more expensive than a footcandle meter and less readily available. Sikkema said that MDOT has a footcandle meter we might be able to borrow. Woodward based the proposed illuminance standards on a study report to the International Sign Association (ISA) by the Illuminating Engineering Society of North America (IESNA). This study provides formulas relating sign luminance (as measured by Nits or Candelas), sign area, viewer distance, and illuminance (as measured by footcandles) produced at a viewer's eyes. The standards were also in agreement with a publication by the ISA called "Electronic Message Display Brightness Guide". The ISA commissioned Dr. Ian Lewin of Lighting Sciences, Inc. to develop brightness criteria for on-premise electronic displays, and he based his recommendations on the IESNA's well-established standards pertaining to light trespass, IES Publication TM-11-00. The suggested standard controls the level of illuminance over ambient light level (programmed to vary according to ambient light levels). The current ordinance does not have illuminance or luminance standards for electronic message signs. Woodward picked a level consistent with the lighting zone chosen by the former Planning Director Jennifer Thum. These standards are proposed to apply only to electronic message signs. Other sign illumination is designed to be controlled by shielded fixtures, lighting angle, and minimal wattage. Bright colored lighting would be prohibited on all signs except as regulated as part of an electronic message sign. Smith will get Holiday's input on their current sign brightness levels and how this ordinance would impact their current practices. Woodward clarified that canopy lights would be controlled by the dark sky provisions. Woodward said she will send the provisions to Cook Sign, the attorney, and the County for input.

Draft page 9, "Church or School Manual Changeable Copy Signs",

Woodward noted the Highway Advertising Act's standards permitting new off-premise signs for service clubs and nonprofits provided the signs do not exceed 8 square feet. Page 11 has a note that off-premise signs are prohibited except those lawfully erected per the Highway Advertising Act or other sections of this Ordinance. Sikkema noted that MDOT will permit new billboards in the future, because applicants will either buy one from someone else or the legislature may uncap the limitation. The commission decided to ban any new off-premise signs with the following exceptions:

1. New off-premise signs falling under the exemption for service clubs and religious organizations as permitted by the Highway Advertising Act of 1972; and
2. Those off-premise signs lawfully erected and maintained under the Highway Advertising Act at the time of the adoption of this provision (date); and
3. Off-premise signs as otherwise permitted by this Ordinance.

Abandoned signs are also prohibited. Page 14, Meister had a question about municipal properties signs. The recreation park sign provision is still relevant to private parks such as Lankeneland, but the heading should delete mention of signs permitted in the "Municipal Properties District" because they are covered by the exemption for municipal signs. Sikkema reviewed the definition of "Park" in the Ordinance, and doesn't think it is consistent with the one he worked on and thought was approved. He thinks this is the old definition that was amended. Woodward said she will research this (2009). Sikkema said typically people think of parks as being publicly controlled. Lankeneland was approved as a park by conditional use permit, and thus they were permitted a sign 60 sq ft in area, consistent with proposed sign provisions (H.1.d). Since parks are listed as a conditional use in the AF district (and H.1.d applies), we should eliminate provision H.2.a, and move H.2.b up to H.1.e. The Lankeneland sign was permitted an area over 60 sq ft initially due to the enlargement factor for setback. This sign might possibly be made nonconforming with the new provisions for the AF district, but the sign would be able to be maintained subject to the nonconforming provisions. Woodward will research the text amendment for parks and Lankeneland's conditional use permit.

The commission discussed signs for the residential districts and made no changes to what was proposed. Smith wanted to know the area of the sign for the mobile home park on Silver Creek and for Ewing Pines Subdivision, because they are nice and appropriate signs. Woodward said she will measure them as a reference point. The current ordinance permits an area of 20 sq ft, and the commission debated whether this size was appropriate going forward. There was a question about whether the Vista View sign was nonconforming (too large).

The commission reiterated the proposed changes to sign area calculations for freestanding signs as discussed during the presentation (maximum sign area increase in relation to setback is not to exceed 40%). There was a note that the signs could get large if you don't count the structural supports and base in sign area. Woodward noted she needed a definition for travel lane (defined as the white line on the edge of the road). Signs for shopping centers and properties with multiple entrances were discussed for clarification. "Shopping Center" may need to be defined as a multi-tenant property.

The commission discussed the provisions for wall signs. It was noted that if the building fronts two roads, they would be permitted wall sign area for each façade.

Meister had a question about the need to limit the distance a sign can project over a sidewalk or walkway. This is more applicable in a downtown situation. It was decided to leave the provision unchanged.

It was clarified that canopy signs as defined in the amendment are regulated separately from gas station canopy signs, and are limited to a maximum area which is counted toward the total permitted area for wall signs.

Woodward recommended not including luminance standards for all sign types because of the enforcement difficulty. Sikkema prefers regulation of electronic message signs by luminance or nits, because this is related to actual sign brightness, not perceived brightness. He suggests the applicant be required to provide the information on the brightness level which is related to safety (and we have to accept their provided information). Smith noted Holiday had their sign brightness level measured in Nits. Smith suggested we ask Holiday and Cook Sign about their opinion on luminance vs illuminance standards before the joint meeting. Woodward noted you can convert footcandle measurements to candelas/nits per a formula in the referenced study.

No changes were made to the proposed nonconforming standards that are based on the model sign provisions. This concluded discussion of the proposed sign amendment.

Action Items:

Woodward will solicit the comments on illuminance vs luminance from the suggested parties, will research the amendment for parks and the Lankenland conditional use permit, will measure the referenced signs, and make the proposed changes to the sign amendment.

B. Consideration - Proposed Text Amendment #34-12-04 Home Occupations

The packet included the current and proposed home occupation provisions.

There was a discussion on the proposed amendment. The Commission discussed the proposed change in permitted size for a home occupation. It was initially 25% of the area of the dwelling, but was then changed to permit 25% of the dwelling or 25% of the area of all dwellings and accessory buildings. With the clarification, some commissioners were concerned that total permitted area for home occupations could become excessive. In proposing the change, Sikkema had wanted to accommodate some home occupations that require space for bulky items or tools, such as cabinet makers or potters. However, this could be a concern when multiple accessory structures are permitted. Mahaney was concerned about protecting the character of residential areas, and keeping the size to a minimum. Others were more concerned with operational impacts and not with the size, especially when it's all contained indoors. But they didn't want to encourage people to build extra buildings to accommodate a business. The purpose is not to allow structures that are solely for a business use and not for residential use. Dick Arnold interjected comments about keeping residential areas in character and having businesses in the commercial areas. He noted that planers are very noisy, for example, and would disturb residents. He also felt that the conditional use designation was essential to permit public input. Meister countered that the noise impacts are covered under the operational impact provisions. He doesn't want to keep someone from making a living out of their home if they aren't bothering anyone. He also noted that the Township has permitted home occupations for years, and this is not a new idea. The Commission decided that **all** home occupations on a parcel shall not occupy more than 25% of the area of **any one structure**. They discussed potential issues with enforcement. The applicant would state in their application how much space would be dedicated to the home occupation, but there may be no follow-up inspection to ensure compliance unless there was a complaint, or it was a home occupation approved through a conditional use permit. Then the Zoning Administrator could perform periodic inspection as specified in the proposed amendment. Sikkema noted that if you clamp down enforcement too much, people will just do the home occupation without telling you or going through the process to get a permit. Some people will be using the same space in their home that they use for everyday living, such as their kitchen. The goal is to make it so people do register by keeping the provisions to what is reasonable and fair. These provisions will at least make it hard for the extreme cases that could have occupational impacts or change the character of the

neighborhood.

The commissioners discussed the notification distance mentioned by Mulcahey. Heinzelman suggested that an increase in the notification distance would be reasonable considering the size of the properties in the Township. Sikkema noted that this provision doesn't limit the ability for anyone to give comment, it just changes who gets notified directly. Woodward noted it would increase the number of letters that are sent out. Sikkema noted this had been discussed before, but never changed above the minimum required. Smith thought the County had modified their requirements for notice of rezoning. The commissioners felt that a text amendment for notification requirements would require a separate application and review/approval process.

Motion to submit an application for a text amendment to increase the notification distance for public hearings (as contained in Section 1.6):

Meister

Second by: Mahaney

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

The commissioners then discussed licensing vs permitting. Sikkema noted that people cannot suppose that the granting of a zoning compliance permit exempts them from getting other required permits or licenses that are outside the scope of land use regulation. Woodward noted that per Section 1.5 of the zoning ordinance, "Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation." This was felt to settle this question.

This concludes discussion of the home occupation text amendment.

Action Items: Staff will complete the text amendment application per the motion above. Staff will make the discussed changes to the home occupation amendment to bring to the joint meeting on August 22. The above referenced Section 1.5 will be noted in the presentation.

VIII. NEW BUSINESS

- A. Consideration – The commission considered Woodward's draft of more comprehensive and enforceable administrative provisions. It is her opinion we could greatly improve administrative provisions in the zoning ordinance. Specially noted provisions relating to conditional uses include

8.2.B (type of permits), 8.3.B.3 (submission requirements), 8.4.B (notice procedures), 8.5.E (Tier 2 Review), 8.7.I (conditional and special use permit details), and 8.11 (violations and penalties). She felt there is not much of a controversial nature in administrative provisions that would delay adoption.

Smith related his experience with clear and fair provisions in Marquette Township. Sikkema wondered about the extent of planned revisions, and whether an entire ordinance rewrite is needed even though the ordinance was rewritten 5 years ago. He is concerned about their other commitments and priorities and the length of the meetings. Meister agreed they can't do everything at once, and they need to proceed in a step-by-step manner and finish each thing before adding more things. Sikkema noted that no one seems to like the ordinance they have which has pieced changes. He said it is not common to rewrite ordinances one piece at a time. Woodward noted her ability and experience in writing a complete, high-quality ordinance. Sikkema noted that if Woodward spends time writing the ordinance, then enforcement would suffer, and there are complaints about enforcement. Sikkema noted that if they want to rewrite the Ordinance, then the Township may want to go through the process of hiring someone. The commission wants an update on complaints. Woodward noted that this information is included in the monthly Board updates, and she will transmit it to the Planning Commission. She noted that enforcement is not being neglected. Sikkema noted they are working like crazy but not getting anything complete. Woodward noted this is not the norm to spend this much time on an amendment, and less time would be spent on enforcement if the ordinance was written more clearly and comprehensively. Smith wants to have one agenda item per meeting if possible, because he thinks that's one reason the sign amendment has taken so long. Sikkema wants consistency in the ordinance changes. He feels this is basically a 1977 Ordinance that has been changed in a piecemeal manner and it may make more sense to start over with a new ordinance. Woodward noted all the work on sign provisions would not be wasted because the provisions would be worked into a new ordinance. Sikkema noted that if Woodward was directed to write a new ordinance, then she would need assistance with other duties, or alternately, someone could be chosen to write a new ordinance under her direction.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

XIII. ADJOURNMENT

Smith adjourned the meeting at 11:15 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

August 22, 2012

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Wednesday, August 22, 2012 at the Chocolay Township Office, 5010 U S. 41 South, Marquette, MI. Township Clerk Engle called the Township Board meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

TOWNSHIP BOARD

PRESENT: John Greenberg, Max Engle, Mark Maki, Susan Carlson, John Trudeau, Ken Tabor.

ABSENT: Greg Seppanen.

PLANNING COMMISSION

PRESENT: Kendell Milton, Andy Smith, Andy Sikkema, Eric Meister, Tom Mahaney, Ken Tabor.

ABSENT: Gary Heinzelman.

STAFF PRESENT: Steve Lawry, Kelly Drake Woodward.

Planning Commission Chair Milton called the Planning Commission meeting to order at 7:01 p.m.

ELECTION OF CHAIR

Maki moved Greenburg seconded to elect Engle as Chair for the meeting.

AYES: 6

NAYS: 0

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Maki recommended two additions to the agenda, including accommodating Don Britton if he arrives, regarding the route of the Iron Ore Heritage Trail, and consolidating all agenda items dealing with Home Occupations and Signs separately. Woodward said she thought the Iron Ore Heritage Trail item was to be included on the next Planning Commission agenda, and agreed she would like to separate the two presentations to be shown in New Business along with their respective topic. The Agenda would first include public comment on non-agenda items, then (having no public hearings or unfinished business) proceed to New Business of Home Occupations Amendment (presentation, public comment, discussion) and then to New Business Sign Amendment (presentation, public comment, discussion), and then to Upcoming Priorities (public comment and discussion), and finally public comment and adjournment. Greenberg also proposed a one hour time limit on the Home Occupation discussion to leave time for other agenda items.

Maki moved Greenberg seconded to accept the agenda as corrected.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLIC COMMENT

None. Public comment closed.

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Home Occupation Amendment #34-12-04

Presentation

Woodward gave a brief presentation about the initiation and progress of the Home Occupation amendment, and a summary of the proposed regulatory change. The project began with a concern that the conditional use process and fee would discourage some home occupations, or at least the Township's knowledge of some home occupations. The goal is to create a two-tiered system that makes it easier for low impact home occupations. The current provisions require a conditional use permit for all home occupations, and prohibit the repair, assembly, or any other work related to motor vehicles and their parts among other uses. Only one home occupation is allowed per parcel. The proposed amendment has a two-tier system that permits some home occupations as permitted uses, and requires a conditional use permit for others (such as the repair, assembly, or any other work related to motor vehicles and their parts). The proposed provisions allow more than one home occupation per parcel (but still limit permitted area). The new provisions are supported by periodic inspections and ordinance provisions that elevate other governmental laws, rules, and restrictions.

Public Comment

Deborah Mulcahey of 633 Lakewood Lane said she has been dealing with the issue of home occupations since 2008 and feels the proposed ordinance does not protect the public or the public water supply. She cited the March 2012 attorney comments regarding the "substantial liberalization" of home occupation provisions that could weaken enforcement. She feels the permitting process is too cumbersome for revoking permits, and recommends a licensing process. She reiterated that she would like to see an increased notification distance for public hearings above the state requirement of 300 feet. Putting notices in the Mining Journal is expensive, and the \$250 fee may not cover it. She doesn't feel the Township should have to subsidize the cost of home occupations. She recommends considering use of e-mail and phone communications for notifications. She feels the proposed home occupation provisions do not conform with the Chocolay Township Master Plan, will result in larger home occupations, and do not adequately define operational impacts such as increased traffic. She agrees the prohibited use list is not all inclusive. She clarified that the Motor Vehicle Act does not repress work on motor vehicle parts. Mulcahey said that in 2009 there was a cease and desist order to shut down a transmission repair business in her neighborhood. She had previously mentioned the issue of hazardous materials (mineral spirits) to Woodward, who commented that anyone can have these types of materials in their home. Mulcahey says this is different than having the large quantity associated with businesses. She thinks it is short-sighted to expect other agencies to help with enforcement of hazardous substance because they don't have the necessary staff to enforce their regulations. She said Chocolay Township should not create issues for other regulatory agencies. She thinks Chocolay needs to make regulations easier to enforce. She doesn't want to live in a business district. Mulcahey claimed that in March Smith proposed the idea of permitting motor vehicle repair as a conditional use. She questioned Smith's motives in introducing ideas for the changes that she thinks are very different from what we have. She wants to protect well water and quality of life in the Township.

Maki asked Mulcahey for clarification on the traffic provision, and the court order for abatement in the case she mentioned. He also questioned her assertion that Smith proposed the home occupation amendment. She clarified that she meant that Smith proposed a provision to allow auto repair as a conditional use instead of a prohibited use at the March 2012 meeting. Mulcahey said that the court deemed the transmission repair operation a nuisance per se. Mulcahey and other residents claim that the transmission repair operation has not closed down, although there have been no deliveries in the last two months. They can't say what is going on in the garage. Mulcahey claims that Township staff feels their hands are tied in enforcement – the previous planner was not allowed on the property. She claims the Township can knock and ask to inspect the property pursuant to the court order. Police and the prosecutor say there is no probable cause to get a search warrant for a knock-and-talk inspection

such as Mulcahey has proposed. Mulcahey says you don't need the documentation that someone is doing something illegal if you have the documentation of the activity that is being brought to the place. She claims there has been continued violation since 2009, and the Township felt they had no proof. She said this has created enforcement difficulties for staff.

Lorraine Leidholdt of 196 Brookside Drive said there is an illegal operation on South Big Creek Road behind a fence, which is an auto repair home occupation run by a non-resident of Chocolay Township. She doesn't want to live in a business district, and thinks the ordinance changes will allow more businesses to crop up in neighborhoods.

Peter Ollila of 633 Lakewood Lane said that he discussed the rationale and enforceability of the Home Occupation provisions with Sikkema, who said that ordinance design and enforcement are two separate issues. Ollila feels you can't separate the two, and should not have regulations if you can't enforce them. He feels the scope of these provisions has been broadened beyond the original intent, and industrial equipment and chemicals do not belong in residential neighborhoods. He wants to scale the provisions back to allow only "mom and pop" operations and get away from uses with impacts that are not enforceable. He noted a circular argument in that the attorney claims that probable cause (criminal standard) must be shown for entry, but you can't get probable cause without entry.

Stephanie Gencheff of 597 Lakewood Lane and her husband are also opposed to the Home Occupation amendment. Public comment was closed for this item.

Discussion Home Occupation #34-12-04

Sikkema noted that this issue came up because a person wanted to report a home occupation, and felt they wouldn't have enough income from the home occupation to cover the required conditional use fee of \$250. It was deemed unnecessary to require a conditional use permit for all home occupations. There is also a concern that there are many unreported home occupations. It was thought that a simplified process would be less likely to deter notification of the existence of home occupations. The original intent of the amendment was to make home occupations a permitted use. During discussion, the commission addressed the issue of non-resident employees, and came back to the belief that home occupations should be for residents only. The commission questioned the relevance of the prohibitions against all types of vehicle repair because they do not all have the same impacts. The commission hoped to create a fair permitting system that discriminates based on operational impacts and not type of operation. For example, someone doing repairs on starters may not create any adverse impacts and could earn income in retirement. The commission questioned the logic behind allowing lawn mower repair but not repair of automobile parts. The conditional use process includes a possibility for additional special requirements based on anticipated impacts.

Sikkema explained that the planning commission felt it was not fair or logical to limit home occupations to 25% of the area of one story, because this would give an unfair advantage to someone living in a ranch home with the same square footage as a two-story home but a larger footprint. They also discussed home occupations in accessory buildings, and felt they did not want to encourage people to build accessory structures strictly for home occupations. After listening to public comment, the planning commission decided to limit the size of home occupations to 25% of the area of one structure.

Sikkema also noted that the Planning Commission didn't feel the limit of one home occupation per parcel was fair if both husband and wife want a home occupation, such as a home office and craft business. Meister noted that they strengthened enforcement with inspection provisions. Sikkema said that under the current provisions, there are probably very few conditional use permits and many unreported operations. They want to make it easier for residents to report legitimate home occupations, and easier for the Township to know what is going on.

Mahaney commented on the home occupation provisions of neighboring jurisdictions as provided in the packet. He said they are all different with few commonalities except the intent to allow home occupations without impacts. He said it's a complicated issue that has been discussed quite a bit, and there is not one specific way to do it. It's important to listen to public feedback.

Sikkema addressed the sensitivity to auto repair as a home occupation and said the concerns are probably well justified. But he didn't feel you should write an ordinance based on one case that wasn't enforced. The ordinance should be reasonable for the community, and then it should be enforced. You shouldn't fail to write an ordinance because you don't think it will be enforced.

Carlson asked Lawry about Marquette Township's provisions. He stated that he could only speak to the City of Marquette's provisions. The City revised their home occupation provisions a couple of times and are currently rewriting the entire zoning ordinance. He can't speak in detail because the project is being done by a consultant who has not provided the Planning Commission with anything for review. He does not think home occupations are a big issue in Marquette, and suspects the majority are not registered even though they are supposed to.

Maki commented on enforcement related to contractor yards that led to a previous amendment and the two-tiered system in the 2007 home occupation language. Under that system, a home occupation that met all the standards was permitted, and if not, then could only be permitted by conditional use permit. He feels the permits that were issued and termed out are not being put through the re-application process or being enforced. Some of the proposed language mirrors the 2007 language with the exception of the motor vehicle repair. He noted the original prohibitions came from uses with anticipated problems with impacts or enforcement. He said that residents don't usually want to speak out against their neighbor because it creates problems with relationships. He thinks we should structure a lower fee and go back to a two-tier system. Tabor noted that he thinks this is what the Planning Commission has proposed. Engle noted that the \$250 cost for the permit doesn't cover the entire cost of the conditional use process, so he doesn't think it is justified to lower the fee.

Greenberg gave an example of his own home business that consists of a desk, file cabinet, and telephone. He went to the ZBA for permission for a home occupation and sign, but it was simple back then. He likes the Planning Commission's thoughts and thinks the two-tier approach makes sense. He said the fee should be set so as not to discourage registration but to cover expenses. Sikkema said that currently all home occupations must go through the conditional use process and pay the \$250 fee, and there is no guarantee they will get their permit. The \$250 probably does not even cover the notification costs. This is why a change is needed.

Engle suggested we move the "Permitting and Approval" section from (D) to (B). He also noted a text change that "1) ALL PERSONS conducting a home occupation . . ." instead of "ANY PERSON conducting a home occupation". He suggested making C.5.b (any type of repair, assembly, etc) as a separate section C.6 labeled "Conditional Use". Item C.7 would then include "Prohibited Uses".

Maki wants to get rid of the provision in "Permitting and Approval" that encourages people to start a home occupation without having first gotten the relevant permit. He thinks they should not be able to come in 30 days after they start a home occupation for approval. They should get a Zoning Compliance Permit or Conditional Use Permit as appropriate and then start. Sikkema said that some people experiment with these activities before really committing to a home occupation. He doesn't want people to feel they are committing a violation. Maki noted there would be no penalty if people didn't come in for the permit first – they would just be informed they needed a permit.

Trudeau said that most people want to try something first before they get serious about a home business. Then if they get serious, they can get a permit. But they might register first. He said that you wouldn't even know that many home businesses are there and they don't have permits. Sikkema noted

that when the home occupation gets to the point that it creates operational impacts, it should be required to move to the commercial area, but this process would allow them to get a start first before making that commitment.

Greenberg asked if we could say that no permit is required for certain home occupations, and conditional use permits are required only for the ones with operational impacts? Trudeau asked if the proposed language will take care of all the uses that should be prohibited due to operational impacts. Sikkema said that if the neighborhood knows about the home occupation, then it is probably in violation of proposed operational impact standards. Maki wanted to know if there have been any conditional use permits granted in the last 10 years. Smith remembered a sawmill on Willow Road. Maki wondered why the change was made in 2008 to make all home occupations conditional uses. Carlson noted that the Governor is trying to eliminate licensing for barbers so they can do this from their home, and this should be considered. Meister noted that home occupations with operational impacts would not be granted the conditional use permit. Mulcahey disputed the effectiveness of depending on this approach.

Woodward proposed not mentioning specific uses since a list could never be all-inclusive, but clarifying levels of operational impacts as the basis for tiered approval. As an alternative, she proposed a language change that would broaden the definition of uses that could be considered through the conditional use process based on anticipated operational impacts. She suggested a Zoning Compliance Permit (currently \$25) for Tier 1 approval, and the Conditional Use Permit (currently \$250) for Tier 2 approval. She suggested that when operational impacts are questionable, the Planning Commission could determine the proper permit required. Milton said the Zoning Administrator should have the authority to determine the appropriate permit required. Sikkema suggested this needs to be more clear. Trudeau asked for clarification of whether Tier 1 would be a registration process or a Zoning Compliance Permit approval process?

Maki asked what would be the trigger for the second tier approval – for example, would there be different size requirements for Tier 1 and Tier 2 permits? Sikkema thought the conditions would be the same – he noted this question made things get complicated in earlier discussions. Mahaney noted the amendment currently lists the conditions as applicable to ALL home occupations. Sikkema discussed an example of someone creating a sawmill on 20 acres where there is noise but no real impacts because there are no nearby neighbors. Neighbor input would be taken in the public hearing for the conditional use. Smith and Maki wanted to know what kinds of home occupations have been approved under the current ordinance. Maki wants to include the conditional use standards from Section 16.1 in the Home Occupation section to make it clear that all those standards also have to be met for the conditional use to be approved. It was generally agreed that there may be other uses besides auto repair that could be approved through the conditional use process, so the language should reflect this. Woodward reiterated her opinion that it is problematic to try to list specific uses into one of three categories – permitted by right (administrative approval), conditional use permit (planning commission approval), or not permitted. It should not be determined by type of use, but by the operational impact. Sikkema asked if the Board wants to see the prohibition against all automobile repair as a home occupation?

Maki wants separate language for the two tiers. Smith said that if a home occupation couldn't meet all the required conditions, then they could try for approval through the conditional use permit process that would explore the actual operational impacts. In this case, Maki thinks there should be different conditions for the conditional use than the permitted use. Woodward said you can have specific conditions that are different for each tier, and conditional use provisions that apply only to the second tier. She reminded participants of former versions of the amendment that followed this method. Sikkema thinks this much detail in regulation is problematic, and thinks some decisions can be left to the discretion of the Planning Commission after public comment and within reason. Greenberg appreciates the Planning Commission and the job they do. He is concerned that the conditional use is approved by a public body that is not elected, since the Board does not have final approval. So he likes to see black and white provisions. Woodward thinks it is important to strengthen the inspection and administrative

provisions, and suggested that the more black and white the provisions can be, the more defensible they are.

Maki feels we should still deal with whether motor vehicle repair would be allowed in residential areas. He doesn't want to see this, but doesn't mind if someone works on parts (although it was noted that a transmission is a part). He reiterated that we shouldn't encourage problems between neighbors by depending on a discretionary process. Sikkema asked if full vehicle repair should be prohibited, with parts repair potentially permitted through the conditional use process. Smith believes that if the operational impacts had been enforced, then the previously mentioned auto parts repair facility wouldn't have been approved or would have been found in violation. Sikkema suggested that certain conditions such as size, location, and exterior appearance could be varied in the conditional use approval process while allowing no relaxation of operational impact provisions. However, it was noted that the noisy sawmill on the large acreage that wasn't bothering anyone would not have been approved under such a system.

There was agreement on the following:

- The Board doesn't necessarily want a ban on all auto repair uses, but they want to prohibit the repair of whole vehicles while allowing some flexibility for parts repair as long as there are no operational impacts.
- The Board would allow other conditional uses with some variance. For example, it might be appropriate to allow a sign, outdoor storage, additional space, etc. depending on the situation.

Then there was a question about whole tractor or boat repair? Sikkema said that's why the Planning Commission made vehicle repair a conditional use. As Mahaney said, when you get into planning for every possible scenario, you could spend a whole year on it.

Maki made a motion that the proposed home occupation amendment go back to a two-tier system similar to the 2007 language, retain current prohibited use language (3 items), require an administrative permit for Home Occupation 1 (meeting the conditions from 2007) and Conditional Use permit for other home occupations (Home Occupation 2), keep current size provisions, require a conditional use permit for a sign, and let the Board address the conditional use fees for home occupations. Support by Carlson. During discussion Trudeau said the motion was too confusing, and should be structured as a recommendation. Maki withdrew the motion, Carlson withdrew, and the above provisions were structured as a recommendation to the Planning Commission.

B. Sign Amendment #34-12-01

Presentation

Woodward gave a brief presentation about the initiation and progress of the Sign amendment, and a summary of the proposed regulatory change. In researching the minutes from meetings and other documents, it appeared the sign ordinance amendment began with a question regarding LED digital signs that staff was asked to research. Planning Commissioners said that the Board of Trustees were concerned about a number of nonconforming signs which might either indicate a lack of enforcement or difficulties with interpretation. Maki disputed the information about nonconforming signs and lack of enforcement (except with the Holiday Sign which the attorney said couldn't be enforced because of lack of ordinance clarity). Maki didn't remember any other problems with signs being mentioned in discussion. Others mentioned discussion on political signs, banners, temporary signs, Lankenland signs, etc.

Woodward outlined challenges including administrative difficulties, inequitable provisions, and lack of clarity. The Planning Commission was concerned that many signs were approved through a variance and are therefore nonconforming. The commission argues that standards should reflect what is

reasonable so that variances are not needed. Some current provisions are hard to enforce, or are in conflict with other regulations. The nonconforming policy needs to be updated to reflect recent case law that has determined that amortization or removal of nonconforming uses is not allowed in regulations adopted in accord with the Michigan Zoning Enabling Act. There are many omissions in the current provisions, which, if added, would provide clarity.

Goals for new standards include a user-friendly format, increased clarity, provisions to accommodate new sign technology, greater equity, and more defensibility supported by a reliance on model codes and national standards for guidance. Improved corridor safety achieved through appropriate sign size and less visual distraction was noted as a high priority.

Woodward explained the changes in sign area provisions. The current provisions prescribe a total sign allowance (all sign types) based on lot frontage length. The proposed standards have separate area allowances by sign type. Freestanding sign area is related to the speed of the adjoining roadway and the setback, therefore creating a more consistent standard with a relationship to public safety and motorist readability. Additional sign area is allowed for signs with greater setback, up to a maximum percent increase. The currently proposed freestanding sign area reflects a significant reduction from that recommended by the United States Sign Council studies. Wall sign area is related to building façade area, resulting in signs that are more in scale with the buildings. This method mirrors USSC standards.

Woodward presented findings from the sign inventory (area measurements compiled by Andy Smith). It was shown that several Township signs exceed current maximum sign area of 100 square feet. This information was disputed by Maki, as he thinks these signs would have been put up in violation if there were no variances.

Woodward presented three case studies for Family Dollar, Citgo, and Snyder's that compare allowed sign area per current vs. proposed standards, based on information on frontage length, setback, and façade area computed from Township records (retained site plan and permit records). Family Dollar is currently permitted about 275 sq ft with enlargement factor; proposed standards would permit a 120 sq ft freestanding sign and 210 sq ft wall sign for a total of 330 sq ft, or a 20% increase over current standards. Citgo is currently permitted 124 sq ft, but actually has 234 sq ft (exceeding current standards by at least 110 sq ft). Proposed standards would permit a 120 sq ft freestanding sign and 151 sq ft wall sign for a total of 271 sq ft, which is 16% over what they currently have, but would make the existing signs conforming. Snyder's is currently permitted 173 sq ft; proposed standards would permit a 120 sq ft freestanding sign and 339 sq ft wall sign for a total of 459 sq ft, which is 166% over current standards. Maki disputed these findings and computations, and doesn't believe that many signs are nonconforming. Woodward said the Township does not maintain an up-to-date list of nonconforming signs.

Current and proposed standards for temporary signs (specifically banner signs) and electronic message signs were presented. Currently temporary signs are authorized for not more than 2 months at a time with a permit, and are only allowed for public direction or events, with no other specifications. The proposed standards would permit temporary signs for 90 days without a permit to accommodate seasonal promotions. The area of temporary signs would not be counted toward total permitted area but there are size restrictions. Banner size is limited as a percent of the area of any one building façade, and by total square footage allowed per parcel. Electronic message signs are proposed to have a size limit of 40 sq ft, a static message that doesn't change more often than once in 20 seconds, and an auto adjust mechanism to regulate brightness levels in relation to ambient light conditions. Nonconforming standards were discussed, with Woodward noting recommended changes for abandonment and amortization per her research based on the Michigan Sign Guidebook.

Public Comment

Deborah Mulcahey, 633 Lakewood Lane, said that she wants to address the fence issue for those who live on Lake Superior. She thinks current provisions that designate the road side as the “front” for purposes of fence placement, and do not address the lake side as the “front” of the property, create problems for neighbors with widely varied setbacks. She can put any fence she wants between the Lake and her house (even on the dunes) but she can’t put any kind of fence she wants between her house and the road, even though, with the offset setbacks, her neighbors can have privacy fences extending along the property line nearer to the road than she can.

Regarding signs, Mulcahey wondered why the area of warning signs is being increased to six square feet, and why there are increases for residential sign area. She commented on provisions that she thinks favor political and real estate signs but make garage sale signs suspect. She wants the sign ordinance to be enforced on the Barbieri property adjacent to the Welcome Center. She says the property owner is unlawfully displaying 4’ x 6’ and 2’ x 3’ signs saying “private beach” and “no trespassing”, and is harassing people who walk on the beach. She says the Township was involved in removing illegal signs from the DNR property, but they need new language to control this because there is no prohibition against people walking on the beach in Michigan. She is concerned that the traveling public visiting the Welcome Center see these uninviting signs. She encourages the Planning Commission to keep sign regulation simple so people know what is allowed.

Public comment on signs was closed at 9:23 pm.

Discussion

Smith asked for clarification from Mulcahey on the fence issue. She gave a demonstration.

Maki appreciated having information presented with clarity, even though he disputes the facts. He said that the ZBA allows increases to sign area with no basis, citing the Moyle development as an example. He knows we need to change the LED signs, but he said that for 32 years when he administered the Ordinance there was no problem with signs. He thinks the signs in the Township that were approved under the previous ordinance look nice. He doesn’t hear people saying they need more signs. He agreed the effort started with LED signs, but then went on and on for three years – it gets crazy. He commented on Summer’s comments of a previous draft that mention County ordinances. He questioned the recent proposed decrease of freestanding sign area from what was formerly based on national standards (which he thought were too large). Meister said they reduced the numbers because they thought a reduction would be more appropriate for the Township.

Trudeau wants to make the Ordinance less subjective so the ZBA has more guidance (more objective criteria). He said the changes the planning commission has made are based on rational discussion.

Meister said that Maki had asked them to review the sign area numbers because he thought they were excessive, so they initiated a discussion and agreed to back off the numbers. Maki said that was good, but questioned whether the discussion shows up in the minutes. Woodward offered the minutes of the August 6 meeting that were written with more detail per Maki’s request. Smith said it was not arbitrary; it was all discussed in a good 3 year effort. Planning Commission members offered more information about the input and reasoning that are the basis for the provisions.

Maki is happy about the sign size reductions, but wants more reductions, although he objected to the ever-changing document. Sikkema said that’s the point of the joint meeting – to try to make adjustments based on Board input, but it’s been confusing to figure out what the Board wants to see and to determine how broad the consensus is across the entire Board. He said the Planning Commission has had very long discussions in their efforts to make standards more objective by basing them on national standards or reasoning based on what is applicable to the Township. Meister wants to learn

more about Board objections so it can be addressed. Smith noted Woodward's influence and efforts in getting rid of problems and making the amendment read better.

Maki questioned why the size limits were changed – he said it's not based on case studies that say we need bigger sizes. He doesn't want the purpose to be making existing signs (that may be violations) conforming. Greenberg asked what Maki wants to see.

Trudeau asked if the speed limits might change, affecting the provisions. Sikkema said it is not likely and it's maxed out at 55 mph anyway.

Maki again said he doesn't agree with all the facts and will have to look at them. He said he should not have to continually be the staff and work through all these ordinances, but he will do some more homework on the last two meeting minutes. To get to specifics, he doesn't understand why residential signs are proposed to change from 2 square feet to 6 or 8 square feet, representing a large percentage increase. Woodward clarified that Maki was referring to residential name/address signs whose area is proposed to be based on speed of the adjoining roadway. Meister clarified that people can't see a 2 square foot residential sign on M-28. Maki said he suggested a larger sign area on M-28 ten or twenty years ago for the purpose of addressing homes with greater setbacks. He agrees with larger signs on M-28 due to the higher speed limit, but thinks 3 or 4 square feet is sufficient, and 16 square feet (4' x 4') is too much for name and address. Engle noted it's more visible for the person going 55 mph. Meister noted the signs that have camp names, and an effort to make this more equitable. Milton noted it was an effort to create criteria to control the camp signs. Maki suggested it was an effort to accommodate the maximum plus 20 percent.

Maki doesn't understand the increase in area for banners and changes in display time. He asked why give them another 80 square feet of free sign area for the summer? Tabor asked what is the problem with increasing it? Maki asked what is the reason for increasing it? Tabor said it seemed reasonable. Greenberg doesn't think banners have been a problem. He thinks it's somewhat self-regulating based on the length of the sale the businesses are promoting. Maki's opinion is that banners are not to be used for sales promotions, they are supposed to be for special events. Smith said this was all extensively discussed and the Planning Commission was in agreement. They did not randomly choose numbers. Meister related his experience in utilizing banners for promotions. His experience is that most businesses don't want to make their property look bad by leaving banners up for extended periods of time. He feels that banners are important tools for businesses, and are not a negative for the community. Mahaney said it is important to regulate the size and condition of banners. Maki objected to the display time. Greenberg asked what time period Maki suggests. Maki said he thinks one week is plenty of time for a sale. Trudeau said that the Planning Commission is composed of citizens who have determined that this regulation is appropriate and the process should move on. Carlson noted Snyder's and Ace Hardware's use of banners for promotions. Mahaney gave an example of a 90 day Scott's promotion, or 120 day DeWalt promotion for which he is sent banners for display. He said banners are an inexpensive way to advertise product. Maki doesn't object to banners, but thinks four-20 square feet banners per property is excessive. The Planning Commission discussed the typical size of banners, and that they can be displayed on multiple facades. Mahaney said Chocloy Township businesses won't go to the extreme to make their businesses look tacky, and praised the business corridor. Sikkema said businesses are important to the community, and the Planning Commission wants to show them support so they can be a part of the community. The Planning Commission reached a compromise on banner provisions. Tabor said they gained input on the typical size of promotional banners that are received by businesses. Sikkema said they also sought the input of business owners, CABA, sign companies, and the national standards. Smith pointed out that the size of banners is limited to 20 percent of building façade area. Maki stated it is good that banners can't be hung on poles, posts, vegetation, fences, etc.

Trudeau had a concern that the political sign standards need to accommodate the typical size of signs sent by national and state organizations, and urges staff to go measure them.

Maki again expressed concerns with the size of residential signs. He was told that the regulations were altered in consideration of existing conditions for residential signs (which were measured by Jennifer Thum) and what they thought was reasonable at different speeds. Maki wanted to be provided with evidence. Greenberg said many signs are not in compliance with the 2 square feet limit. Sikkema said no one is complaining about the signs that are out there, so why would we write an ordinance that makes them nonconforming? Again, the Planning Commission all agreed on numbers they thought were reasonable. Maki objected to the fact that the “reasonable” numbers keep changing. Engle said more information was available now than before on what is reasonable, based on standards no one ever looked at before, and the Planning Commission even chose reduced numbers from those standards based on what was right for the Township. Engle said this draft is much more readable than any others, with much better definitions. Maki extended appreciation to Woodward. Sikkema said the Planning Commission did their due diligence with careful consideration. Thum, Woodward, and the Planning Commission found issues and kept fine tuning. He really wants to know what the issue is so that adjustments can be made.

Tabor thinks we are there with this version of the amendment. Maki has learned things that make him feel a little bit better, but still feels that a change should be based on evidence. He feels better about banners; although he still thinks you should get a permit for banners because how else can you count the days? Maki doesn't think sign area should be changed just to make nonconforming signs conforming. Sikkema said that was not their method – they took examples of signs that seemed reasonable in size (as measured by Smith), and they looked at national standards. Lawry said the fire and police departments say they have problems with the size of residential address signs when responding. They want to see signs larger than 2 square feet for better visibility. Maki said he is the one who suggested this enlargement before and they agreed with him. There is especially a need for larger numbers that may not be visible on a sign that is 2 square feet.

Staff was directed to look at the Barbieri signs (on the beach next to the Welcome Center) to see if they are in violation, and to talk with the attorney to see what can be done. The Township has done a lot of work to welcome people as a tourist area, and we shouldn't allow an illegal sign to offset this. Sikkema noted that the proposed sign provisions apply only to signs visible from the public right-of-way, public facilities, public trails, and navigable waterways, which would include Lake Superior and the public beach, but some signs on private property would not be regulated. Trudeau thinks this particular sign should be addressed. Perhaps it is on public property since it is between the high water mark and the shoreline.

Maki suggested the Board write a recommendation on their desired changes to the amendment at the September meeting, based on everyone suggesting changes and collaborating. Trudeau mentioned that the Planning Commission thinks they have a finished document. Greenberg was in agreement with passing on specific comments to the Planning Commission after the next Board meeting. Sikkema asked if they are getting there. Greenberg said, “Absolutely”. Maki said they will try to quantify it and be in agreement. Sikkema said no one will get everything they want, it will take compromise. It was called a work in progress through the ages. Discussion was ended.

C. Planning Commission Priorities

Public Comment

Deborah Mulcahey, 633 Lakewood Lane, said that she would like to make the concept of “Aging in Place” a priority. Senior citizens use golf carts to get around on Lakewood Lane, and there is a safety issue. Lakewood Lane may need to be wider to accommodate walkers, bikers, and others so we don't lose senior residents.

Discussion

It was suggested that the Planning Commission give the Board a list of priorities at the September meeting, and the Board can add to the list. Items for inclusion are the junk car ordinance and private road standards. Sikkema would like to get through the ordinance issues and leave time to get back to Township planning. He mentioned a previous directive from another joint meeting to determine appropriate areas for more commercial/industrial development, and to make sure these areas are adequate for the future.

Smith asked about the Lowe's grant status. Lawry said a Lowe's grant was used for a slide at the Silver Creek Recreation Area a year ago, and picnic tables through the fire department (in the pavilion). The Township is still attempting to purchase the parcel on Silver Creek for better access to the recreation area. Some KBIC money is being put toward that purchase.

There was a discussion about the Iron Ore Heritage Trail (IOHT) route, and whether it should stay on the DNR trail or run through the business district. IOHT is talking about only including the DNR trail route. Both locations were shown on the map when the millage was passed, and the Supervisor is concerned that this should not look like a bait-and-switch situation to voters, and that the Chocolay Township voters should get a direct return on the dollars they contribute to the millage with IOHT investment in the Township trails. Sikkema thinks the Township should be part of the IOHT master planning process and have input into the route location. Woodward noted this is proposed to be on the agenda for the next Planning Commission, to work with Don Britton to determine the route, which is then advertised. Milton and others want to see the trail on the business route where it will also support the Silver Creek Recreation Area and other public access points in addition to the railroad spur. The Board is in agreement, and suggests bringing CABA in for support.

PUBLIC COMMENT

Wayne Dees, 512 Woodvale Drive, said he was going to hit specifics on these two ordinances, but doesn't think it's necessary. He thinks there needs to be a procedure and methodology for these public processes or the public bodies will keep spinning their wheels. This back and forth on issues is not effective or efficient and causes problems for the public who are trying to track government processes.

Meeting adjourned at 10:25 p.m.

Max Engle, Clerk

Greg Seppanen, Supervisor

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES**
Monday, September 10, 2012

I. MEETING CALLED TO ORDER BY: Andy Smith at 7:30 p.m.

ROLL CALL

Members Present: Mr. Andy Smith (Vice Chair), Mr. Andy Sikkema (Secretary), Dr. Ken Tabor, Mr. Gary Heinzelman, Mr. Tom Mahaney, Mr. Eric Meister

Members Absent: Mr. Kendell Milton (Chair)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Brad Johnson (Public Works Foreman)

II. MINUTES

A. August 6, 2012

Motion to approve the minutes as written by: Meister

Second by: Sikkema

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. August 22, 2012

Motion to approve the minutes as written by: Sikkema

Second by: Tabor

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to reverse the order of Old Business and New Business, and to approve the agenda as corrected by: Meister

Second by: Sikkema

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC HEARINGS

None

V. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane, presented comments in regard to the proposed Home Occupation text amendment, specifically the "alternatives" document as presented in the packet. She doesn't like the idea of having non-resident employees. She doesn't think it should say "REASONABLE business hours" as this is subjective. She feels that the Planning Commission would set up neighborhood bickering if enforcement depends upon having a "formal written complaint" for investigation.

She reiterated her opinion that a licensing system instead of a permitting system should be used to facilitate timelier and less costly revocation actions. She said that the permitting system has to follow provisions of the Administrative Procedures Act, and under that system a cease and desist order for a home occupation may have to be

defended in Circuit Court. She says a license could have a much simpler revocation process because it doesn't have to follow the Administrative Procedures Act.

She thinks we need a better definition for hazardous substances. She thinks there should be clarification of "motor vehicle repair". Does that mean boats and airplanes? She thinks the planning commission should consider protection of the property owner by making sure the property owner, not just the resident, signs the home occupation request. She thinks there should be no home sales for any home occupation.

Vehicle parts repair, which is proposed to go through the Tier 2 conditional use process for potential approval, requires hazardous substances, so should be a prohibited use in her opinion.

She said the Planning Commission did not address a specific number for an increase in the required notification distance for Tier 2 approvals (*the Planning Commission approved the submittal of a text amendment application to address this issue at a previous meeting*). She said the Comprehensive Plan does not envision residential areas to be used for businesses.

Dick Arnold, 312 West Branch Road, had several questions, including how the Township can enforce the home occupation ordinance without a search warrant? He doesn't want home occupations in accessory buildings because it is his impression that there is no limitation on the height or placement of such buildings (Woodward stated there are height and setback limitations in place for most accessory buildings in all Districts). He said the Township rezoned a subdivision that's been a subdivision for 30 years for farming and logging which doesn't make sense.

There were no further comments so public comment was closed.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

- A. Consideration – Citizen request to correct spelling of Basil Road to reflect the family name of early settlers, Basal. Michael P. Basal presented a packet of information to the commission. He said he wants to correct the spelling on the sign at US-41 for "Basil" road to reflect the proper spelling "Basal". His father, Myron Basal, is the last of the 13 children from original settler George Basal. Mr. Basal read a letter from his father, excerpts follow. *Myron Basal was born in 1929 on the family farm on what is now North Big Creek Road. His father and Uncle Charlie ran the farms which were inherited from their grandfather Frederick. The family settled in the area in the late 1800's, and was considered one of the founding families. When Myron was 10 years old (1939), his father George and Uncle Charlie deeded the road, which they assisted the WPA to build, over to the Road Commission. At that time the entire road was called Basal River Road. The road was later divided with the northern portion along the section line called N. Big Creek Road, and the other portion to retain the family name of Basal. It is a common error to misspell the name like the spice. At that time, it was mis-spelled as "Basil", even at the County Register of Deeds. It is important to him that the road name be changed to reflect the family and area*

history for his grandchildren.

Mike Basal showed a 1960 plat map that identified property for C & H Basal and George Basal (mis-spelled), and a subsequent plat map that identifies the same property with the name spelled correctly. Greg Basal, Mike's cousin on Charlie's side, still lives on N. Big Creek Road (County Road BO). The 1930 Census documents show the families of George and Charles Basal living on Basal River Road (all spelled correctly). The family name is spelled correctly in the Township history books. His request involves changing one road sign and the various records. He spoke with staff at the Township, County Road Commission, Marquette County Resource Management (Al Feldhauser), and all said the change must originate at the Township Planning Commission. Feldhauser would help change all the appropriate records. Mike noted that his father offered to pay for the sign and also a spare sign (he requests that the others are destroyed so they don't ever go back up).

Heinzelman pointed out that on his 25 years on the police department, all records referred to the road as "Basal", spelled with an "A", so there must have been a reference that it was supposed to be spelled that way. Mike said that when he was a teenager and his uncle George lived on Basil Road, all the mailboxes for the residents on Basil Road spelled it correctly as Basal Road, even though the sign said "Basil" (self-corrected). He believes this is just a clerical error.

Meister inquired about the procedure to change the spelling. Woodward suggested that this be handled similarly to a zoning map change with a public hearing to allow resident opinion to be heard. Commissioners agreed it makes sense to hear from the non-Basal residents. Mulcahey suggested Basal use a petition to see if the people who currently live on the road agree with the change. Heinzelman said it would be more appropriate to allow all Township residents to give input should they wish to. Other people may remember this history.

Motion to hold a public hearing to correct the spelling of "Basil Road" to "Basal Road" at the next meeting, and to notify all residents on both Basil and N. Big Creek Road by: Sikkema

Second by: Heinzelman

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

- B. Consideration – Discussion on the preferred route for the Iron Ore Heritage Trail through Chocolay Township. Don Britton, 121 Deerview Trail, Iron Ore Heritage Trail (IOHT) Board of Directors, spoke to this issue. He said he would like to see the Iron Ore Heritage Trail adopt the M-28/US-41 business loop through Chocolay Township as their trail to maintain, and leave out the section on the railroad grade from the Welcome Center to the Soo Line bridge on M-28. Smith asked if there is any reason that the IOHT authority can't adopt both routes through Chocolay Township? Britton clarified that the Authority has always envisioned the railroad grade as the spine of the trail from the Casino in Chocolay Township to Marquette, Negaunee, Ishpeming, and over to Republic. He thinks designating the business loop as the IOHT route is better for tourists, businesses, and the economy. If the bike path on the business loop gets rebuilt

with grant funds (the Township has approved the match), then it makes sense for the IOHT Authority to use that route for the designated IOHT. This is the trail that runs along the east side of US-41/M-28 from the south US-41/M-28/Cherry Creek intersection to the Welcome Center. Smith again asked for clarification on why they couldn't use both routes as part of the IOHT. Britton said he doesn't know why the IOHT Authority would want to adopt both portions because they only want to maintain the spine of the main trail. They are letting the communities do the spurs.

Mahaney asked how this would impact the snowmobile route, and if it would still follow the railroad grade. Britton said the railroad grade would have to be groomed along with part of the business loop. U.P. Central Trails would probably take care of grooming the portion that is an official snowmobile trail, or at least the M-28 business loop portion.

Britton noted that the IOHT Recreation Authority is not in agreement with his perspective. Sikkema asked for clarification of why the IOHT Recreation Authority adopted the railroad grade as the spine in the first place. He noted that the route through Ishpeming and Negaunee was chosen to highlight their assets. Britton confirmed that those routes were chosen as being more advantageous for citizens.

Supervisor Greg Seppanen, 1019 Ortman Road, spoke to the issue. He said this started because Andy Sikkema identified grant money to improve the remainder of the east business loop bike path through the Township, which has poor infrastructure and drainage problems (a portion will be resurfaced with this year's road construction project). The Township approved a match for the grant. If this route became the IOHT, the IOHT Recreation Authority would then be given control. When he approached the IOHT Authority with the idea, he expected reservations because of their current cash flow constraints with assets being diverted to the Negaunee to Marquette trail this year. However, they seemed to object to the business loop route through Chocolay based on projected maintenance costs. The discussion was delayed to give Chocolay time to survey their assets and collect public opinion about the best route. Seppanen noted that the IOHT does consist of portions with dual trails running through business districts. When the idea first came up, there was only one option for the trail location through the Township, but the possibility of the grant opens up this additional opportunity for a business loop route.

Seppanen said that the original IOHT map that Chocolay was given before the millage vote showed both trail routes, but the IOHT said that was not the official map, it was a map provided by the County. The decision needs to be made before discussion with the DNR about trail leases in the spring. Seppanen thinks the IOHT has a misconception related to projected maintenance costs. Chocolay contributes at least \$34,000 annually through the millage to support the trail. The monies collected so far are going toward acquisition and construction of the trail in other jurisdictions. The Township manager and supervisor looked at the three bridges on the railroad grade route (one over the Bayou, one over the Chocolay River, and one over M-28). One bridge deck is in bad shape, and it was

estimated that it would take around \$100,000 even to paint the railroad bridge. Seppanen said that staff analysis may show that the business loop route has lower projected maintenance costs. This route has only one bridge, which is new and won't need work for about 10 years.

Supervisor Seppanen tasked the Planning Commission with gathering the public opinion on the issue, including all the user groups. In his discussions, it was clear that the residents along the railroad grade would support a plan that would divert more snowmobiles from the trail along the railroad grade through the neighborhoods. He said that Chocolay Township citizens expect something in return for their millage contribution besides the improvements in other jurisdictions, such as consideration for the preferred location of the trail. If the Planning Commission decides to do a public hearing, the Supervisor asked them to do it in November and send it for Board review that month, because it will be a fairly new Board who should be in on the decision and the process of discussion with the IOHT Recreation Authority.

Smith asked about the IOHT Recreational Authority's opinion about snowmobiles on the trail. Britton said their goals and objectives include multi-use trails. If the railroad grade route was adopted, the IOHT would have a lease agreement with the DOT or the DNR and the IOHT would maintain the trail. Meister asked if the IOHT authority wants to adopt the railroad grade as the spine because they think the DNR would maintain it for them? Britton said that once the IOHT authority leases the trail, they have to maintain it. The IOHT uses a portion of the money from the multiple jurisdictions as match for grants (\$200 million in grants so far). Woodward asked for clarification on what the grant money is used for – only acquisition and construction? Britton said the IOHT Authority uses the Township contribution as a match for grants for acquisition, construction, and maintenance. Britton said maintenance activities include sweeping the trail and cutting the grass within three feet of the trail.

Mahaney asked if the railroad grade trail would be abandoned if the business loop is chosen as the route. Britton said that the portion of the railroad grade trail between the Welcome Center and the Soo Line bridge would still have to be used as a snowmobile trail because snowmobile traffic can only travel one-way through the business loop. This is because it is not possible for snowmobiles to cross over the highway at the Welcome Center to get to the west side of US-41 to travel in the same direction as traffic. The tunnel is not for motorized traffic. From the trail along M-28, snowmobiles can travel north through Harvey to the Welcome Center along the east side of US-41. The traffic is two-way on M-28 where the trail maintains enough separation from the highway. Britton said snowmobile tourists don't normally leave the main trail.

Meister asked if Britton would rather the IOHT authority adopt both routes, with the preferred route being the business route, or if he wants only one route designated. Britton said he'd prefer only the business loop was adopted by the IOHT with the remainder to be maintained by the DNR. Seppanen said the Township can attend to the due diligence on the maintenance costs on behalf of the Township and other interested parties.

Mahaney is concerned about maintenance of the bike path. Britton said the IOHT Recreation Authority uses millage funds for trail maintenance on whatever route they adopt. Seppanen said that the IOHT is collecting money now, but doesn't actually take over maintenance functions of the spine until next year. They currently only do maintenance on the portions of the trail that they have built and for which they have lease agreements with the State. Smith said that U.P. Central Trails spends some money currently for bridge work (about \$1,500 per year). Britton said the IOHT Recreation Authority is in a better position to ask for grants than the snowmobile club because their user group represents the entire population and not just one interest group.

Motion to hold a public hearing in November to take public comment on the preferred IOHT route by: Tabor

Second by: Meister

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

C. Consideration – Discussion on the relocation of the pavilion from the Township Hall to other Township property to make room for the fire hall, including photo presentation. Woodward showed pictures of each considered site, and of the current pavilion which is 20' by 40'. Meister inquired about frequency of use, which Johnson said may be once a year at the current location. However, the Beaver Grove pavilion gets rented about two times a month. The pavilion is rented out for parties and other events.

Johnson gave his impressions of the marina site, where his intention was to remove the two existing picnic tables and grill and put the pavilion in that area (adjacent to the larger parking area). He said this was his second preferred site due to lack of parking or opportunity for expansion of parking (kids use the field for recreation). Currently the main parking area can accommodate a maximum of 5 trucks with trailers, and secondary parking area can accommodate 2-3 other vehicles without trailers. Current marina users include boaters, kayakers, and fishermen who like the site because it's free to launch. If there was more parking, this would be staff's number one pick for a relocation site.

Lion's Field does not have a lot of room, and most of the site is sand. There is not much parking or opportunity for parking. There is not an ideal site already prepared on which the pavilion would fit and be easily accessible. The Kawbawgam Pocket Park is not well used, and would probably not attract use to the pavilion. There is already a pavilion at Beaver Grove.

Mahaney suggested it would be best to put the pavilion where it will be used the most to try to generate revenues for the Township. Johnson said Silver Creek Recreation Area would be the potential location that would generate the most use. Woodward showed a Google image with a scale sketch of the pavilion location by the soccer field in the multi-use area (playground, spectators, trails and disc golf facilities). It is buffered from residences by a strip of woods. More parking is planned for the recreation area, but there is plenty of existing parking for pavilion users. Mahaney asked about the potential for electricity to the pavilion, and Johnson said that is possible either there or at the marina location.

The pavilion roof will be moved with the firehall construction project. The picnic tables are to be moved with it. Meister asked about the feasibility of moving it, and whether the cost exceeds the value. Johnson was not sure about the age of the structure. Mulcahey mentioned the structure was built with donated supplies and labor, and this was confirmed by Woodward. Tabor and Heinzelman thought the pavilion would get the most use at Silver Creek, even though Heinzelman said he didn't want to short change the east side neighborhood. Johnson suggested that a public hearing may be needed for a potential marina location because it would be closer to residences. Meister said residents near the marina had complained about people parking in their yards, so an increase in traffic to the site may create problems. Sikkema thinks the Silver Creek location will attract the most use. Seppanen noted it would provide shelter for sports teams in case of bad weather or heat during a game. Sikkema asked if the Township is still considering the purchase of the parcel adjacent to Silver Creek Road and the recreation area, and whether the pavilion could be located there in the woods. Seppanen said this hadn't come to him for consideration. Johnson said his impression was that the owner was asking too much money for the property. Mahaney said it's a good indication that the Beaver Grove recreation area pavilion gets so much use. Sikkema cautioned that the pavilion should be placed as far from residents as possible (northwest corner). But the playground is in the southwest corner. So the staff's preferred location was in the middle of that area.

Motion to recommend to the Township Board that the pavilion be moved to the Silver Creek Recreation Area: Tabor
Second by: Sikkema

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. OLD BUSINESS

- A. Consideration – Review proposed Text Amendment #34-12-04 Home Occupations. The meeting packet included original home occupation language (before 2008) as referenced by Trustee Maki at the joint meeting, current language, draft of the proposed language, and a reference document by Woodward with alternative language that could address some of the Board's concerns or be used for alternate language, such as a two-tier system.

The commission clarified again that they do not want home occupations to include non-resident employees. Woodward pointed out that the current proposed version utilizes a registration process and conditional use process for approval. She would prefer there to be an administrative approval process utilizing a zoning compliance permit, and a conditional use process for approval, as illustrated in the alternative document. Maki had earlier expressed that he thought a home occupation should get official approval before beginning (like any other use permit), and should not be encouraged to register as much as 30 days after beginning operations. It was discussed at the joint meeting that occasional "testing" of the home business before an official start was not an issue of concern or a violation. Woodward also encouraged the supplemental strengthening of the permitting and enforcement language at least for home occupations because the

current zoning ordinance language is not comprehensive.

Mahaney received clarification about the approval process. Woodward reminded the commission of Maki's question regarding the differentiation criteria for Type 1 and Type 2 Home Occupations. She wants to know what factors would differentiate these two. For an example, Type 1 might have only off-premise or infrequent interaction with customers (internet business, accountant, caterer). Type 2 might have on-site interaction with customers with limitations. Woodward would like the commission to move away from differentiation based on a list of specific uses, to differentiation based on impact criteria. Sikkema noted that frequency of activity is an example of a factor that may differentiate levels of home occupation impact. Another is scale of activity. The Type 1 Home Occupation may have no impact (evidence of activity), whereas the Type 2 Home Occupation may have low impact (some minor evidence of activity). Impacts may include more frequent traffic to the home, larger vehicles coming to the home, extra space for storage, etc. The Type 2 process would include a public hearing to explore the acceptability of the anticipated impacts. Tabor noted that what is acceptable in one area or district might be less acceptable in another. Mahaney thinks there should be only no impact, no evidence of home occupations. He questions the intent of allowing home occupations. Meister said the conditional use places restrictions, and reminded everyone that permitting of home occupations is not new to the Township.

Tabor said most home occupations start from hobbies that someone hopes to make a little money from. Sikkema said that when they reach of level of creating impacts, they should move to the commercial area. Smith noted that people with 6 kids can create neighborhood impacts in their daily lives, and did not want to encourage a disgruntled neighbor reporting a strange car coming to a home or something minor like that. Meister noted the original attempt was not to change the intent of the provisions, but to make it easier for no impact home occupations. Sikkema noted the responsibility to listen to Board viewpoint and try to incorporate their wishes because the commission works for the Board.

The commission discussed Woodward's desire to strengthen the administration and enforcement provisions, and noted no changes to what she proposed. The majority of the commission was in agreement that a two tier process was appropriate. They do not want non-resident employees or on-premise retail sales, although there may be a need to define retail sales vs. wholesale pick-up of special order items. Does the off-premise vs. on-premise interaction wording take care of this? There was still indecision about signs. Most commissioners don't want additional signs for home occupations, although a business name on the permitted residential sign may be ok.

Woodward felt that it's helpful to provide examples of occupations that may exemplify the impacts of each tier. Commissioners were in agreement, but made modifications to the suggested examples. Sikkema wanted to move dressmaking, sewing, or tailoring to Type 2 because of on-premise interactions. This would allow the commission to determine the frequency or scale of impact. "Offices for sales representatives or professionals" was changed to "Home

office". Plural references in the examples were eliminated. It was agreed that Tier 1 would be allowed in single or multi-family residences, but Tier 2 would only be allowed in single-family residences.

Sikkema requested staff to research language regarding the regulation of hazardous substances and vehicle parts repair. There is still difficulty with prohibiting motor vehicle repair, because of the differences with boat, tractor, and automobile repair. Arnold mentioned that there is a good definition in the #55 Vehicle Parking and Storage Ordinance (*but that includes, but is not limited to, automobiles, trucks, vans, buses, truck tractors, motorcycles, motorbikes, bulldozers, front end loaders, construction equipment, logging skidders, snowmobiles, all-terrain vehicles, and boats that are self-propelled by means of an engine*).

There was a discussion of the provision that no advertising shall use the residential address of the home occupation. The intent was not to encourage increased traffic to the address, but not to discourage the display of an address on a business card. Business cards would not be considered advertising. Commissioners discussed scenarios including professional home offices, catering, golf club repair, cabinet maker, hair styling, home photography, antique car parts repair, furniture making, canoe building, pet grooming service, etc.

Motion to review the changes at the next meeting before moving to a public hearing: Tabor
Second by: Sikkema

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Action Items: Staff will research language regarding the regulation of hazardous substances and vehicle parts repair.

IX. PUBLIC COMMENT

Deborah Mulcahey said that while the commission is working on the sign ordinance on Lakewood Lane, they should consider letting some signs be grandfathered but not accommodating them in the new standards.

X. COMMISSIONER'S COMMENT

Meister asked what would happen if they don't get the sign ordinance finished before the new Board comes in. Would they be starting all over again? Woodward said it would be reviewed at the next meeting after the formal Township Board comments were received. Both the sign and home occupation amendments will need public hearings, possibly in November.

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

XIII. ADJOURNMENT

Smith adjourned the meeting at 10:30 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 1, 2012

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:30 p.m.

ROLL CALL

Members Present: Mr. Kendell Milton (Chair), Mr. Andy Smith (Vice Chair), Mr. Andy Sikkema (Secretary), Dr. Ken Tabor, Mr. Gary Heinzelman, Mr. Tom Mahaney

Members Absent: Mr. Eric Meister

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator),

II. MINUTES

A. September 10, 2012

Motion to approve the minutes as written by: Sikkema

Second by: Tabor

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as written by: Sikkema

Second by: Tabor

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC HEARINGS

None

V. PUBLIC COMMENT

None

VI. PRESENTATIONS

None

VII. OLD BUSINESS

A. Consideration – Review proposed **Amendment #34-12-04 Home Occupations** as discussed at the August meetings.

6.9.C.2.a – Sikkema has a question about this statement, “The Zoning Administrator shall review applications for Type 1 Home Occupation permits, and the Planning Commission shall review applications for Type 2 Home Occupation permits.” He thinks it should say that each shall “review and approve” applications. The change was made. Milton asked if it should say that there is no fee for Type I applications. Woodward said that would be up to the Board. She affirmed that Zoning Compliance Permits are \$25. It was thought this is a reasonable fee to process the application.

Page 1, 6.9.C.2.c - (C) Sikkema has a question about this statement, “If the resident applicant is other than the owner of the property, the owner must authorize the application.” He wonders how the owner will do the authorization, whether by letter or signing the application? It was decided to change the

statement to, "If the resident applicant is other than the owner of the property, the owner must sign the application."

Smith had a question about 6.9.D.2, "All work areas and activities associated with the home occupation shall be located either inside the dwelling or in an accessory building." He wonders if outside storage of wood out of view of the neighborhood would be prohibited. In other words, if there is no evidence of a home occupation when viewed from the street right-of-way or adjacent lot, would they be able to have outdoor storage? Mahaney said then you might be using more than your allowed square footage. Woodward noted provision 6.9.D.3.a that says "No outdoor storage or display of products, equipment, or merchandise is permitted other than of a type and quantity characteristically found at a single-family residence." She said there are many residences that store wood outside. Sikkema suggested a conditional use permit might allow some outdoor storage, so anything with outdoor storage should move to a Type II permit. No change was made to the provision.

Motion by Sikkema, second by Tabor, to hold a public hearing on the revised language of the proposed amendment #34-12-04 (with those few minor corrections) at the November 5 Planning Commission meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Consideration – Review proposed **Amendment #34-12-01 Signs** as revised at the August meetings.

Woodward noted the addition of a substitution clause in 18.1.A thus, "Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message." The purpose is to not favor commercial messages. She said this is a requirement according to the Michigan Sign Guidebook published by Scenic Michigan and the MSU Planning & Zoning Center. Woodward also noted slight changes to the Intent provisions to specify both the problem to be solved and the goals/intent of the regulations. The following items are new:

7. Reinforce and support the desired community character in a manner that takes into consideration building scale and massing, building and sign setbacks, travel speed, and pedestrian presence so that signage contributes to a sense of place.

8. Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to public safety information and notification as may be required by law."

All changes to these provisions were accepted as written.

Woodward added a definition of "Farm" based on the Michigan Right to Farm Act, to read "The land, plants, animals buildings, structures, ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production, harvesting, and storage of farm products as defined in the Michigan Right to Farm Act, Act 93 of 1981." Only commercial farms would be permitted signs. Otherwise the applicable

residential sign would be allowed. This change was accepted.

Woodward noted prohibitions for phosphorescence and luminescence, and also prohibitions for affixing signs to fence posts, benches, and perimeter walls. Sikkema noted the exception for conventional “No Trespassing” signs. These changes were accepted. Also prohibited are “Signs affixed to a motor vehicle, trailer, or other wheeled device parked with the primary purpose of display.” The words “or other wheeled device” are new and were accepted.

Most importantly, Woodward added a statement that “any sign not expressly permitted” is prohibited. This is to give the Township the opportunity to respond with regulation if necessary when presented with a sign technology not previously contemplated. Tabor said it seems backward – if not mentioned, it’s permitted. Sikkema noted as an example the lights on the Holiday sign that were proposed – this would give the Commission the opportunity to address them and potentially alter the ordinance. Woodward mentioned the possibility of supergraphics, and asked whether they would be considered to be similar to the window decals permitted as wall signs, or a sign type not expressly permitted. Is there a need for a definition of supergraphic? Could someone put up a temporary supergraphic? Woodward noted that some supergraphics have digital components, such as a projected image or woven fiber optics. Sikkema asked if this would be considered an electronic sign. Sikkema suggested amending the provisions thus, “any sign *or sign type*” not expressly permitted (are prohibited). This was agreed.

Woodward then discussed off-premise signs. She said that general bans or bans with exceptions are not advised, as they may be challenged if the exceptions do not support stated goals. The current language bans new off-premise signs with some exceptions. She said the current language was probably not that problematic, as the exceptions relate to Township goals, and signs permitted by another agency (MDOT through the Highway Advertising Act), or some temporary signs like political signs, real estate signs, residential directional signs, food stands, and snowmobile directional signs. She said you can choose not to ban them but try to control them through other regulations, such as limiting the number of off-premise signs per undeveloped parcel, or limiting size to discourage them. Sikkema stated that in general he doesn’t feel that off-premise signs, primarily billboards, add to the appearance of a community. He thinks they should be controlled. He also thinks they do not benefit local businesses, but are usually for businesses located elsewhere that do not care what the local community looks like. Heinzelman noted the McDonalds billboard for a local business. There were no objections to the way it is written.

Heinzelman discussed signs on motor vehicles, and the dilapidated truck with a business name and phone number painted on it. Woodward said this would be prohibited because of the primary purpose of display.

Woodward discussed the inventory of signs along M-28. Trudeau had asked for an inventory of political signs. None were over 32 square feet, but some were around 9 or 12 square feet. All were located in the right-of-way. The way the

amendment is written, anything over four square feet would have to be placed outside the right-of-way. The provision currently says, "Area may be increased to up to thirty two (32) square feet provided that no portion of the sign is located in the public right-of-way." This was changed to, "Area may be increased to up to thirty two (32) square feet provided that the sign is located at least thirty (30) feet from the edge of the roadway (white line along the edge) or curb." The reason is that so many signs would not have to be removed. Mahaney favored retaining the four square feet as a maximum when the sign is located less than 30 feet from the roadway, so as not to provide a hazard. Sikkema said the larger signs are mounted with 2x4 boards or other more substantial posts and would be a hazard closer to the roadway. But it was decided that 30 feet was a safe distance for the larger signs from the edge of the roadway.

Temporary real estate signs, which formerly read "Temporary real estate signs for individual parcels shall not exceed an area of nine (9) square feet except as otherwise provided herein. Commercial or Industrial real estate signs shall not exceed an area of thirty-two (32) square feet." Woodward suggested the following change for clarity: "Within the R-1, R-2, MFR, and WFR districts, temporary real estate signs shall not exceed an area of nine (9) square feet except as otherwise provided herein. Real estate signs in Commercial or Industrial districts shall not exceed an area of thirty-two (32) square feet." She thought that more accurately reflected the intent. This change was approved. Woodward discussed the portable sandwich signs for firewood, etc in the right-of-way along the highway. They are temporary portable signs, but not specifically addressed under that sign type. Sikkema says MDOT considers them off-premise signs. They would pull them as a violation of the Highway Advertising Act. You can overlook signs on people's property for a temporary event, but if it's there all or most of the year, it should be considered a home occupation sign. It's like comparing a garage sale and a home occupation. The home occupation sign would violate the home occupation amendment, and wouldn't be allowed. Mahaney asked about people selling vegetables. In the AF district it would be a farm. In the R-1 district it wouldn't be allowed to have those signs.

This provision for farm signs previously read, "Farms are permitted one (1) identification sign not to exceed an area of thirty-two (32) square feet and one (1) sign identifying farm products grown on the premises not to exceed an area of twelve (12) square feet." Because she was concerned about content-based regulation, Woodward proposed a change to read, "Farms are permitted a total of forty-four (44) square feet of sign area, provided that no sign shall exceed an area of thirty-two (32) square feet." The property owner could divide this sign area accordingly between the signs. Heinzelman was concerned that this wording might lead to multiple small signs cluttering a property. The wording was changed to add a limit of two signs.

Sikkema was going to check on the recent Highway Advertising Act standards regarding farm signs. He was concerned that even though we allow off-premise signs for roadside stands, MDOT may still pull them. It was decided that we can still have this standard.

Woodward noted a clarification that signs with commercial messages are prohibited in residential districts. This was to reinforce the intent of the home occupation amendment.

Based on the sign inventory, the Commission decided to reduce the maximum sign area for residential name/address signs where speeds are 45 MPH to twelve instead of sixteen square feet.

Tabor asked for a clarification on current permitted illumination. He said there is a sign by the passing lane out east that is brightly lit up from below.

Woodward made changes to the nonconforming provisions because of legal interpretations that sign ordinances authorized under the Michigan Zoning Enabling Act cannot require the removal of nonconforming signs or to enforce an amortization scheme. This could only be done if the Township had a separate sign ordinance. The new language only requires a sign be brought into conformance upon verification that the use is abandoned. This change was approved.

Woodward added this statement for clarity to the administrative provisions: "It shall be unlawful for any person to erect, relocate, or structurally alter or repair any sign or other advertising structure within Chocolay Township as defined in this Ordinance without first obtaining a Zoning Compliance Permit. (See Section 18.1.J and 18.1.L for maintenance exceptions which do not require a Zoning Compliance Permit.)" The words "or repair" were removed.

Motion by Sikkema, second by Tabor, to hold a public hearing on the revised language of the proposed amendment #34-12-01 (with those five minor corrections) at the November 5 Planning Commission meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

General celebration ensued upon completion!

VIII. NEW BUSINESS

- A. Consideration – Text amendment application regarding notification distance. Woodward presented a copy of the text amendment application for increased notification distance, pertaining to Section 1.6.B.6.a. This is being submitted by the Planning Commission and was brought before them for approval of the wording. This increase to notification distance would impact any public hearing, such as conditional uses, rezonings, etc. This is prompted by a request from Deborah Mulcahey and others. The issue is that many properties are large, and so the current standards don't prompt direct notification of very many people. The increase would increase the numbers of people who would receive letter notifications. Property widths along Lakewood Lane were discussed. Milton thought Jennifer had said the State was looking to make changes to the notification distance. It was decided to check on this before filing the application to avoid duplication of effort or inconsistency. The application will be put on hold pending information on a State change.

Action item: Staff will check to see if there is a pending State change and report at the next meeting.

B. Consideration – Upcoming priorities

Sikkema noted some have been requested by the public, so should gain priority. Tabor asked about the issue concerning the junk car ordinance. Woodward said it's hard to determine what is inoperable, and which license plates are up-to-date or even if there is a license plate when you can't go on the property to inspect. She suggested thinking about what is to be accomplished – a neater front or side yard, or other goals. The Commission noted the junk car ordinance was changed a couple years ago. Tabor asked how big an issue this is. Woodward says it's huge. Heinzelman said it was a big issue for the police. Tabor said the intent was to require screening if someone wanted to keep the vehicles.

Code enforcement education and follow-through means notifying citizens of rule changes, or amnesty periods, etc. Mahaney inquired about the firearms ordinance. Heinzelman responded to the question. It mainly deals with where you can discharge firearms. Zones may need to be updated.

This is to give the new Board an idea of priorities. Sikkema suggested junk car and private road as a priority #1. He thinks there is a request about the private road regulation. Smith noted Au Train Township spent a lot of time and some court battles with the rental property issue. Woodward hopes to get public input on this issue. The Commission asked if there are any complaints. Woodward noted only a couple complaints received. Commissioners noted one at Shot Point. The Commission further discussed this issue and determined it is a priority.

Sikkema suggested these items show up in their future business to determine if the issue needs to be dealt with.

Mahaney asked if there have been calls on farm animals. Woodward noted calls asking about what is permitted in their area. She wants public education and opinion on this issue, and would put it as a #2 priority.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Heinzelman asked about the Basil Road issue. Due to notification issues, it has been postponed to the November meeting, along with the Iron Ore Heritage Trail, sign amendment, and home occupation amendment.

XI. DIRECTOR'S REPORT

Woodward is attending the Michigan Association of Planning Conference in October.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

XIII. ADJOURNMENT

Milton adjourned the meeting at 9 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 5, 2012

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:30 p.m.

ROLL CALL

Members Present: Mr. Kendell Milton (Chair), Mr. Andy Sikkema (Secretary), Dr. Ken Tabor, Mr. Gary Heinzelman, Mr. Eric Meister

Members Absent: Mr. Andy Smith (Vice Chair), Mr. Tom Mahaney

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

A. October 1, 2012

Motion to approve the minutes as written by: Tabor

Second by: Heinzelman

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion to approve the agenda as written by: Heinzelman

Second by: Sikkema

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PRESENTATIONS

Jim Edwards, 549 Cherry Creek Road, on behalf of his son Michael Edwards, updated the Planning Commission on the progress of Michael's Eagle Scout project, which involves setting up the Adopt-a-Tree program in Chocolay Township. The project joined boy scouts, girl scouts, business owners, and members of the community in a common goal to maintain the plants that have been installed along the highway corridor. Michael hopes to have 50 or 60 recognition brick installations completed soon. Over 40 planting areas have been adopted thus far and 30 more are available. See interactive map and project history at:

www.chocolay.org/communityprojects/adoptatree.php

Togo's supported the scout troops with lunch for their efforts, and Fraco supplied the recognition bricks. Michael raised money to engrave the bricks with names of adopters. There have been other in-kind donations of labor and costs. Jim said it takes both people wanting to do the work, and people knowing what work can be done to work together. The project originated with a grant supported by MDOT, MI DNR, Chocolay Township and other funders, but volunteer community support is vital.

VI. OLD BUSINESS

A. *Consideration* – Hear comment on citizen request to correct the spelling of **Basil Road** to reflect the name of early settlers, Basal. Prepare a recommendation to the Township Board on this matter.

Planning Director Comments

Woodward presented information from the staff memo regarding the proposed change. The county planning staff said that the decision rests with the Township. The Planning Commission decided to gather public comment on the matter before making a recommendation to the Township Board.

Public hearing

Bob Basal – He grew up on the Basal farm, and lived there 35 years. His great-grandfather Ferdinand homesteaded here in 1860. The family has a long tradition and history of contributions in this area, and he would appreciate their name being spelled correctly.

Mike Basal – He is here on behalf of his father, Myron, to correct what they believe was a clerical error commonly resulting from spelling their name like the spice. He provided many historical documents, including the original deeds transferring the road right-of-way in 1939 from the Basals to the County (with the name spelled correctly). The road sign with the mis-spelling didn't go up until the late 1970's, at which time the early families were deceased. Mike wants the name corrected for the sake of history, and he believes any family in their situation would want the same. He appreciates the idea of an interpretive plaque with the story, but what the family really wants is to have the road name spelled correctly. He cited numerous examples of communities who have changed the names of roads for more arbitrary reasons and at great expense. This is a relatively simple and inexpensive request.

Woodward read a letter from Vince Jeevar of 110 Basil Road stating concerns about expenses that might be incurred by current Basil Road residents with this change, and potential problems with postal delivery. Otherwise, he is in support of the name change, and he even suggested the installation of a historical plaque on his property (at the road origination point).

Commissioner/Applicant Discussion

Sikkema asked how many residents currently live on Basil Road. *Woodward* stated there are 8 separate property owners including the State of Michigan. Commissioners discussed post office concerns and deed concerns per the staff memo. The post office anticipates no problem with mail delivery until someone moves away and needs mail forwarding. If the residents do not correct their address with all their mailers, some of the mail may not be forwarded. Deeds would not be impacted by the change.

Commissioner Decision/Recommendation

Motion by *Tabor*, second by *Heinzelman*, to recommend that based on public comment, the Township Board approve the official change of spelling for Basil Road from "B-a-s-i-l" to "B-a-s-a-l" to correct a supposed clerical error and accurately reflect the role of early settlers in forming the Township road system.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

- B. Consideration – Discussion of the preferred designated route for the **Iron Ore Heritage Trail** through Chocoley Township, and preparation of a

recommendation for the Township Board.

**Note that "UR" refers to the urban route from the Welcome Center through Harvey to the US-41/M-28 intersection, and east along M-28 to the overpass, and "RR" refers to the rural residential route along the railroad grade from the Welcome Center, through the Lakewood Lane residential area to the overpass on M-28. "IOHT" refers to the Iron Ore Heritage Trail. "IOHTRA" refers to the Iron Ore Heritage Trail Recreation Authority.*

Planning Director Comments

Woodward clarified that the decision involves choosing between two possible trail routes for designation as the Iron Ore Heritage Trail (as shown on the map). She explained that snowmobiles use the RR in the winter. They can also travel from Munising along M-28 and into some portions of Harvey, but not all the way to the Welcome Center. Currently snowmobiles cannot travel from Marquette south into Harvey along US-41. She clarified that the current discussion is not about ATV use of these trails, or about pursuing other options for the snowmobile trail. The discussion relates to which trail will be designated as the official Iron Ore Heritage Trail to be maintained by the Iron Ore Heritage Trail Recreation Authority. She said that currently the RR is maintained by the DNR, and the UR is maintained by the Township.

The Planning Commission had some questions about trail maintenance and control. *Don Britton* of the IOHTRA was present for questions along with *Jim Thomas* who is the Chair of the IOHTRA and *Carol Fulsher* who is the administrator. *Britton* said that currently the RR is owned and maintained by the DNR. It is used as a non-motorized trail in the spring, summer, and fall, and a snowmobile trail in the winter. If the RR is designated as the IOHT, the IOHTRA would lease the trail from the DNR and maintain it. Currently the UR is used as a non-motorized trail in the spring, summer, and fall, and portions are used as a snowmobile trail in the winter (north to about *Wahlstrom's*). The portion along M-28 is a two-way snowmobile trail, but north of the US-41/M-28 intersection the trail is one-way snowmobile trail only into portions of Harvey.

Public hearing

Gary Walker, 765 Lakewood Lane, prefers the designation of the UR for the IOHT. He said the history of these two trails rests a lot with the issue of snowmobiles, which the designation really doesn't. He said that the change in snowmobile traffic won't be impacted by the designation of the Iron Ore Heritage Trail. The IOHT is a tourist attraction and keeping the tourist attraction along the UR provides local business opportunities. In terms of maintenance, if the IOHTRA end up with maintenance, the UR is much more easily maintained with a new bridge built to handle snowmobile traffic. The RR would require more costly maintenance. He thinks *Chocolay* would get more bang for the buck with a UR designation because in the summer the RR route is not used by any motorized vehicles, and he thinks the walkers and bikers will be mostly local folks. He thinks the UR would work better as a tourism route.

Tabor asked which route the IOHT Recreation Authority prefers, and the IOHTRA representatives said they currently prefer the RR.

Jim Thomas, Chair of the IOHTRA, said the IOHT Recreation Plan was created 5 years ago with the initial designation for the IOHT to be along the railroad grade by the lake. There was some miscommunication that the IOHT would involve two trails through Chocoley Township, which they never intended. They are here to listen. If we designate the UR, they will have to remove or move their established mile markers from their current location on the RR. Based upon an MDOT recommendation, their intent is to create and promote the spine of the trail first so there's something to build upon.

Carol Fulsher, IOHTRA, said the IOHTRA chose the RR because they thought it created more interest, would be more unique, and would better attract visitors. They thought that people would not be interested in a trail along the highway. But she noted that the IOHTRA will abide by Chocoley Township's decision for the designation of the trail location.

Alan Rose, 176 Riverside Road, spoke about the advertised users of the IOHT. He said sometimes the RR is very busy and it's difficult to navigate around other users when you're on a bike, much less an ATV. He thinks that if we designate the trail as the IOHT, and include all the specified uses associated with the IOHT name, then there will be an issue.

Britton said ATVs were never intended to be on the Chocoley Township trails. These trails are meant to be for walking and biking in the summer and snowmobiling in the winter.

Fulsher explained that the IOHT is 48 miles long, and some portions are designated as ATV trails, but not Chocoley Township. Different parts of the trail have different uses. She said there is an order from the DNR director that our trail will be closed to ATVs.

Joe Holman, 210 Riverside Road, expressed distrust in the DNR's promises about trail use - the snowmobile trail was only supposed to be a one year trial.

Brad Cory, 110 Lakewood Lane, agrees with Mr. Walker that the UR should be designated as the IOHT because of economic considerations (benefits) for the Township. He thinks this designation will help with the overall traffic problem.

Don Balmer, 101 Forest Road, said that there is an economic benefit to routing snowmobile traffic along the UR and keeping the RR for non-motorized activity. He doesn't see the need for a change in designation, just a change in the routing of snowmobile traffic.

Walker said that's an excellent solution but the DNR stands between what they want and common sense. He believes there may be confusion among ATV users who see IOHT advertising and think they can use any portion of the trail, and thus mis-use non-ATV portions of the trail such as Chocoley. He thinks misuse is an unintended consequence of the IOHT designation.

Thomas said that the IOHT is synonymous with walking and biking. They do support snowmobile, ATV, and equestrian use along portions of the trail where the communities have requested it. This works in more rural areas.

Milton clarified that no ATVs are allowed on the M-28 portion of the trail. Tabor clarified that the issue is which trail the IOHTRA will take responsibility for maintaining.

Thomas said the trail is planned for mostly non-motorized use, and it is now becoming a much larger trail system with the Negaunee to Marquette portion under construction. There will be some asphalt paving in the City of Negaunee, then the trail changes to crushed aggregate from Negaunee to Hwy 492 in Marquette Township, then there is another paved portion to the Holiday Inn in Marquette and across the Soo Line bridge and onto the City trail system and out to the Welcome Center in Chocolay Township. It is too expensive to blacktop the entire route. Bikes can ride on the aggregate portion easily.

Jerry Maynard, 146 Lakewood Lane, clarified that the RR portion of the trail is not rural, it's a residential neighborhood, and it's also part of the scenic North Country Trail. He is also concerned about ATV use, and does not want them in the residential area where the trail is heavily used by non-motorized users. He doesn't want to open up the opportunity for the DNR to change their mind in the future and open the trail to ATVs, so he supports the UR for motorized users.

Claire Rose, 176 Riverside Road, supports the UR designation because of the unintended consequences associated with illegal ATV travel that may come with the IOHT designation, and problems with cost of enforcement in the residential area.

Jennifer Bruggink, 673 Lakewood Lane, would be horrified if there were ATVs on the RR. She said her kids use this route often because it is separated from traffic. She wouldn't want to be routed through Harvey if she was on a bike trip with her kids because she thinks there is too much conflict with cars and it wouldn't be a pleasant experience. She doesn't think the DNR decision for ATV use is related to the IOHT designation issue. She doesn't think the tourism benefit for businesses will be that great. (She supports the RR designation for the IOHT)

Deborah Mulcahey, 633 Lakewood Lane, asked why we can't have both trails designated. But this is not the DNR's fault. The reason you can't have snowmobiles travel two-ways along the UR is because no one has acquired land along both sides of US-41. So no matter how much residents would like to get snowmobile traffic removed along Lakewood Lane that will not happen. The snowmobilers coming into Harvey from Marquette have to travel the RR because they cannot travel southbound along US-41 on the east side of the road, and they can't travel in two directions on the same side of the road. She thinks we need to try to get a snowmobile trail outside the residential area. Voters have approved the IOHT where it is currently (RR). She is also concerned about traffic. The intersection of US-41/M-28 is a dangerous intersection and is not safe for kids on bikes. She wants both trails to be maintained even if both are not designated as the IOHT. She said that even though it's not currently an ATV trail that could change. She has sympathy for those living on the snowmobile trail, but mentioned that the State gives Chocolay Township money for enforcement along the trail. She said don't look at tourism as the bottom line. The community pays for the trail. She wants to keep the RR as a trail designated for non-motorized users and look for an alternate trail for snowmobilers.

Holman said the snowmobile trail has long been contentious. He suggested starting with a UR designation and working toward a long-term solution such as separate but parallel non-motorized and motorized trails. There are safety

concerns with snowmobiles. They want to get downtown and so they travel Green Bay Street and it's dangerous. He thinks designating the UR as the IOHT will set the stage for future long-term solutions that make everyone happy.

Jude Emerson, 119 Lakewood Lane, said she is strongly in favor of UR designation as a win-win for residents and businesses. She thinks if the RR is designated as the IOHT, the ATVs will come and create a disturbance. We don't have enough enforcement to take care of the problems.

John Carlson, 274 Riverside Road, said that what is done now is not just for the short-term. We are establishing long-term trends. Once you allow motorized traffic, it sets a base and others will come. Chocoley Township should look at a Comprehensive Plan for the trail users.

Balmer suggested creating a two-way route for snowmobiles through town.

Mulcahey said the problem is in the area of the rock cut.

Balmer addressed enforcement. While he has been on the RR, someone went by on a motorbike. The police came shortly thereafter looking for him, but there was no way they would catch up with him. He thinks they will need an officer on the trail 100 percent of the time.

Mulcahey said that local residents are the worst violators with ATVs.

Carlson said that it's a habit of some ATV users to move from cabin to cabin and there is diminished capacity and drinking involved.

Thomas said he has noticed some confusion. He thinks that when we discuss the IOHT, we should be talking about where we want a walking/biking trail – along the lake or on the business route. It has nothing to do with snowmobiles or ATVs. They have separate trails managed by other groups. The IOHTRA wants to know where we want to have walkers and bikers.

Susan Maynard, 146 Lakewood Lane, said that you can't see the lake from the RR except the 50' stretch where it crosses over the Chocoley River bridge at the mouth.

Alan Rose said that if the IOHTRA wants to make the IOHT a walking/biking trail, they should remove ATVs from their organization user list or their organizational definition because it creates confusion.

Barb Holman, 210 Riverside Road, supports the UR designation.

Paul Charboneau, 174 Riverside Road, seconds Alan's comment and the concerns of the residents to keep the trail residential.

Woodward read written communications from *John Renfrew of 234 Riverside Road*, *Greg McDonnell of 182 Riverside Road*, *Scott Emerson of 119 Lakewood Lane*, and the *Chocoley Area Business Association*.

The *Chocoley Area Business Association* supports the UR designation because it is felt that the extensive marketing and promotional activities will increase tourism for local businesses.

Emerson was supportive of the UR designation for a trail that would be open to snowmobiles in the winter and would be non-motorized only in the summer. He

thought this would benefit the business community (increased traffic) as well as the residential community (decreased traffic). He wants the existing trail through the residential area (RR) to remain non-motorized in the spring, summer, and fall, and for ATVs to be prohibited as incompatible with most users.

McDonnell's comments were based on an understanding of intent to have year round motorization of the RR. He talked about the enforcement difficulties for motorized users (cost, safety, diverting police from other duties), and other issues including trespassing; property damage; conflicts with pedestrians, handicapped and pets; increased maintenance costs; noise; environmental damage; liability; and other nuisance concerns. He wants to maintain the current status and use alternative routes for motorized vehicles.

Renfrew was in favor of the UR designation because that is more appropriate for snowmobile users and would support businesses. This route has been enhanced with the new bridge on M-28 and a paved trail so it should be easy to maintain. Along M-28, it is also very wooded and scenic. He thinks speeding snowmobilers are a danger in the residential area. He thinks the UR designation will reduce snowmobile traffic through the residential area.

Mulcahey said that Chocolay Township is one of the jurisdictions that decided not to allow ATVs to operate on Township roads. This probably lessens the impact on the trails.

Commissioner Discussion

Milton said the Township is looking for a way to maintain trails and not dip into the general fund. The IOHT could take over maintenance of the UR, and the RR would still be there and be open to use even without the IOHT designation.

Sikkema asked who controls what happens on the railroad grade. The IOHTRA representatives confirmed that the DNR would still control what happens on the railroad grade (including user groups) regardless of IOHT involvement. The IOHT can't dictate that – they can only make recommendations.

Thomas said the RR was designated as the IOHT 5 years ago for walkers and bikers, and that's when all of the signs went up. That was the agreement and the other route was not discussed. He has been on that trail several times and has never seen an ORV on the trail even though it's been designated as the IOHT for 5 years.

Several people agreed that ATVs are on the trail, but not heavily.

Mulcahey said that voters passed the millage with the map showing only the trail through the residential area. ATVs were not mentioned. Just walking and biking.

Thomas said that both Chocolay Township and the DNR have said there will be no ATVs. There is no guarantee, but citizens have a lot of influence. We just need to decide where to locate the walking/biking portion of the trail.

Sikkema asked if the IOHT manages any snowmobile trails. The IOHT does not currently manage any ATV or snowmobile trails.

Britton said the IOHT will do some maintenance of ATV trails in other jurisdictions. *Thomas* added this would be in Negaunee and Ishpeming where there are two trails.

Mulcahey asked why we can't have two trails (one motorized and one non-motorized) so we can get the motorized traffic out of the residential neighborhood.

Sikkema answered by saying that in Ishpeming and Negaunee, the two trails are in the same corridor but separate. *Sikkema* asked how does the IOHT decide where they have support for ORV trails?

Thomas said they look for a recommendation from the people to determine trail users.

Fulsher said the west end jurisdictions weren't interested in the IOHT unless they could have a motorized trail. She said it was never the intent of the IOHTRA to tell citizens what they want. For example, the City of Marquette controlled the non-motorized designation in their jurisdiction.

Sikkema wanted to know how the citizens would be assured that the non-motorized designation for the IOHT in our jurisdiction would not be changed.

Britton said the railroad grade is controlled by the DNR and the IOHT would just lease the trail. The DNR would not lose control of that trail.

Holman knows of a community that voted to have a non-motorized trail and then the DNR changed the designation to a snowmobile trail without community support.

Mulcahey said that was Cheboygan, and she worked on that issue. The citizens wanted the changed designation because it was a governor's direct order that it become a snowmobile trail. But she agrees it could happen that the DNR change the designation.

Thomas said we must find a place to meet between user groups in various areas.

Walker said that the community is expressing concerns way beyond the issue of designation. People see the issue of designation as a step toward installing motorized use. The Township would like to remove snowmobiles from the current route, but tried unsuccessfully. However, conditions have changed somewhat with the new M-28 trail, but there wasn't proper planning earlier to accommodate the snowmobile route through town. Ideally this would involve an access road which would be costly. Ideally, separate non-motorized and motorized trails would be maintained. He is concerned that the IOHT designation would increase motorized use (he is not saying that the IOHTRA has anything to do with that).

Fulsher asked if the Township would rather have the RR trail maintained locally (IOHT) or by the State (DNR)?

Charboneau talked about the issue of maintenance. If the UR was designated as the IOHT, the IOHTRA would use the Chocolay millage to maintain that trail, and the DNR would maintain the RR trail, so both trails would be maintained at no cost to Chocolay Township other than the millage. Walkers and bikers could still use the RR trail.

Heinzelman said that the IOHT user survey reflected that people have asked for better surfaced trails, more lighting, parking for trailheads, and more bathroom facilities. Those items are not located along the RR at someone's house. With

the new bridge on M-28, he thinks it makes sense to designate the UR as the IOHT.

Britton said the one-way trail through Harvey is not groomed for snowmobiles because people then interpret it as a two-way trail. When two-way trails are this close to the highway, their lights shine in the eyes of motorists and create unsafe conditions.

Bill Joswiak, 248 Timberlane, mentioned a portion of the trail near his home where there is a hill, curve, slope, and bike trail crossing. Even bikes have trouble stopping in time, but it would be especially dangerous with a motorized vehicle.

Milton said there is an ordinance that limits the time of motorized use.

Tabor said that it seems to him if the RR is designated as a walking/biking trail (IOHT) then it would be more difficult for the DNR to allow motorized use, but if there is a UR designation, it might be easier for the DNR to designate the RR as a motorized trail because now there would be an alternate walking/biking trail.

Someone pointed out that the RR would still be the North Country trail.

Thomas said on the asphalt trail between Ishpeming and Negaunee, the police could not catch the ATV users. The problem was taken care of by the increase in walkers and bikers, especially the old ladies who literally chased the 4-wheelers up and over the berm at the old landfill. It is not the decrease in the usage of the trail that keeps the 4-wheelers off, it's the increase in usage.

A citizen asked for clarification on why there are a variety of trail surfaces. The representatives of the IOHTRA said it is based on finances and cost.

Sikkema said that the trail was paid for by different kinds of grant funding according to the policies of various grant agencies.

Fulsher said the IOHTRA is trying to find out if people prefer certain surfaces, and then they can consider upgrades if warranted.

Sikkema said that this issue came up because the Township would like to have two designated routes. But the IOHTRA only wanted to support one route. They already established the trail on the RR. The question is does the Township want to change the previous agreement? They can either take no action (everything will stay the same), or recommend a change.

Meister said he got the impression that the Township originally wanted the trail to go through the business district. There was confusion about this between the Township and IOHTRA.

Britton said the County planning staff had created IOHT maps that showed spine and spur routes. At the time of the millage, the Township had one of these maps on display, but the spurs were not intended as part of the official route.

Sikkema asked how many years the IOHT has been on that alignment. It's been on the RR for 5 years. *Sikkema* asked for confirmation that if the designation is not changed, it will stay like it's been for the last 5 years. The IOHT position hasn't changed on the uses. The designation impacts the maintenance agreements. If the Township wants the UR designation, the IOHTRA would have

to change the mile markers and interpretive sign locations.

Tabor asked if the IOHT polled users on the RR portion of the trail to see where they are from? They have not.

Thomas said that scenery attracts people from other areas. The IOHT is advertised as a nature trail. There are currently 14 interpretive signs.

Alan Rose reiterated that the neighborhood wants more protection or assurance that the RR will stay a non-motorized trail, and he thinks this assurance would come with a UR designation for the IOHT. The RR designation would give less assurance.

Wayne Dees, 512 Woodvale Drive, said that as a retired appraiser, he understands concern for property values with motorized traffic coming through. He asks if social engineering can be done on the RR to design it so motorized traffic can't come through?

Thomas said bollards can be put up to keep ATVs out at trailheads, but not the whole trail system. They can get around them.

Bruggink said that ATVs go on residential streets and on the lake and ice too. You can only do what you can to minimize it.

Meister wants to encourage more motorized traffic through the urban area, not the residential area. So he would recommend the UR designation.

Heinzelman would support the UR designation to increase tourism, and because he thinks people on road bikes are looking for better trail surfaces.

Tabor said the issue is which trail the IOHTRA will maintain (yes they are using our money to maintain it). He thinks the RR will mostly be used for locals, and not as a tourism trail.

Meister asked for clarification on the financial issue. Is there a difference in cost for the Township? With an RR designation, the Township would maintain the UR. With the UR designation, the DNR would maintain the RR and the IOHTRA would maintain the UR.

Sikkema said that currently MDOT maintains the trail along US-41. The M-28 trail is owned by the Township.

Commissioner Decision/Recommendation

Motion by *Heinzelman*, second by *Milton*, that the Chocolay Township Planning Commission recommends that the Township Board seeks designation of the urban route through Chocolay Township (route from the Welcome Center through Harvey) as part of the Iron Ore Heritage Trail, based on citizen comment and the following compelling reasons:

1. Tourism benefit for businesses
2. Better trail surface for users
3. Requirement for less maintenance

Vote: Ayes: 3 (*Heinzelman, Milton, Meister*)
MOTION CARRIED

Nays: 2 (*Sikkema, Tabor*)

The representatives of the Iron Ore Heritage Trail Authority suggest that this decision will impact their Recreation Plan (amendments will be needed), so this item needs to be addressed by the Township Board as soon as possible, and certainly before the end of the year. They need a letter with the decision.

- C. Consideration – Receive comment on proposed **Amendment #34-12-04 Home Occupations**, and prepare for presentation to the County and Board.

Planning Director Comments

Woodward said she provided public education sheets on this topic at the meeting. Attorney Mike Summers reviewed the proposed amendment and said there were no legal issues, but he offered some minor suggestions for clarity. *Woodward* incorporated those suggestions into a revised document for Planning Commission consideration. *Heinzelman* noted (from the staff memo) that it was the Attorney's opinion that the revised document could be adopted with no need for an additional public hearing on his revisions. *Woodward* verified this and said there would be additional opportunities for a public hearing if the Planning Commission decides to review the comments from the County, or if the Township Board wants to hold a public hearing with their review. The legal requirement is one public hearing on a text amendment.

Woodward presented the proposed revisions which relate to the definition, fees, relocation of the home occupation, inspections, and hazardous materials.

Sikkema asked if "noxious" is an enforceable term. Peter Ollila offered comment that this was too subjective and suggested substitution of the term "hazardous substances" or "hazardous wastes" which are legal terms.

Mark Maki objected that the document was being changed as we speak. *Woodward* clarified that she was just presenting the revisions suggested by the Attorney that will be discussed by the Planning Commission this evening, then the Commission will hear public comment, and they may or may not approve changes to the document.

Maki suggested postponing the remaining public hearings till the next meeting because the Commission isn't going to want to discuss this for another hour and a half (it's 9:30) and he has a lot of comments and suggestions as do others. He doesn't want to give public comment then have the discussion delayed. *Heinzelman* and *Meister* want to at least get through the Home Occupation discussion. *Woodward* said the Commission could decide to amend the agenda to hold the two remaining public hearings on home occupations and signs, then postpone the discussions to the next meeting, so at least everyone who had come for public comment could still be heard tonight.

Maki felt the attorney should have looked at the document before it was offered for public hearing. *Woodward* said that the suggested revisions were made available to the public before the public hearing as part of the agenda packet that was available online. *Woodward* suggested the Planning Commission hold the public hearing, then send the amendment for County comment, then review the County comments and decide if another public hearing is needed before sending the amendment to the Township Board. *Maki* disagreed and said the process is for the amendment to go to the Board after County comments. *Maki* again

suggested postponing. *Meister* and *Heinzelman* again suggested proceeding with the Home Occupation amendment. *Maki* said to remember that Mike Summers reviewed the 2008 ordinance and then would not enforce it after approving it, and not to put a lot of credence in all that. *Milton* opened the public hearing.

Public hearing

Peter Ollila, 633 Lakewood Lane, submitted a letter of public comment. He reiterated his comment on noxious substances vs hazardous substances. He congratulated the Planning Commission for getting close to a decent ordinance but said there are a few problems yet. On page 5, motor vehicle repair is allowed as a home occupation in the AF district. He doesn't think this was recommended in previous meetings. Page 5, G #5 (g) under examples of Type II home occupations, he is concerned that vehicle parts repair is listed in conflict with a previous section that says this is not allowed in all areas. It's confusing whether you can do this or not. He thinks we should drop (g) under examples. In the examples (h), he doesn't understand what an assembly operation is. He thinks of Ford Motor Company when he hears it. He thinks we should drop this example or define. He is concerned about the notice provisions for conditional uses, because he sees none in this document. He thinks ½ mile notification distance is appropriate. He wants the amendment to go to the County for review.

Dick Arnold, 312 West Branch Road, asked if, for motor vehicle repair, the Township will require a mechanics state license, Federal ID license, and Michigan sales tax license, etc? Because the zoning ordinance says that if it's less restrictive than another ordinance, the more restrictive ordinance must be enforced.

Sikkema said the intent is not to take over enforcement for other agencies, or see if people have those licenses, the other agencies do that. We won't duplicate their efforts. For example, we wouldn't say you can't live in the Township unless you pay your Federal taxes. That's someone else's requirement to enforce.

Mulcahey said, "What Dick Arnold is saying is that if you're going to allow motor vehicle repair operations in the Township, wouldn't you want them to have the proper certifications and be licensed by the State of Michigan?"

The Planning Commission said they absolutely would want them to have that, but Chocoley Township wouldn't be the one to enforce that. *Mulcahey* noted the enforcement section of the amendment that says you can revoke the home occupation permit if the use is in violation of other statutes, ordinances, etc.

Arnold said he doesn't want motor vehicle repair in the AF district because it's not listed as a permitted use in that district. He said nonconforming lots are only entitled to permitted uses. He said there are 396 nonconforming lots in the AF district – he thinks the Township should have made all those properties R-1 and made farming a conditional use in that district. He doesn't think the Township should jeopardize everyone's property values for three farmers. He thinks the zoning ordinance does not allow motor vehicle repair on a nonconforming lot because it's not listed as a permitted use.

Milton clarified that motor vehicle repair would be considered a permitted

accessory use by conditional use permit in the AF district per the home occupation language. *Meister* said that a conditional use that is approved is then a permitted use.

Arnold said home occupations are part of the underground economy and don't pay taxes so why bend over backward to accommodate them.

Jill Bradford, 555 Little Lake Road, said home occupations are like apple pie to Americans, whether you're a seamstress or a blacksmith. They are entrepreneurial incubators. They can be cottage industries. They kept people alive in the Great Depression. These occupations drive the work ethic into kids and teach things schools fail to teach. They are the beginning of business in the community. You have some people trying to stop home occupations when you have other people that have to stay at home to take care of their kids who have sacrificed their hospital career. They stay home and try to make a living any way they can. They are not cheaters – they pay taxes. There will be cheaters and non-cheaters in anything that happens on earth. She takes offense at *Arnold's* comment because some people take cash instead of credit because it costs too much to accept credit. She wonders if the \$250 conditional use fee will stop some little old lady with good ideas from doing business. They don't have much money. There are mother with ideas that may end up as businesses on Main Street. But you don't know till you try it, and they can try the business out before risking everything they have on the overhead. She agrees with keeping water safe. She isn't sure about prohibiting firearms sales as home occupations. It's the American way for hunters. She doesn't think you should penalize people for trying to make a living an alternate way. Don't criticize them - maybe you should think of something nice about them. It's a better way than knit-picking.

Arnold said that when people do auto repair as a home occupation in their garage, they take business away from people who have businesses, provide health insurance, and pay taxes.

Wayne Dees, 512 Woodvale Drive, to the fee comment, asked why his taxes should subsidize home occupations (if fees don't cover the costs of public hearings, etc)?

(general discussion among the audience ensued)

Milton said it is important to have a cottage industry until it becomes so viable that employees are needed, then it can move into the business district.

Maki said he was the Zoning Administrator from 1977 to 2002, and for at least 20 years of those years they did not have fees for home occupations. They may have had enforcement issues. They tried to keep them very low key and things worked out fine. In around 2000 the Township changed the zoning ordinance to set up a two tier system. That lasted for seven years. He doesn't know what the fee was, but somewhere along the line the fees have changed drastically, and are now 2 ½ to 3 times that of West Branch and Skandia. The two tier system worked well but the Township didn't require a permit and didn't keep track of them. They failed to renew some permits. There was lack of enforcement and administration. In 2008 the Township changed the ordinance and brought in the \$250 fee because some lady said she can't pay the \$250. So a lot of time has been spent on this, and the Comprehensive Plan and Rec Plan are out of date

because we spend too much time on signs and home occupations. Enforcement has not done and that's why we have sign problems, and that's why they're trying to write the sign ordinance to fix the problems so they're not in violation. So we go around and around in a circle because they haven't been doing their job. In 2007 we had fine home occupation provisions and they changed it and made them a conditional use. Again they were never enforcing it so it never came up except for that lady. So it started with the \$250 fee which could have been easily resolved by going back to the Board and requesting a reduced fee for home occupations. Instead we got into this process that went to the County once, came back, the Township Board sent it back, they had a joint meeting, the Board said no motor vehicle repair but it's still in the language in the AF district, or maybe in all districts as a conditional use. The Board said no, don't have it in there. They said what do you want, and we told them, and somewhere along the line it went back in the ordinance. The Board said go back to the 2007 ordinance that was working and I don't think we've gotten there.

Jennifer Bruggink, 673 Lakewood Lane, doesn't want a gun dealer across the street. She hopes the auto stuff is prohibited in all districts. She has no faith it can be clean.

Deborah Mulcahey, 633 Lakewood Lane, said that as a result of the Home Occupation amendment and future agenda items dealing with Lake Superior rentals, she made a FOIA request to Chocolay Township for three lists and one letter. She received a response from the clerk that she was to pay \$222. She checked with Woodward and Lawry who said the lists don't exist. Why should the Township charge for that? She thinks it's a problem that the Planning Director will be responsible for enforcing the ordinance, but does not know the nonconformities that exist. She thinks there are contradictions. On page 2, paragraph 5 of the FAQ sheet it says the use provisions are slightly more prohibitive than the current ordinance. The sale, storage, or manufacture of motor vehicles would be prohibited in all districts (current regulations allow these activities in the AF district). No change is proposed to motor vehicle and parts repair, which is currently prohibited in the R-1, R-2, MFR, and WFR districts, but is not prohibited in the AF district (may be allowed through conditional use permit in the AF district). On page 4, G of the proposed amendment, it says Type 2 Home Occupations shall be a conditional use in all districts (when in conformance with following requirements), but on page 5, G (3) it says motor vehicle repair may be permitted as a Type 2 home occupation only in the AF district. But on page 5, G (5) (g) vehicle parts repair is listed as an example that is presumably allowed in all districts. This is confusing and is not what was said at the joint meeting. She thinks it's contrary to the Comprehensive Plan. She thinks the notification distance should be ½ mile, and that the Planning Commission shouldn't wait for the State of Michigan to change their requirements. In C #2 of the approval process, where it says "may" require public hearing, she thinks it should say "shall". She says don't limit hours for inspection to business hours because these people work non-business hours because they have a day job. In C #3 (d), she says the Township doesn't have a choice but to go through the Administrative Procedures Act, including an informal hearing then a full-blown hearing, and this takes time. On page 3, #4 Operational Impacts, she doesn't know what "normal senses" means. Noise is

not defined. The quantity is not defined in hazardous wastes. Substantial traffic volume is not defined. She agrees with Arnold about not violating the zoning ordinance to create other opportunities.

Milton said they want to make a document that can be understood by laymen.

Mulcahey said that in the 2008 court case, the judge said it was illegal for the vehicle parts repair business to be in a residential area because it was more appropriate in a commercial area pursuant to zoning. She still objects to vehicle parts repair being allowed in all districts and motor vehicle repair being allowed in the AF district.

Maki made comments about contractor yards. *Milton* said it sounds like we have more work to do.

Motion by *Milton*, second by *Sikkema*, to table the rest of the agenda until the December 3 Planning Commission meeting.
(General discussion ensued among the public).

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

The public asked if the public hearing was adjourned. The Planning Commission said it will be taken up at the next meeting.

Commissioner Discussion

Postponed till December 3 meeting.

Commissioner Decision/Recommendation

Postponed till December 3 meeting.

- D. Consideration – Receive comment on proposed **Amendment #34-12-01 Signs**, and prepare for presentation to the County and Board.
1. Planning Director comments
 2. Public hearing – limit 3 minutes per person
 3. Commissioner Discussion
 4. Commissioner Decision/Recommendation

All postponed till December 3 meeting.

VII. ADJOURNMENT

Milton adjourned the meeting at 10:35 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 3, 2012

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:30 p.m.

ROLL CALL

Members Present: Mr. Kendell Milton (Chair), Mr. Andy Smith (Vice Chair), Mr. Andy Sikkema (Secretary), Mr. Gary Heinzelman, Mr. Tom Mahaney, Mr. Eric Meister

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES – November 5, 2012

Andy Sikkema noted changes to his comments on the Iron Ore Heritage Trail. Woodward will use the recorded minutes to make revisions to reflect questions posed as statements and other corrections for noted comments.

Motion to approve the minutes as corrected by: Heinzelman

Second by: Meister

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Add approval of 2013 meeting dates as New Business IX (B).

Motion to approve the agenda with additions by: Milton

Second by: Sikkema

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. CONSIDERATION OF RESIGNATION OF CHAIR FROM OFFICE

Milton noted he had resigned as Chair. He would like to nominate Gary Heinzelman as Chair.

V. ELECTION OF NEW CHAIR

Motion to nominate Heinzelman to serve as Chair: Milton

Second by: Meister

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VI. PUBLIC COMMENT

None

VII. PRESENTATIONS

None

VIII. OLD BUSINESS

A. Consideration – Receive comment on proposed **Amendment #34-12-04 Home Occupations**, and prepare for presentation to the County and Board.

Planning Director Comments

Woodward said this item was postponed from the last meeting during the public hearing. The hearing was re-noticed in the Mining Journal. If we can finalize the language at this meeting, the amendment can go before the County and a first reading of the Board in January. Attorney Mike Summers reviewed the proposed

amendment and said there were no legal issues, but he offered some minor suggestions for clarity. Woodward incorporated those suggestions into a revised document for Planning Commission consideration (agenda item VIII.A3). There are proposed changes to the definitions for home occupations and motor vehicles and additional factors for consideration for Conditional Use approval.

Public hearing

Dick Arnold said according to the zoning ordinance, if it's a nonconforming lot, it can only have permitted uses. He asked if that is still the case. Heinzelman said this would be discussed during the commissioner discussion. Arnold had a question on page 2 of the zoning ordinance – relationship of other laws. If state law is more restrictive than Township law, then you have to enforce the more restrictive. He wonders why it doesn't state that for motor vehicle repair you have to be certified by the State of Michigan. He also wonders since home occupations are considered a business, is there a ruling that they have to get a tax number which is also a requirement? He can't see how, unless you change the zoning ordinance, you can NOT require those things.

Jill Bradford wanted to make sure the proposed anti-firearm language (prohibition of the sales of firearms as a home occupation) has been eliminated from consideration as stated in the staff memo. She said that people who deal in arms are highly regulated by ATF and the FBI and other agencies. She feels gunsmithing is fairly safe with no hazardous materials involved.

Commissioner Discussion

Commissioners considered the proposed changes which were made available for both the November and December meetings as part of the public packet. They started with Mike Summer's five suggested changes. The first clarified that a fee is required, as reflected in Section 6.9(C)1 of the proposed amendment. This change was approved. Summers also suggested tightening the hazardous materials provisions to say that "no noxious materials used or produced in the home occupation shall be disposed of on-site." It was suggested that the word "hazardous" be substituted for the word "noxious" because "hazardous" is a term used by the Environmental Protection Agency. This change was reflected in the proposed Section 6.9(D)4(c). Sikkema also suggested adding the words "stored or" in the sentence, "no hazardous materials used or produced in the home occupation operation shall be stored or disposed of on-site . . ." He doesn't want people to think they can store wastes on the property without a plan for disposal. Heinzelman asked if there would be a time limit for disposal. Sikkema also suggested quantity could be a trigger for removal, but said some of this has to come down to reasonable discretion. Commissioners didn't want to restrict people from storing supplies to be used under this provision. Heinzelman suggested this could be addressed on a case-by-case basis in the conditional use provisions. Meister said it might also be relevant in a non-conditional use situation.

Milton had a question about the provisions in Section 6.9(D)5 "no persons other than full time residents as named in the application shall be engaged in the home occupation", yet under permitting Section 6.9(C)2(d) "if the resident applicant is other than the owner of the property, the owner must authorize the application". To him this means the owner has to be the authorized applicant, yet only the

resident is to be engaged in the home occupation. He wondered if there is another line on the application for the person who is applying. It was clarified that the resident is always the applicant, but if they are not the owner, then the property owner also has to sign the application. Woodward will create the proper application. Sikkema clarified that the first provision deals with who can work in the home occupation, and the second deals with who can apply.

Meister suggested we could say that hazardous wastes requiring disposal cannot be stored for more than 6 months or some other time period. Woodward was concerned about how she would keep track of the amount of time something was stored for enforcement purposes. Sikkema said there should never be more than one collector container for wastes. Mahaney sees difficulty in quantifying a specific amount of allowable stored waste. Woodward wasn't sure we should be concerned about accumulations of waste products that are properly stored and not a danger to the environment because further detail could make enforcement difficult. Sikkema noted the main thing is that it is not disposed of on-site. Sikkema suggested removing the word "used", so the sentence would read, "no hazardous materials produced in the home occupation operation shall be stored or disposed of on-site . . ." This change was approved.

Smith asked how often inspections would occur. Woodward said this would vary based on the type of home occupation and whether there were perceived risks or complaints.

Summers suggested additional language for Section 6.9(C)3(a) Enforcement. This was approved.

Section 6.9(D)6 reads "no advertising shall use the residential address of the home occupation. This provision does not apply to business cards". Summers stated it is unclear whether third party advertising is allowed, such as Yellow Pages and other off-site informational sources. Commissioners were in agreement that Yellow Pages are clearly advertising and advertising the address there is not permitted. No change was made.

Commissioners discussed whether a home occupation permit was transferable to another person (new resident of the home). Commissioners felt it was clear that the use shall terminate automatically when the applicant no longer resides in the dwelling unit, so it cannot be transferred to a new resident.

Milton asked if the home occupation would have to be re-approved if the non-owner resident (tenant) is the applicant and there is an ownership change after approval. Woodward thought this would be up to the new owner to work it out with the tenant, and Sikkema noted that there would probably be a new lease agreement at that time.

Commissioners approved a revised definition for home occupation to read "a business, profession, occupation, or trade conducted by an occupant of a dwelling unit as a secondary use subordinate and incidental to the use of the dwelling that meets the standards of Section 6.9" instead of "a commercial activity in a residential zoning district, carried on by an occupant of a dwelling unit as a secondary use subordinate and incidental to the use of the dwelling and meets the standards set out in Section 6.9." Woodward advised this change partly because home occupations are also allowed in the AF district, not just

residential zoning districts.

The commission approved the addition of “personal watercraft” to the definition of motor vehicle in Section 6.9(G)3. They also approved additional considerations for the approval of conditional uses in Section 6.9(G)4, including “the zoning district; size of lot; distance to adjacent land uses; screening and buffering”.

Smith asked if we address licensing. Woodward said this is something that is required by other agencies, and we would not do enforcement for other agencies such as the DEQ. We do work with the DEQ and notify them of issues of concern to them. Heinzelman said we had discussed this previously and determined it was not our responsibility. Smith asked how we would know that home occupations are following all other rules and regulations. Mahaney said we might permit a tax accountant without being concerned if they are licensed. Sikkema said that if we approve a home occupation, and then find out that they do not meet the requirements of other agencies, we can revoke their permit. Meister says it goes beyond the scope of the job to expect the Zoning Administrator to be aware of all applicable laws, although if the Zoning Administrator becomes aware of something they could notify the appropriate agency. Smith said we should at least ask if they have the appropriate licenses, etc. Sikkema said on the application we can ask if the activity requires other licensing and if so, have they obtained it. Smith suggested addressing it in Article 16 Conditional Use Standards so there is a checklist of things to ask for approval for any conditional use. It would apply to every conditional use. We would ask if there is any other licensing required, and then we could revoke the permit if the license is not obtained. Mahaney asked what would happen if a conditional use was approved and we were not aware of licensing required by the State, and a couple months later become aware of it and they don't have the license but they hold the permit, what would happen? Woodward said we would give them the opportunity to obtain that license from the appropriate agency, and if they don't get it, we could start the revocation process per the statement in Section 6.9(C)3(b)(iii) that says permits for a home occupation may be revoked at any time if the use is in violation of any statute, ordinance, law, or regulation.

Heinzelman affirmed that an additional public hearing is not needed for this amended version. Woodward said that is correct.

Citizen Jill Bradford, 555 Little Lake Road, asked if farms are permitted to have migrant workers. Woodward said farms are not considered to be home occupations – they are a permitted principal use.

Woodward was asked to address Arnold's concern about permitted uses on nonconforming lots. Arnold asserted that nonconforming lots (in the AF district) can only have permitted uses, so motor vehicle uses can't be allowed as home occupations because they are not a permitted use in the AF district. He refers to Section 6.4 of the Zoning Ordinance that reads: “Nonconforming lots, any lot of record may be used for permitted uses even though the lot area and/or dimensions are less than those required for the District in which the lot is located, provided that yard dimensions and other requirements of the District, not involving lot area and width are met.” Arnold also referenced a list of permitted principal uses for the AF district (page 28 of the zoning ordinance) which does not include motor vehicle uses. Woodward explained that every lot (not just

nonconforming lots) shall contain only permitted uses. She said home occupations are accessory uses, not principal uses, and they are permitted per Section 6.9 of the Zoning Ordinance (Home Occupation provisions), and the list of permitted principal uses does not apply to home occupations. Whatever activity is approved as a home occupation per Section 6.9 of the Ordinance is then considered a permitted accessory use to the principal use which is the residence in that district.

Arnold said he is concerned about people with automotive uses who dump hazardous substances on the property, and it's hard to keep track of their activities but it endangers the water supply. Mahaney said it was more of a problem when we didn't have disposal sites set up. Sikkema said he would be hard pressed to permit a vehicle repair business as the primary income opportunity for a homeowner. It's different if it's supplemental income as a hobby. He can see the public's concern about someone's primary car repair business next door, but thinks they are protected by our size and operational impact controls. Meister said the restriction on number of employees also provides protection. Meister said we should ask about disposal methods for hazardous wastes on the application. Smith said this should be asked of all conditional uses per Article 16. Mahaney said we should also ask about quantities of these materials.

In re-addressing motor vehicle uses, Woodward explained the current ordinance and proposed ordinance provisions. Currently vehicle repair, parts repair, assembly, storage, sale, or manufacture, and any other work related to motor vehicles and their parts are prohibited in only the R-1, R-2, MFR, and WFR districts –they are NOT prohibited in the AF district, but may be permitted per the conditional use process. The proposed amendment is more prohibitive for the storage, sale or manufacture of motor vehicles because it prohibits these activities as home occupations in ALL districts. This is probably ok with everyone. The proposed amendment represents no change from current language for the permitting of motor vehicle repair (could be approved as a conditional use home occupation only in the AF district). Some Board members may want this to be more prohibitive. As currently proposed, the amendment would be more permissive than current regulations for motor vehicle parts repair and assembly which could be permitted as a conditional use in ALL districts. Woodward offered a proposed definition for “assembly operation” if one is needed. She cautioned that it may not be clear what is defined as motor vehicle repair vs. motor vehicle parts repair, so a distinction could be created for “major vehicle repair” vs. “minor vehicle repair” to provide more clarity.

Sikkema said this all came up because of making alternators for old cars as an example of motor vehicle parts repair. There are intricate small parts that don't require heavy machinery and power washers – things that would typically be worked on in a garage or basement. He said in an R-1 setting, transmission repair may be inappropriate. Smith noted the inconsistency with allowing people to work on parts for snowblowers or lawn mowers, but not cars. Sikkema said no one would think allowing repairs to car radios would be inappropriate in a residence, but something like a transmission is questionable in a subdivision. Smith noted the quantity of repairs is significant in relation to hazardous wastes, etc, so hopefully the operational impact provisions and enforcement will protect

people from violations. Milton noted that what was previously needed was stronger enforcement provisions. Sikkema noted no one has come in to speak to support automotive parts repair, and there was a whole room of people opposed to it, and the Township Board isn't supportive of it. So they could spend all this time working on it and the amendment may not get adopted regardless of the good things in the amendment. Mahaney was worried about less visibility associated with home occupations vs commercial businesses, and what they might feel they can get away with. He thinks it's a contentious issue that should be prohibited. Smith stressed the importance of facilitating the development of small businesses.

Heinzelman clarified the issue is whether to keep Section 6.9(G)5(g) or get rid of it. Woodward said if it is determined that vehicle parts repair is inappropriate in residential districts, then it should be added to the list of prohibited uses in Section 6.9(E)1 or 2.

Milton spoke about solar energy and the potential hazard associated with the batteries that would not preclude the permitting of the use.

Smith said the most positive thing to come out of this ordinance is to make it more reasonable and less difficult for appropriate home occupations to start up. The Township will be more aware of them, and can ask the right questions for those that are conditional uses. Sikkema again cited the lack of support for vehicle parts repair as indicated by citizen input, making it questionable if there is a demand. He reiterated lack of support. Mahaney said citizen comment should be taken into consideration. Sikkema said this is a good amendment, better than what we have, but this is the one questionable issue that could kill it.

The commission was polled for their opinion by Heinzelman. Two members would like to leave vehicle parts repair as conditional in all districts, and four members think it's best to prohibit it in the residential districts (conditional use in AF district only). The commission agreed to move motor vehicle repair and vehicle parts repair to 6.9(E)2 where it would be prohibited in the four residential districts only.

The term "vehicle assembly" was compared with "vehicle manufacture". Woodward felt that "manufacture" denotes processing raw materials into new products through chemical or mechanical processes, while "assembly" means putting together pre-made parts. There are no objections to "assembly operation" being a potential conditional Type II Home Occupation, however, the Commission decided to add "vehicle assembly" to Section 6.9(E)2, to read, "Animal boarding facilities including kennels, commercial stables, and other similar uses; and motor vehicle repair, vehicle parts repair and assembly are prohibited as home occupations in the R-1, R-2, MFR, and WFR districts."

Commissioner Decision/Recommendation

Milton moved, and Sikkema seconded, to send Home Occupation Amendment #34-12-04 version VIII.A.3 as changed to the County and to the Township Board for review and comment at their earliest possible date. (Changes include adopt all highlighted text; Section 6.9(D)4(c) to read in part "No hazardous materials produced in the home occupation operation shall be stored or disposed of on-site . . ."; delete Section 6.9(G)3 and Section 6.9(G)5(g) and move "motor vehicle repair", and "vehicle parts repair and assembly" to Section 6.9(E)2; and move the

definition of motor vehicle to the definition section.)

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

- B. Consideration – Receive comment on proposed **Amendment #34-12-01 Signs**, and prepare for presentation to the County and Board.

Planning Director Comments

The attorney noted no legal issues. Woodward discussed his comments regarding complexity, and Summers agreed the complexity is probably needed for sign provisions. Woodward said she could add a table to Section H to clarify sign types and provisions per district for better readability. This would not be considered a significant change necessitating another public hearing. Sikkema asked about acceptance of the electronic sign provisions.

Public hearing

Bradford asked if the Commission intends to prohibit signs for home occupations, and this was affirmed. She urged them to consider permitting a small sign for delivery confirmation. She is against a total prohibition which comes across as “anti-home occupation” in tone. Woodward noted that former home occupation language permitted home occupation signs, so there will still be existing nonconforming signs if the prohibition is adopted.

Commissioner Discussion

Milton is opposed to lighted signs in residential districts, and noted some home occupations had begun to light their signs. Meister asked for clarification of current sign provisions for home occupations. Woodward said that currently signs are not permitted as “exterior evidence” per home occupation provisions. She said the Commission could allow content related to a home occupation to be included on the permitted residential signs. No one wanted to re-address this issue. Meister inquired about the time limit for temporary banners, if the 90 days pertained to exhibiting of one particular banner. This was affirmed. Heinzelman addressed Summers’ question about the lack of clarity for electronic vs animated signs. It was felt these provisions are clear in the proposed amendment. Animated sign provisions don’t apply to electronic message signs. Woodward asked Summers if he thought the same illumination standards for electronic message signs should be used for all illuminated signs, and he didn’t think this was necessary. Woodward was not sure the provisions as written would protect against the colored lights all around the sign such as other Holiday Stations have adopted. No one wants colored lights as a border on signs. It was noted the illumination standards require fully shielded fixtures that minimize glare, and are not visible by pedestrians, motorists, or adjacent property owners. It also says bright colored lighting is prohibited on signs except as part of an electronic message sign. It was questioned whether bright lights would be allowed all around gas station canopies since these aren’t signs. Woodward said most of them do have signs on them. It was noted the outdoor lighting standards may have to be revised to be consistent with these provisions.

It was noted that Dan Landers of Cook Sign had said that we would probably get smaller electronic signs if we allow them to scroll the message. No one suggested a change to the electronic message sign provisions.

Smith asked how distance from travel lane would be calculated for the Togo's building. Which travel lane would be considered? Highway M-28 and US-41 would be the pertinent travel lane. All wall sign areas would be added together to determine if they exceed the maximum allowed wall sign area.

The only change would be the addition of the chart.

Meister asked if we know the illumination level of the Holiday Sign. We do not. He asked where we got the illumination standard, which was from a national study. Woodward noted we need to obtain a measurement device.

Commissioner Decision/Recommendation

Milton moved, and Meister seconded to send Sign Amendment #34-12-01 as changed with the addition of a chart to the County and to the Township Board for review and comment at their earliest possible date.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IX. NEW BUSINESS

- A. Consideration – Prepare comments on the Iron Ore Heritage Trail 2013 Draft Recreation Plan.

Sikkema thinks there is difficulty in the IOHT wanting to encompass all uses in different sections as stated on page 13, "Provide a quality user experience and safe trails for the diverse trail users". They could not assure our community that ATVs would not be allowed on the trail that the DNR controls. This creates a difficulty for them in relation to what the community wants. He thinks they need to better define which uses are allowed per section of the trail in the plan. Woodward noted this is shown on page 6, but the map resolution is poor and the scale does not allow a detailed view. Heinzelman agreed this is a difficulty.

Smith said he understood that Britton was asking for support for the route location, but the IOHTRA already had support for the rail trail. Heinzelman noted that this was before the alternative urban trail was available, and now most participating citizens support the urban trail as the designated route. Smith noted that from the intersection of M-28/US-41 to the LSI bridge it is a designated 2-way snowmobile trail. Nothing is proposed (for designated snowmobile route) from intersection to the Welcome Center. It is currently only a one-way trail north from the intersection to the Welcome Center. Sikkema said snowmobiles are allowed to travel along any state highway in the direction of traffic at the furthest edge of the right-of-way.

Woodward noted resistance on the part of the Iron Ore Heritage Trail Recreation Authority (IOHTRA) to adopt the urban route as the designated route instead of the rail trail. The idea is that the DNR doesn't have the money to mow the trail, but the IOHTRA would take care of summer maintenance along that trail. The IOHTRA tabled the decision till the December 19 public hearing.

Sikkema also noted there are no items in the Action Plan that pertain to Chocolate Township, even though we have invested in the trail system. We shouldn't pay a price to be a member of the group without actually receiving some services, such

as maintenance. He thinks maintenance activities should be addressed in a more detailed manner in the form of an action or maintenance plan so the Township would know the expectations.

Smith asked about the millage money and what it funded. It was clarified that none of the Chocoday trails were funded by the IOHTRA. He said the millage money was to go for development and maintenance, but there have been no maintenance agreements thus far. There are no criteria or restrictions on how the millage will be spent. Woodward noted there are no appendices included in the review document so we can view their By-Laws or other documents to see if this is addressed. Who will receive the money to do the maintenance? Smith noted that part of the millage monies could be returned to the Township to perform maintenance activities instead of being spent on equipment, for example. Sikkema noted that Chocoday Township does have a representative on the IOHTRA who represents our interests.

Woodward presented these comments for inclusion:

- Page 6 map resolution is poor
- Page 12 typo “Apprendix C”
- Page 15 – The Chocoday Township boundary starts at the Welcome Center, and thus it is not accurate to say that the rail trail “hugs Lake Superior” as there is quite a distance and a dense wooded buffer between the trail and the Lake.
- To highlight how the rail trail intersects with water bodies in Chocoday, you could say that the rail trail bridges the Bayou and the Chocoday River, and provides occasional river views near Harvey. The only public access to Lake Superior in Chocoday Township for pedestrians (accessible from the rail trail) is at the Welcome Center, but people boating on the Chocoday River can access Lake Superior at the mouth.
- Page 15, Connections - the rail trail in Chocoday Township provides access to the Chocoday Marina and Park (via Green Bay Street), but also Lion’s Field, the NMU Golf Course, and the Kawbawgam Pocket Park.
- Add a section commenting on future spurs and other connections throughout the region. In particular, even if you don’t designate it, we want to highlight our urban trail system through Harvey that provides an alternative paved surface, lighting, safe ADA access to refreshments, bathrooms, and other recreation areas including the Silver Creek Recreation Area, Chocoday Community Gardens, Willow Farms Therapeutic Riding Stable and the M-28 fishing site.
- Add a section on future envisioned collaborations.

The Commission accepted these comments to pass along to the Iron Ore Heritage Trail Recreation Authority. Smith said he agrees it would be best if the IOHTRA would designate both trails, even if they only maintain one trail utilizing our millage money. Even if they adopted both routes, there would be very little maintenance on the urban trail because the property owners and adopt-a-tree citizens maintain most of it, so most of their effort could go to maintenance of the rail trail. Woodward noted it is a unique situation in our Township, and it doesn’t seem that the IOHTRA is set up to address this in a flexible manner instead of a

formulaic one. They fear setting a precedent for other areas.

- B. Consideration – Approve 2013 meeting schedule. No difficulties were noted and dates were approved. It was not anticipated that any meeting would be eliminated because there is no shortage of agenda items. Mahaney requested the meeting packets go out Wednesday or Thursday. It was noted that the packet is available on the website as well, or can be e-mailed digitally.

X. PUBLIC COMMENT

Bradford said “good job”.

XI. COMMISSIONER’S COMMENT

Milton said “nice job”. Smith asked about the vacant property on Silver Creek Road that was considered for purchase. Woodward will get an update. It was noted we need to change the agenda format so that a motion is not needed to adjourn.

XII. DIRECTOR’S REPORT

- A. Report – Woodward updated the Commission on the Iron Ore Heritage Trail Board meeting regarding the route through the Township.

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Heinzelman adjourned the meeting at 10:15 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 7, 2013

I. MEETING CALLED TO ORDER BY: Gary Heinzelman at 7:30 p.m.

ROLL CALL

Members Present: Gary Heinzelman (Chair), Andy Smith (Vice Chair), Andy Sikkema (Secretary), Bernie Stanaway (Board Rep), Tom Mahaney, Eric Meister

Members Absent: Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES – December 3, 2012

Andy Sikkema noted changes to his comments on Home Occupations.

Motion by Meister, seconded by Sikkema, to approve the minutes as corrected.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Correction of date on the agenda.

Motion by Sikkema, seconded by Smith, to approve the agenda as corrected.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PRESENTATIONS

None

VIII. OLD BUSINESS

A. Consideration – Discuss proposed **Amendment #34-12-01 Signs** after the addition of the tables. Planning Director discovered a need for clarification on several items in order to accurately complete the tables.

Planning Director Comments

Woodward noted that Attorney Mike Summers said that an additional public hearing would only be needed if the Commission made a change that was material in nature as opposed to strictly a clarification. If it was determined a public hearing was needed, it could be held at either a future Township Board meeting or Planning Commission meeting.

Commissioner Discussion

Regarding the exempt residential name/address signs, a clarification was needed on the types and number of signs allowed in relation to the maximum square footage. The Commission discussed either allowing one sign per lot (at the appropriate 8 or 12 square feet maximum) or allowing unlimited numbers of signs provided the total combined area of all signs does not exceed the appropriate maximum. Based on the measurement standards, the Commission decided to allow unlimited numbers of signs up to a combined maximum area per lot so that we would not create enforcement difficulties resulting from the already common situation of having separate multiple sign panels for house numbers, addresses,

and names. The maximum square footage requirement will limit the number of such signs. These can be either freestanding or wall signs.

The Commission agreed to clarify that temporary directional signs are permitted off-premise signs. Sikkema wanted staff to check to see if the County Road Commission permits signs in the right-of-way, because MDOT doesn't, and he doesn't think we should imply that temporary off-premise directional signs can be located in the right-of-way if it violates other agency rules. However, they could also be placed on someone else's private property (with permission, of course). Woodward clarified that the amendment already specifies that temporary signs shall not be located in the public right-of-way except as otherwise indicated, and the amendment also prohibits signs that extend into the public right-of-way without authorization of the road authority. For further clarification, the Commission decided to change the text to "temporary off-premise directional signs not located in the right-of-way, and placed with the permission of the owner, not exceeding an area of three (3) square feet . . ." If the County Road Commission does allow signs in the right-of-way, then we won't add the clarification of "not located in the right-of-way, and placed with the permission of the owner", because they could be in the right-of-way. They also clarified that the intent is to permit temporary directional signs in any district, not just residential districts.

The Commission clarified that temporary real estate signs in the AF district should be divided into only two size categories, those that are less than 20 acres, and those that are 20 or more acres. They decided to delete the language that said, "for lots which are not less than 5 acres" because that left no direction on what is permitted on lots less than 5 acres.

The Commission agreed to change 5(b)ii Temporary Banners 80 square feet per premises to say 80 square feet per lot, because there is a definition of lot in the ordinance, but not a definition of premises. The Commission re-discussed the provision limiting the total area of all temporary banners to 80 square feet per lot in relation to fairness. (There is also a square footage limit per façade). They were concerned this may not be fair to multi-tenant or multi-structure properties. It was decided that was a private matter between the property manager and the tenants because the intent is to limit the proliferation of banners for purposes of aesthetics. Change 5(b)iii to delete the words "per calendar year".

The Commission discussed a clarification on which districts would allow temporary portable signs, and the number of such signs permitted per lot. They decided they would be allowed for permitted uses in the C and I district, and for conditional uses in all districts, and there should not be more than one such sign per lot at any one time.

The Commission clarified that farms could have either freestanding or wall sign types. The language for conditional use signs in the AF district was clarified for number of signs and sign type per the 60 square feet maximum. It was decided that they could have any number of freestanding or wall signs as long as the total combined area of all signs does not exceed 60 square feet. They added a specified height limit of 12 feet to add to the chart.

The Commission discussed the standards for trail signs. These standards were removed from the AF district (because these trails run through other districts as well) and added to governmental signs that are exempt from permitting. The intent is to facilitate wayfinding signage, especially since we now have two trails designated as part of the Iron Ore Heritage Trail. Smith noted you can't advertise specific businesses in the DNR right-of-way, although you can put up maps identifying businesses, so the existing sign at the LSI bridge is nonconforming to DNR standards. (No one knew who was responsible for putting up this sign, but it was not the snowmobile club.) The language was changed to permit off-premise wayfinding signs on public trails provided they meet the standards of the appropriate public entity, and are located only at designated turnoffs and within the public right-of-way. A limit of sixteen (16) square feet was set for these trail signs. Regarding the MDOT right-of-way in Harvey, wayfinding signs are not allowed unless they have an MDOT permit.

The Commission also discussed illumination in relation to the Holiday Stores putting up the blue lighting all around the signs and canopies. The standards say that exterior illumination has to be fully shielded and cannot be directly visible by pedestrians, motorists, or adjacent property owners. It also says bright colored lighting is prohibited on signs except as regulated as part of a permitted electronic message sign. The Commission thinks we should also be concerned about outdoor lighting standards and some necessary changes to cover lighting on canopies and buildings (not a part of signs). They want to put this on the agenda for the next meeting.

The Commission decided to review the discussed changes and the comments from the County Planning Commission and to have an additional public hearing on the sign ordinance at the February Planning Commission meeting.

IX. NEW BUSINESS

- A. Consideration – Choose road names to accommodate addresses for new driveways off Kawbawgam Road. Commissioners did not feel it is appropriate for them to name a non-governmental road. They feel this is the responsibility of the land owner. The access does not currently need to be approved as a private road because it is now only a driveway that doesn't serve more than 4 parcels. But the driveway needs a name because a home is being built there, and they can't have a Kawbawgam Road address (none are available). Heinzelman suggested the chosen name needs to be reviewed by the county so there are no conflicts with other road names. Meister suggested the planning staff determine the name along with the property owner. This was the consensus decision.

- B. Consideration – Comments on the Planning Commission Annual Report
Woodward presented a draft annual report for commissioner review. Commissioners only made changes to the ongoing and new goals. The zoning amendment relating to "dark sky lighting" was changed to "outdoor lighting" and given a priority of one. The "Rural Residential district" was deleted from the ongoing goals because there was a perception of no need (no one asking about it). "Review firearms ordinance" was upgraded to a priority three in ongoing goals because it contains language for zoning districts that no longer exist. This

would be an ordinance amendment (not zoning ordinance, but separate ordinance). There is not enough control in residential areas in the current ordinance.

“Planning for commercial and industrial land uses” was previously postponed because there aren’t many areas available that wouldn’t encroach on existing land uses. This was a Board request. Meister suggested addressing this because the residential uses will only get more prevalent the longer we wait. Leave this at priority 3.

Sikkema asked for an updated status of proposed amendments to be attached to the agenda at every meeting. This would also include citizen requests for upcoming revisions.

- C. Consideration – Proposed amendment to the zoning ordinance related to Conditional Use Standards. This originated with Smith’s request to ensure that home occupations that are conditional uses (all conditional uses) provide proof that they have obtained all other applicable permits and meet all other regulations during the review process. Woodward said other administrative changes are needed to this section, but for now we can make these additions and address the others during a more comprehensive update.

Commissioners decided to add a statement (to item 9) that, “Failure to comply may result in Planning Commission review and possible revocation of the Conditional Use permit.”

Commissioners discussed general needed amendments to the zoning ordinance, and the scope, and how to proceed. Sikkema wants to spend more time on planning and not address ordinance amendments in such a piece-meal manner. He asked Walker about the process for coming to the Township Board to get permission to hire someone to rewrite the ordinance so the burden is not on the Planning Commission. Mahaney noted that many of the Planning Commission’s agreed upon goals relate to zoning ordinance amendments. Smith asked what kind of planning Sikkema is referring to. Noted items include recreation planning, master planning, and future land use planning. Woodward said this planning should be done first as a basis for the zoning amendments. Walker noted that when the Planning Commission makes decisions on an ordinance, they are doing planning and impacting the future. Heinzelman asked if the Commission should send a letter to the Township Board asking them to hire someone to rewrite the zoning ordinance. Sikkema said he wants to clarify the intent related to the ordinance amendments. Woodward said she could put together a presentation detailing needed changes for consideration in determining next year’s budget. Smith asked what would necessitate a change? Woodward noted difficulty in enforcement and interpretation, or regulatory gaps. Sikkema said he wants to have a conversation about what they want to accomplish.

Moved by Meister, seconded by Mahaney, to proceed with this proposed zoning amendment with the addition of Meister’s suggested language above, and to file the appropriate text amendment application and to hold a public hearing as soon as possible.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

X. PUBLIC COMMENT

None

XI. COMMISSIONER'S COMMENT

Sikkema asked who is the Township representative for the Iron Ore Heritage Trail? It is Don Britton. No one in attendance was aware of how he was chosen, but Woodward thought he was appointed by Seppanen. Sikkema asked if this is consistent with how other communities appoint representatives, and said Don is doing a good job. He asked if Don reports back to the Board on what is going on. Smith wants an update on purchase of the Silver Creek property to improve access and parking. Woodward noted she was only told that the property was deemed too expensive at this time. She will get an update from the Manager.

XII. DIRECTOR'S REPORT

Woodward updated the Commission on the Iron Ore Heritage Trail Board Recreation Authority decision on the location of the routes through Chocolay Township. They have adopted both the rail trail and business route as part of the Iron Ore Heritage Trail, but will invest money in maintenance only on the rail trail. They will facilitate maintenance on the business route, and will assist with wayfinding signage and artwork.

Woodward also advised Commissioners on the Solka decision in the Buchler trial, which has the effect of setting local precedent for pre-emption of local zoning by the Michigan Right To Farm Act. This may pertain to commercial farmers (no minimum level of sales) who meet all the applicable GAAMPS, and who would be protected against nuisance claims regardless of when the operation began. Woodward suggests the scale of agriculture needs to be more clearly addressed in the township zoning ordinance. She encourages education about community resilience, local food supply, and sustainability and gathering public input. Woodward has had inquiries about raising poultry and other small animals for food, and a couple complaints about chickens roaming free in residential neighborhoods. The old animal control ordinance is not sufficient to address all relevant issues, and the zoning ordinance is unclear. Local zoning is not completely irrelevant to this issue.

Sikkema noted the grant for improving the remaining portion of the urban route looks positive. Results will be in soon. There is also a project to resurface and widen US-41/M-28 from the Carp River Bridge to Shiras Hills.

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Heinzelman adjourned the meeting at 10:35 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 4, 2013

I. MEETING CALLED TO ORDER BY: Gary Heinzelman at 7:30 p.m.

ROLL CALL

Members Present: Gary Heinzelman (Chair), Andy Smith (Vice Chair), Andy Sikkema (Secretary), Bernie Stanaway (Board Rep), Tom Mahaney, Kendell Milton

Members Absent: Eric Meister (excused)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

Others Present: Lee Blondeau, Bill Joswiak, Gary Walker

II. MINUTES – January 7, 2012

Motion by Sikkema, seconded by Stanaway, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Sikkema, seconded by Mahaney, to approve the agenda with the addition of item VII.C to discuss using excerpts from staff reports as findings of fact in minutes.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PRESENTATIONS

None

VI. OLD BUSINESS

- A. Consideration – Consideration of proposed amendment **#34-12-01 Signs** for submittal to the Township Board.

Chair Introduction and Opening of Public Hearing

Chair clarified that this discussion is to allow public comment on approved changes from last meeting, and to move the amendment forward.

Public Hearing

There was no public comment.

Planning Director Comments and Commissioner Discussion

Woodward said the amendment has gone to the Attorney and County for comment. The County recommended we reference the Access Management section of the ordinance which has provisions pertaining to signs. The recommended reference was added to Section 18.1.A to read thus, "Refer to Section 5.3 for additional provisions pertaining to signs in the US-41/M-28 Access Management Overlay District". The remainder of highlighted provisions relate to items approved at the last meeting, and sentences reworded for consistency, such as "no such sign shall exceed". On page 16, Temporary Directional Signs, provisions were amended to acknowledge that County sign standards do allow these types of signs in the right-of-way. It says, "provided they are placed in conformance with the requirements of the appropriate road authority." Illuminated sign standards were checked for consistency with outdoor

lighting standards, and were found to be consistent. The packet includes the County Planning Commission comments and the County Road Commission standards for signs. Woodward recommends approval of the amendment to forward to the Township Board for the first reading at the earliest possible date.

Heinzelman said he thinks last meeting's changes were incorporated correctly. The County sign standards were discussed in relation to the amendment. The standards relate to placement, timing, and property owner approval. Our standards just reference the County standards, and thus do not sanction something they don't permit.

Sikkema questioned the statement regarding the number of signs permitted in the AF district for conditional uses. The intent was confirmed and the language was not changed.

Commissioner Decision and Recommendation

Moved by Smith, seconded by Milton, to send Sign amendment #34-12-01 as written to the Township Board for review and comment at their earliest possible date.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Consideration – Consideration of proposed amendment #34-13-01 Conditional Use standards.

Chair Introduction and Opening of Public Hearing

Chair opened the public hearing on the proposed amendment.

Public Hearing

Lee Blondeau, 1001 N. Tracie, asked if the rules would be retroactive on Conditional Uses. Heinzelman indicated he did not recall discussing retroactive review. Woodward confirmed this would relate only to new Conditional Use decisions.

Planning Director Comments and Commissioner Discussion

Woodward said this amendment originated from a concern by Smith that we have some ability to confirm that an applicant for a conditional use permit has taken steps to conform with other applicable rules and regulations, and has gotten all necessary permits before we issue conditional use permits. At the previous meeting, the Commission approved an additional statement about the ability to revoke permits. The current Zoning Ordinance doesn't address permit revocation except for mining permits and permits based on applications with false statements.

Mahaney asked what would happen if the Township approved a certain Conditional Use, and later found that an individual was not licensed? Would the Township be in jeopardy for allowing the activity, and would the permit be revoked? Woodward said that the licensure would be enforced by another agency, and we would not have the authority to enforce their rules or be responsible for compliance. If the Township found out that the party was not in compliance with other regulations as stated in the application, then a letter of notice would be sent, and the party would be given the chance to comply before possible revocation proceedings. Mahaney wondered if the Township would have liability for the continuance of the use without the necessary compliance or

licensure while the party was given the opportunity to comply?

Walker provided an example. He said that if he practices law from his house, and does not have a license to do so, it is not the Township's concern, it is the Board of Law Examiner for State licensure. The fact he is operating with a conditional use does not give the Township any liability for his non-licensure. We are just making our conditional use permit contingent upon having the other appropriate licenses and following other applicable regulations. The Township would have the ability to revoke the permit, but not the responsibility for someone operating without a license.

Mahaney was just concerned because rules change. For example, if he wants to raise lilies at his home, in the State of Michigan he has to have a plant dealer's license.

Stanaway said his understanding was that we were relying on the applicant to provide the information regarding compliance with other regulations. It was discussed again how we would know that the applicant is being forthcoming and telling the truth, because we are not an expert in all these regulations. Stanaway said a quick Google search today can produce much information on requirements. Mahaney said people seem to think we are the ultimate licensing agency or something. Woodward said the provisions are intended to provide additional protection. If we don't adopt the provisions, we can't do anything about people failing to comply with other regulations. At least this would give the Township the opportunity to do something if someone doesn't have the necessary permits or licenses, or follow the necessary rules.

Milton said it was meant to enhance enforcement provisions. Smith said his first thought for Conditional Use permits was that we need a standard checklist for all decisions of this nature so that nothing is forgotten in the decision. Mahaney asked if the Planning Commission will receive copies of all conditional use applications. Woodward confirmed this would be included in the packets for the meeting when the item was under consideration. The application would include questions relating to the proposed amendment provisions.

Commissioner Decision and Recommendation

Moved by Stanaway, seconded by Mahaney, to send zoning amendment #34-13-01 as written to the Township Board for review and comment at their earliest possible date.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VII. NEW BUSINESS

- A. Consideration – Consideration of proposed amendment **#34-12-05 Administrative standards**, relating to notification distance for public hearings.

Heinzelman noted citizens had requested we increase the distance for written notifications for public hearings because they don't think 300 feet is enough. Woodward said she created six case studies within the Equalizer system so that Commissioners could visualize how many properties would receive written notices based on inputs of 300, 500, and 700 feet radii. She picked typical size parcels and large size parcels, because citizens were concerned that notification would not be sufficient when larger parcels were involved. The cost of additional

mailings was presented. She explained that her normal practice is to include additional parcels anyway just to make sure no parcels seem unnecessarily excluded, and so the distance ends up looking more like 500 feet typically. She indicated the 700 feet notification distance would be a change, but was not necessarily unreasonable. The amendment could be as simple as changing the number for notification distance.

Mahaney noted the cost increase was not significant. Commissioners discussed the case studies. Smith asked if the County changed their notification distances. Woodward said she responded to the previous question about State requirements, but was not aware of a question regarding the County. The discussion turned to notification practices for rezonings. Woodward noted our Ordinance goes further than State requirements for notifications for rezonings. The State requirements say that for any group of adjacent properties numbering eleven or more that is proposed for rezoning, certain notice requirements do not apply (you do NOT have to notify every property owner, or every person to whom real property is assessed within 300 feet, or all occupants of all structures within 300 feet). But our Ordinance says all property owners will be given written notice of proposed rezonings regardless of the number of parcels involved, and seems to say that owners and occupants of neighboring properties within 300 feet are also to be notified of ANY public hearing (including rezonings).

Heinzelman thinks 300 feet is inadequate, and the more people that are notified, the better off everyone is. He did not think cost is prohibitive in increasing the notification distance. Stanaway said relevance depends on the zoning districts and size of parcels involved. A 700 feet notification distance in the R-1 district may be excessive, because it will involve a lot of small parcels and owners may not think the notice is relevant to them. He thinks 700 feet is too much, and 500 feet may be a good compromise. Milton said 500 feet seems sufficient. Heinzelman confirmed there would need to be a public hearing on this. Mahaney and Smith are in favor of 500 feet.

There was a discussion whether neighbors would be notified of a rezoning. After discussion, it was determined that they would, but standards could be more clear. Provision #10 may be redundant, but it doesn't hurt anything. When asked, Walker said there is no harm in leaving both #6 and #10 in. No change was made on this issue.

Moved by Stanaway, seconded by Smith, to change the notification distance for public hearings to 500 feet, and to hold a public hearing on Zoning Amendment #34-12-05 (Administrative Standards and Procedures – notification distance) at the March Planning Commission meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

- B. Consideration – Proposed changes to outdoor lighting standards to address exterior lighting on canopies and buildings.

Woodward noted this was initiated because of the Commission's desire to address outdoor lighting on buildings and canopies. It follows the intent of dark sky standards without incorporating the "bug ratings" and technical lighting measurements. It mostly regulates cutoff and shielding of fixtures to deflect light from adjacent properties and streets. It does address shutting off lights after

businesses are closed. There was a question about whether AF district is considered non-residential. The heading for Section E was changed from “Non-Residential Lighting” to “Lighting in C/I Districts”. The provisions do address canopy lighting (all lighting can only be underneath the canopy, entirely recessed, with a flat lens, but allow no other internal or external lighting). There were questions about commercial loading dock lighting, security lighting for business entrances, and lighting for outdoor storage areas. The provisions could be changed to say, “Outdoor lighting, except that at building entrances, shall be extinguished between 11:00 pm . . .” Smith wants the opportunity to observe existing conditions late at night.

Moved by Mahaney, seconded by Smith, to make changes as discussed and table this until next month to give Commissioners a chance to study actual lighting conditions in the Township.

Vote: Ayes: 5 Nays: 1 MOTION CARRIED

C. Consideration – Discuss using excerpts from staff reports as findings of fact in minutes.

Woodward received information from MSU Extension regarding how to take minutes for administrative decisions. Specifically, this relates to documenting information that is contained within staff reports that contributes to decision making, but is not necessarily discussed at the meeting. She said that communities can accept a staff report as basic findings of fact if the report is complete, includes analysis, but is without a recommended action. The Commission can pull excerpts from staff reports to use as findings of fact, and then the whole staff report would be available as reference in a court action.

Walker elaborated on this issue. If an administrative decision is challenged, the court will look to what is actually in the Ordinance. They won't look beyond the Ordinance if they don't have a published record as to the reasoning used when adopting that Ordinance. You can't supplement the record in court. This would be adopting, by reference, part of the staff report as findings of fact.

Woodward noted that the City of Marquette reads their staff report in entirety, but the minutes don't contain the entire language of the report. She suggests placing the chosen excerpts in the minutes, or including them in the motion. It was noted this might create longer, more complicated motions. Walker noted it is not necessary to read the whole motion if everyone has it in front of them.

This discussion was just to make Commissioners aware of this issue and to expect some changes in the future.

VIII. PUBLIC COMMENT

None

IX. COMMISSIONER'S COMMENT

None

X. DIRECTOR'S REPORT

Woodward noted the new road off Kawbawgam was named Charlotte Trail in honor of Chief Kawbawgam's wife, Charlotte. Woodward has compiled a list of zoning ordinance amendments starting from the 1977 Ordinance, including their topic, and their adoption date. There are some difficulties in documenting proposed but not adopted

amendments since 2009. There is no documentation in the official record when an amendment was considered but not passed, so this is taking some additional research of minutes to confirm the progress of over 30 proposed amendments. The research is not complete, but the official record and official text of the zoning ordinance is in question related to some proposed, but not adopted amendments. Woodward will complete the research and address this again with the Commission along with the list of Zoning Ordinance changes needed.

Woodward will reformat the draft Master Plan into a more simplified, summary document with detailed analysis contained in Appendices. Dale is making progress on the Recreation Plan. There will be public meetings with current user groups and the public to determine satisfaction with existing facilities and ideas for new facilities. However, the plan will not be ready to be submitted to the DNR until next year's grant cycle. It was originally thought that a new plan was submitted in 2010, however this is not the case. The last plan expired in 2009, so grant opportunities are limited until next year.

Woodward researched the potential Silver Creek property acquisition, and there are no staff that are up-to-date on any proposed action on this property, although it is considered a goal to purchase. It would be a good potential project for a DNR acquisition grant. Milton thought the lot is not buildable based on setbacks and other requirements. Woodward will check on this. The concern is to make sure there is legal public access to the park, so this issue was brought to the Planning Commission by the former Planning Director and DPW staff.

Smith suggested the Township look into purchasing the property to the west of Township Hall along Silver Creek Road, because the current driveway entrance does not allow for proper automobile stacking. Walker confirmed that this was formerly negotiated, but negotiations were not successful with the property owner. He will look into this again to see if anything further can be done, because this would be an opportune time with the fire hall reconstruction project. Smith asked about the eminent domain process in relation to this project. Sikkema and Walker commented on this process. The Township would have to pay the appraised value, but there could be a civil action to claim a higher amount.

Woodward discussed potential improvements to the Park & Ride facility at Jack's Foods, and a potential Farm Incubator on Township property in cooperation with the U.P. Food Exchange initiative. Plans will be created for both projects (especially in case discretionary funding becomes available for the transportation project).

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Marquette City Planning Commission minutes and Planning & Zoning News

ADJOURNMENT

Heinzelman adjourned the meeting at 9:10 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 4, 2013

I. MEETING CALLED TO ORDER BY: Gary Heinzelman at 7:31 p.m.

ROLL CALL

Members Present: Gary Heinzelman (Chair), Andy Smith (Vice Chair), Andy Sikkema (Secretary), Tom Mahaney, Eric Meister, Kendell Milton

Members Absent: Bernie Stanaway (Board Rep) -excused

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Brad Johnson (Public Works)

II. MINUTES – February 4, 2012

Motion by Sikkema, seconded by Milton, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Sikkema, seconded by Meister, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Gary Walker, 765 Lakewood Lane, said that the Township attorney advised caution when he attends Planning Commission meetings because of his authority to appoint Planning Commission members. He should not be perceived as exercising undue influence on the Commission. He said he would continue to attend but he will be uncharacteristically quiet so as not to intrude on decisions so that the decisions are not subject to challenge. Heinzelman asked if the Commission can still solicit advice from Walker, and he said yes.

Public comment was closed.

V. PRESENTATIONS

Tim Kopacz, representing the Upper Peninsula Disc Golf Association (UPDGA), gave a presentation on the expansion of disc golf opportunity in the Township. The UPDGA focuses on expanding recreation opportunities for residents within the entire Upper Peninsula. The "Disc the U.P." organization runs leagues, hosts tournaments and events, and works with schools to give clinics and demonstrations. This group focuses mainly on Marquette. Several members of the organizations were in attendance for questions.

The group wants to expand the Silver Creek course from 9 holes, which is equally split between Church and Township property, to 18 holes. Kopacz described the improvements to be made to this course. The regional goal is to create a good balance of courses satisfying different niches. The 18 Hole, professionally-designed Powder Mill course in Marquette will be more challenging, and will attract touring players and college students. The Silver Creek course is a tight technical course (due to small parcel size) where people can work on accuracy and control. The design includes amateur tees that provide opportunity for youngsters as well as longer, more technical tees.

Other regional facilities include 18 hole courses in Iron River, Grand Marais, Escanaba (2 courses to open in May or June), and Sault Ste. Marie, as well as the 9 hole Al Qual course in Ishpeming that is being redesigned for 18 holes. There are 9 hole courses in Lake Linden, Houghton (Michigan Tech), St. Ignace, Escanaba and Copper Harbor. Requests for courses are increasing. The courses are on both public and private land. They need at least 5 courses within a 20 mile radius to bid for the World Championships. Tournaments can accommodate 5 players per hole, for a total of 90 people out utilizing and enjoying the facility.

Costs to construct 18 hole courses range from \$18,000 to \$23,000. Many courses are sponsored by Rotary or Lion's Clubs. It is a low cost recreation option compared to other popular forms of recreation. These initiatives utilize a large quantity of volunteer labor. The group would like to create a partnership to expand opportunity in Chocolay.

Commissioners asked questions of Kopacz. Sikkema asked how the courses are maintained once they are put in. The group has a land use agreement with the BLP to partner for maintenance at the Powder Mill course. As the players use the course, it also reduces the amount of maintenance needed. They can arrange a similar land use agreement in Chocolay Township. No mowing is required in the woods. Occasionally they have to remove dead trees, which is actually helpful in reducing fire danger. The baskets are removable for winter, so all parts would be flush to the ground to accommodate winter sports like cross-country skiing. They might need to arrange for storage of equipment with the Township in the off-season. The baskets are locked on during the season, and so deter vandalism.

Johnson gave a brief history of the group's involvement with the Church and Township. He said that since the group has undertaken maintenance activities, vandalism at the park has gone down. There are always people playing there, they take care of the trash and are great to work with. Johnson said the Township has room to store the disc golf equipment during the off-season, however, there is not necessarily a need to pull the baskets because they do not interfere with any other recreation at this time.

Kopacz pointed out that the deadfall from the old growth needs to be cleaned up anyway because it poses safety concerns from fire danger. The group proposes to selectively cut some trees in consultation with the Township. They give consideration to preserving specimen trees like maples and conifers that contribute to four-season aesthetics.

Mahaney asked about the typical width for fairways. Kopacz said they typically use a ten percent rule: the width is ten percent of the length. However, he explained that disc golf is different than traditional golf because they do not have "fairways", they have "airways". They do not clearcut an area. They selectively cut. The airways are precisely designed to narrow and widen and present various obstacles. It is fun to gain the technical skills required to avoid the obstacles. There are different disc types for different purposes. Some people may carry 15 to 20 different discs which have different configurations and performance characteristics. The goal is to make a course tight but as minimally frustrating as possible.

Meister asked how much participation they get from young people, and which age groups are involved. The group offers clinics for Bothwell and Northstar students. The sport accommodates all ages.

Mahaney asked about membership and who can play. People do not have to join the group to play. Anyone can play for free. Discs are frequently made available at nearby businesses, including gas stations. You can start with one eight inch disc and learn the different throwing techniques.

Mahaney asked if the group had to secure funding for the Powder Mill course. Tim said yes, and much came from donations from club members. He suggested this project can be part of a grant application effort for a Silver Creek improvement initiative, funded by the Township, or they can institute a sponsorship and fundraising drive. The grant would be the only way to assure a definite opening date. They install sponsorship signs at holes for businesses or organizations that sponsor (fund) them.

Heinzelman asked if there has been any other discussion on uses for this particular area. Johnson said that several years ago a dog park was proposed but the idea died fast.

Milton asked if there is a parking issue. Johnson said yes. There has been a plan for many years to expand the west parking lot and to build additional restrooms. The Township is also trying to get a new access off Silver Creek.

Woodward mentioned that Kevin Taylor of Silver Creek Church is supportive of the expansion. Based on the numbers of NMU students playing at Silver Creek, Taylor thinks the sport helps to attract college students to the area. Woodward asked if Kopacz thought NMU students would continue to use the Silver Creek facility once the Powder Mill course was complete. There was unanimous and instantaneous assertion by disc golf members in attendance that the participation at Silver Creek would continue.

Heinzelman asked if there is a conflict with the park closing at dusk. Kopacz said there are lighted discs for night play if that was an option. Mahaney asked if the facility is predominantly used on weekends. It was reported by Township staff that there is ALWAYS someone there playing during the day between 7:30 am to dusk.

There are sometimes 40 people playing at any one time, and they bring their families and children. They encourage people to come there to learn the sport. The members are willing to promote the sport and teach others. The group believes participation among children will increase.

After discussion, disc golf members of the audience and Johnson left.

VI. NEW BUSINESS

- A. Consideration – Discussion regarding disc golf opportunities at facilities in Chocolay Township.

Commissioner Discussion

Sikkema asked if there is an official agreement for the disc golf facility at this time. Woodward said the present agreement is informal. The Township has no investment in equipment. If there was to be a grant application, the Church would have to issue a lease for the portion of the property used for the Recreation Passport grant project for a time period of 25 years.

Heinzelman asked Woodward to explain the Passport grant. A summary was given. The focus is on renovating existing obsolete facilities and accommodating ADA accessibility and Universal Access. This project would not be able to be ADA accessible due to the nature of the activity. To strengthen the grant

application, the Township could apply for other improvements at the same time that meet those requirements and earn those points. This is the only grant the Township could apply for at this time since the Recreation Plan is not finished.

Sikkema inquired about the criteria in place for use of Township property. Is there a formal policy or is it case-by-case? Woodward was not aware of a formal policy. Mahaney pointed out the facility is open to the public. Heinzelman noted the group is asking for primary use designation for the course. Woodward said the group is willing to work around other users.

Sikkema asked how the Township evaluates requests for new facilities from various user groups and decides which ones to support. He says ultimately the Township gets into a position where they have to say I'll support this but I won't support that. After you open up the door how can you tell anyone no if you don't have criteria that says this is how we make our decisions on who we allow to use Township property and who we don't? Heinzelman said they have already opened the door with the baseball and soccer fields. Sikkema asked if it is a bad thing to have special interest groups come in and provide facilities that people can use at no cost to the Township? We provide a place but they have the responsibility to install and maintain the equipment. This keeps facilities current, because the users are the experts, and they will maintain it since they are a stakeholder vs. the Township owning it and having to maintain it. So there might be value to this, but how do you decide who to support because you don't want to pick winners and losers or the flavor of the day. Woodward pointed out the criteria is typically in the Master Plan and the Recreation Plan based on identified needs and goals.

Meister said it's a positive thing if you can get someone else to maintain the property rather than the Township having to pay for it. He thinks one of the criteria has to be that the facilities support local residents. He said it does sound like the group thinks local youth will get more involved. Also it's a positive that the property is less subject to vandalism since disc golf users are there. Sikkema said there still should be a policy so it's fair to everyone.

Smith asked about the time commitment involved with making this property available for disc golf. Woodward said the equipment is portable and easily moved if plans change.

Mahaney asked if this project is high priority? Woodward said staff recommended it in the highest priority rank for this facility, subject to Planning Commission agreement as part of the Recreation Plan. Mahaney said he felt funds should go toward fixing existing problems at the park. Woodward said that there is additional financial benefit to including some of the existing facility improvements in the grant for the disc golf. The disc golf group was willing to help provide match for the disc golf portion of the grant.

Sikkema said once you allow one group, you have to allow them all unless there is a good reason to say "no", so the Township needs to be careful where they put their money. It's easier to say yes to someone providing a public facility for anyone to use at no cost to the Township.

Heinzelman asked about liability issues. Woodward said the only identified liability is related to brush cutting. Milton asked about lightening.

Heinzelman asked about deadlines. Woodward said that if this was a part of a grant application, the deadline is April 1, and the Board would have to address the issue at their next meeting. Woodward answered several questions about the grant and what the group requests.

Heinzelman said it's not up to the Commission to come up with the money, it's up to the Board. Sikkema had an issue with recommending the Township Board include the project in their Capital Improvement Plan, which he said indicated they would pay for it. Woodward said she intended it to be approved as part of a possible grant with the Township possibly funding a portion of the match, not that the Township would pay for the entire disc golf project.

Mahaney thought a grant should cover existing facilities. Woodward said none of the improvements were budgeted for this year, so improvements would not be likely without a grant.

Sikkema said this will put unused property to good use, but he has a lot of questions about the agreement, ownership, maintenance, etc. and thinks this has to be settled before moving ahead. Woodward answered some of the questions. The Commissioners indicated they would vote for the project if no money was involved because it's a good use of the property. They are in favor of disc golf as a use of that property. Sikkema said we should make best use of the property, and it's not a good decision to put money into a facility that won't be used. We know the disc golf will be used, but the soccer field really isn't being used. Meister said you have to make decisions or the property never gets used for anything. If the Township has unused property, and a group proposes a use at no cost to the Township, he would be in favor of that in most cases. But he agrees that spending priorities have to be carefully made. Mahaney said it sounds like public works is satisfied with the arrangement with the disc golf group, and it's been positive for the Township. Woodward pointed out the regional benefit of working together to establish enough disc golf courses in the area to attract tourism, and how passionate the group is in working to support the activity.

Sikkema said it's good that it uses property that is not currently used, but it's not clear it's benefiting Township residents. We don't do anything to attract college students here, and we don't make provisions for housing them, so we wouldn't be attracting residents through this project. He said it would be hard to say this is something we should invest in, but it's a good use of Township property and there will be some use by Township residents. The Commission discussed the need for a formalized agreement to give both parties some assurance of the continuance of the use after investment. They are supportive of the Township being the conduit for the grant if the group comes up with their portion of the match for the disc golf facilities.

Commissioner Decision and Recommendation

Moved by Sikkema, seconded by Meister, to recommend that staff prepare a draft land use agreement with the U.P. Disc Golf Association for the expansion of current disc golf course at the Silver Creek Recreation Area without Township funding. The agreement should define Township and U.P. Disc Golf Association responsibility for course upkeep, funding of project, length of the agreement, and potential for agreement extensions.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VII. OLD BUSINESS

- A. Consideration – #34-13-01 Proposed amendment to the zoning ordinance related to Conditional Use Standards.

Woodward said the Attorney made only one change, which was to delete one word. The County will review the proposed amendment on March 6.

Moved by Sikkema, seconded by Milton, pending County support, to revise the text of proposed Zoning Amendment #34-13-01 (Conditional Use Standards) as suggested by the Township Attorney and send to the Township Board for review and approval at their earliest possible date.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

- B. Consideration – Proposed changes to outdoor lighting standards to address exterior lighting on canopies and buildings.

Sikkema noticed a few things while driving around observing lighting in the Township. 7.D.2 mentions sign lighting is not regulated by these provisions. Some property owners leave their sign lights on at night. However, these lighting provisions provide for extinguishing lights after hours when they are not needed. He thinks either this amendment or the sign amendment should address turning the sign lighting off. Meister asked if there is light pollution created by sign lighting, and if not, there is some economic value in leaving them on for advertising. The property owner should determine for themselves whether to choose energy efficiency or advertising benefit.

Smith does not agree with requirements for turning all lighting off at 10 pm as discussed in previously proposed amendments. He's not sure he's in favor of 11 pm even with the exceptions. Sikkema estimates 50 percent of property owners turn their sign lights off.

Milton asked how you light a flag at night if you can't turn a light skyward. Woodward said the light has to be directed onto the property and not out toward the street, and onto the object and not beyond it. She said an alternative to lighting a flag is to bring it in at night. The regulations do not impact lighting required by other regulations.

Smith asked about lighting for the park and ride facility. Woodward said that would be regulated as parking lot lighting. Lighting can remain on while employees and visitors are arriving or leaving.

Sikkema commented that night sky is not the only purpose. It should also be about general aesthetics of the Township. The commission decided the purpose

statement covers it.

There was a clarification on enforcement, specifically the limitation on hours of lighting. Woodward said we won't require new lighting fixtures for grandfathered properties, but to be fair we would have to enforce the hour limitations on every property if this is adopted.

Sikkema asked if the purpose is to have less lighting, keep it the same, or allow more. He wants to minimize the lighting and encourage people to turn off lights if they are not needed.

Meister asked about D.9 and whether that information should be required for a permit application to construct a house. It was decided to move items D.7-9 to Section E as items E.3-5.

Sikkema added the words "or 60 watt equivalent" to the lighting that's exempt (B.4). It was clarified that low voltage landscape lighting that is exempt includes solar landscaping lights.

Sikkema said MDOT uses Smart Phones applications for a light meter. He wanted to know what portion of the ordinance will prohibit the bright blue lights at the Holiday Stations. Canopies are covered. There was a question about controlling the blue lights on buildings. It was felt this is definitely an advertising device. It was decided to add the words "or buildings" to C.1 so that high-intensity lights can't be used to light the sky "or buildings" for advertising purposes, etc. Plus the blue lights are not shielded from the roads, and they cause glare.

Smith asked if other communities are implementing lights out times. This was affirmed.

Moved by Sikkema, seconded by Milton, to move forward with a text amendment application to amend Section II Definitions, Section 9.1 Application and Review Procedures, and Section 11.12 Outside Lighting of the Zoning Ordinance, to forward it to the Attorney and County for review, and to hold a public hearing on the draft language as changed to include the following: move D.7-9 to E.3-5, add the words "or 60 watt equivalent" to D.4, and add "or building" to 3, and change the wording of the title of E to "Outdoor Lighting in Commercial and Industrial Districts and Non-Residential Uses in Residential Districts".

Vote: Ayes: 5 Nays: 1 MOTION CARRIED

VIII. PUBLIC COMMENT

None

IX. COMMISSIONER'S COMMENT

Sikkema asked about the progress of the proposed amendment for the definition of "park". Woodward will address this in the Director's report. Sikkema also said that MDOT is close to receiving the conditional commitment letter for finishing the bike path on the east side of US-41. The Township had a \$20,000 match for this, and construction would be complete this year.

X. DIRECTOR'S REPORT

Woodward said the Home Occupation amendment was approved by the Board at their last meeting and will be effective 7 days after publication. She is preparing a Home Occupation permit application based on the new language, and has 2 candidates waiting for the form. The sign amendment will go to the Board in March for a second reading. Woodward and Walker met with Mark Maki to address his concerns. He will probably still suggest a reduction in residential sign area, but most of his concerns were addressed.

There was a meeting with the St. Louis the King Catholic Church to build another community garden on their site. The Church will put together a committee to work on it with the Township.

Woodward continues to work on the farm incubator project, and was contacted by a citizen who owns nearby property who is interested in utilizing her land in a similar way. Perhaps this will be the start of a local food innovation district.

Woodward completed the zoning ordinance amendment research. Woodward and Walker met with the Attorneys because there were some serious concerns about past procedural problems that have resulted in administrative errors. She handed out summaries of the research and said the Board will address the problems at their next meeting. There are at least a dozen incidences from 2009 where the current public version of the ordinance does not reflect official proceedings. The published Zoning Ordinance will be changed to reflect official proceedings. If the Planning Commission or Board want to pursue previously proposed amendments that were never completely addressed, the process will need to begin again because it has been too long. The erroneous changes to the Multiple Family district are substantial, but actually more permissive than the official document. It may make some developments nonconforming, but they will be grandfathered.

Woodward noted that in the future, proposed zoning amendments will receive a case number that will be consistent throughout the entire process, and will then be given a sequential official amendment number when adopted. This will simplify the documentation process so that the number doesn't change 3 different times during the process, causing confusion in the paper trail.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Marquette City Planning Commission minutes and Planning & Zoning News

ADJOURNMENT

Heinzelman adjourned the meeting at 10 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 1, 2013

I. MEETING CALLED TO ORDER BY: Gary Heinzelman at 7:31 p.m.

ROLL CALL

Members Present: Gary Heinzelman (Chair), Andy Sikkema (Secretary), Tom Mahaney, Eric Meister, Kendell Milton, Bernie Stanaway (Board Rep)

Members Absent: Andy Smith (Vice Chair) – excused

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES – March 4, 2012

Motion by Sikkema, seconded by Milton, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, seconded by Stanaway, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None. Public comment was closed.

Tom Mahaney entered the meeting at 7:33 p.m.

V. PRESENTATIONS

None

VI. NEW BUSINESS

- A. Consideration – Proposed Conditional Use for 129 Deerview Trail, Parcel #52-02-108-021-20, for a Montessori School/Licensed State Child Care Center

Planning Director comments

Woodward introduced the application for a Montessori School which the State of Michigan would license as a day care center. She asked the Commission to process the application based on the most specific description of the function of the use, which she determined is a “school”. This determination is based on the schedule that mirrors that of the public school system rather than a day care center (not open during the summer or holidays).

The applicant wants to purchase the property to start the school in the existing accessory structure and to live in the existing residence. There are no plans to build an additional structure for this use. The purpose of the application is to change the use of the accessory structure to a school which is a conditional use in the R-1 district. Day care center is also a conditional use in the district.

The zoning plan of the 2005 master plan recommends that schools be permitted in any residential or commercial zoning district. Currently schools are not permitted in the waterfront residential or commercial zoning districts, contrary to this recommendation. This has the effect of limiting the location of new schools to mostly rural areas of the Township such as the one proposed. Woodward said the master plan definitely supports schools as a use in residential districts.

The application is for a preschool and accelerated kindergarten only.

Woodward said that the Michigan Zoning Enabling Act (MZEA) does consider some residential uses of property, such as day care, preferential uses of property for which local zoning control is limited. Some day care uses must be permitted the same as any residence, and some must be granted a conditional use permit if they meet the minimum standards in the MZEA.

Public hearing – limit 3 minutes per person

Applicant Kimberly Pettit, currently of Van Buren, Missouri, potentially a new resident of 129 Deerview Trail, Marquette, MI. Kim has run a Montessori school for the last seven years. She has had anywhere between 8 and 45 kids in her school. She is a state licensed teacher, and has a total of 14 years teaching experience in the Montessori system and in public schools. She said Montessori Schools are basically magnet schools for the local public and private schools. Kids are prepped till the age of 6. These schools are an asset to their community and an alternative to Head Start.

Gary Walker, 765 Lakewood Lane, said he thinks that as a community we ought to do anything we can to support early childhood education and appropriate socialization. In his career as prosecuting attorney, he spent time dealing with people who didn't receive the appropriate attention as children. He said the one thing we know for sure in terms of prevention is that dealing with children appropriately at an early age is probably the best thing you can do to put them on a path so they're socially developed and become appropriate members of our society. Targeting young children is the best way to prevent crime instead of just reacting to it. He is somewhat familiar with the Montessori system and what he knows of it is very positive.

The public hearing was closed.

Commissioner Discussion

Sikkema asked about the type of conditional use per the Ordinance. Woodward said that this application is being processed as a school which is a conditional use in the R-1 district. This is because the specific should take precedence over the general, and this proposed use most specifically functions as a school. The applicant doesn't have an existing home where she is proposing to start a home occupation. She is a person who wants to start a school, and will open that school in a place where it is permitted and where she can also live. Woodward noted other situations in the Township where there are residences in addition to other uses on the same property, such as St. Paul's Lutheran Church, Pet Sitters Plus, Wert Salvage, and so on.

Milton said he can't think of a reason to deny the application.

Sikkema said there is a lot of information in the staff report that isn't included in the application, and he wants to be sure that this information is addressed in the permit documentation, and the applicant would be held to those standards. Woodward said the Commission could make that information part of the conditions for approval. Sikkema cited the number of kids and hours as examples. The applicant estimates she will serve 12 children, but would feel comfortable with 15. Some families will be transporting two children within that

age group. Her license will allow up to 20 kids maximum based on the size of the building, which would require two teachers.

Mahaney asked about the licenses held by the applicant. She has a State license in Missouri for public teaching (bachelors and masters degrees), a master's degree in reading, and Montessori certificate in preschool, kindergarten, and elementary. In Michigan there is no licensing for Montessori, so the applicant will be required to go through licensing for day care centers including fire, health, and other inspections.

Meister asked about the distance to the nearest home. Woodward estimated over 300 feet from the aerial photos.

The Commission discussed how to limit the size of the school. They could set a maximum number of students or a maximum size of the building. The applicant reported that for State licensing, the size of the building limits the number of students. Milton suggested controlling the size of the facility. The applicant said that for this age group, there must be 30 square feet per child for indoor space and a minimum of 1,200 square feet total for outdoor space. The building is 30 foot by 40 foot, minus walls and service areas, so they estimate there is enough existing space for 20 children. They are not asking to increase the size of the building.

Heinzelman asked whether there are other conditions to be addressed.

Mahaney said it appears the only contentious issue that had been raised so far from neighbors was the issue of the nearby hunting blind. The current owners of the home said they have lived there 7 years and no bullets have ever come their direction. The adjacent property owners have been very cautious and considerate of their dogs, etc. They estimate the blind is setback 400 feet from the property line.

The applicant said the fence will be attached to the garage and won't be anywhere near the rear property line.

Heinzelman confirmed there would be no summer school and no hours after 4:30 p.m. Mahaney felt the proposal meets all the criteria and is a good idea. The applicant said she had found no other Montessori Schools in Michigan except in Ann Arbor.

Meister said most neighbors would be more concerned about the impact of the traffic, which is not constant, and that the number of kids would not be a zoning problem. The applicants talked with Don Britton who takes care of the private road, and he volunteered to assist in controlling dust if there was a concern. However, the school is not open in the summer.

Sikkema noted this is not a public school, so problems cannot be addressed to a school board. Since it's a private school, concerns could be brought to the Township. He wants to ensure a process of due diligence is undertaken to get the permit right so that potential concerns are addressed up front.

Meister asked for clarifications regarding limitations that are set as part of the conditional use permit. Woodward noted that if expansions or changes to the approved conditions are warranted, the applicant can come back to the Planning Commission to ask for an amendment to the conditional use.

Sikkema wants conditions to address size and hours/dates of operation. The applicant says the State recommends 180 days per year of instruction if you operate on the same schedule as public schools.

One possible condition is that the school operates on the same general schedule as the public school system.

A second condition is that no additional space or construction shall be utilized for the school without an amendment of the conditional use permit. The school will be limited to the existing accessory building and the required outdoor space. Stanaway supported the idea of controlling the maximum number of students through controlling the space, because specifying the number of students could require more administrative time. Woodward said the size of the space is easier to enforce than the number of students, which she would not necessarily be aware of.

Sikkema asked the applicants to clarify that they are aware this is a private road and does not receive public maintenance. The applicants said the neighbors have come to a financial agreement to take care of the road cooperatively. Sikkema clarified that the Township would not intercede in arguments about road maintenance. The applicant noted that the school will be easily accessible by the circle drive.

The commissioners clarified that the facility will maintain the existing exterior appearance. The applicant said the only change would be the removal of the garage doors and finishing with the same siding.

The third condition would be that the general appearance of the school would remain as existing to maintain the residential character of the district.

The Day Care licensing covers safety concerns. The applicant's sister will assist in teaching. The number of teachers is also covered by State licensing in relation to the number of students.

The fourth condition would be that the student/teacher ratio shall be according to the Michigan Department of Human Services minimum requirement for child care licensing.

Signs will be regulated per the provisions of the sign ordinance, as will lighting.

Woodward noted the recommended condition within the staff memo consistent with the proposed zoning amendment for conditional use standards (permit effective upon proof of obtaining other permits and licenses and following other applicable regulations). Meister was not sure this was needed, and didn't want the process to be held up by a circuitous approval process. The applicant can't apply for the license without zoning approval, but can't get zoning approval without the license. He didn't think the Township should enforce other regulations. The Commission revisited the purpose behind this proposed zoning amendment. Meister feels the applicant shouldn't have to show the license up front to get the zoning permit. Walker clarified that we can issue the conditional use permit, and if the applicant don't get the state license, or loses it, the Township can revoke the permit. Woodward clarified that the conditional use permit can be approved without proof of the other permit, but the conditional use permit would not be effective until the state license is obtained. The applicant

would be given documentation of the decision to use for state licensing. The applicant said it could take up to six months to obtain licensing, but probably more like a year with all steps.

The Commission decided that the fifth condition would be that the applicant must show proof of compliance with all required permits and licenses within one year. Failure to comply may result in revocation of the conditional use permit.

Commissioner Decision/Recommendation

Moved by Milton, seconded by Stanaway, that upon finding that the proposed use complies with all Conditional Use Standards of the Chocolay Township zoning ordinance as noted in the staff report dated March 28, 2013, the Conditional Use request for parcel #52-02-108-021-20 located at 129 Deerview Trail to convert an existing accessory structure to be used as a Montessori School/Licensed State Child Care Center is hereby approved subject to the following five conditions:

- *The school shall operate on the same general schedule as the public school system.*
- *No additional space or construction shall be utilized for the school without an amendment of the conditional use permit. The school shall be limited to the existing accessory building and the required fenced outdoor space.*
- *The general appearance of the school shall remain as existing to maintain the residential character of the district.*
- *The student/teacher ratio shall be according to the Michigan Department of Human Services minimum requirement for child care licensing.*
- *The applicant must show proof of compliance with all required permits and licenses within one year. Failure to comply may result in revocation of the conditional use permit.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VII. OLD BUSINESS

- A. Consideration – Receive comment on the proposed amendment to the zoning ordinance related to **Notification Distance** for public hearings.

Planning Director comments

Woodward said that at the February Planning Commission meeting, it was decided to increase the notification distance for public hearings from 300 to 500 feet. A public hearing was needed before the proposed zoning amendment was sent to the County for review.

Public hearing – limit 3 minutes per person

No public comment. Public hearing was closed.

Commissioner Discussion

No additional Commissioner comment.

Commissioner Decision/Recommendation

Moved by Meister, seconded by Mahaney, to approve the increase in notification distance for public hearings from 300 to 500 feet, and to forward the proposed amendment to the County for comment and make a recommendation to the Board to adopt the proposed amendment.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

- B. Consideration – Receive comment on the proposed amendment to the zoning ordinance related to **outdoor lighting standards**.

Planning Director comments

Woodward said the purpose of this agenda item is to hold a public hearing on the proposed zoning ordinance amendment pertaining to outdoor lighting standards prior to submittal to the County for comment. E-mail communications from Woodward were sent to CABA members on March 20, clarifying intent and provisions for the 11 p.m. lighting curfew (and exceptions). She did not hear from any businesses with specific concerns. Commissioner Smith submitted some concerns at 4 p.m. on April 1, which Woodward presented to the Commission before the meeting. Per Smith's concerns, Woodward also sought input from public safety regarding the 11 p.m. lighting curfew. The officer on duty was Gerald Trotochaud, who said he sees no advantage from the aspect of public safety in requiring businesses to turn off their lights at night.

Public hearing – limit 3 minutes per person

Dick Arnold, 312 West Branch Road, asked for clarification on the proposed regulations. Arnold was concerned that lighting protects from break-ins. He said that as far as protecting the night sky, you can go down the road to the beach to see the night sky. Too much control is taken from citizens. What does it bother if someone has a light on, unless it shines in the road like a spotlight? What about the street lights? That's not protecting the night sky. He doesn't agree with the proposed change.

Seeing no additional public comment, public hearing was closed.

Commissioner Discussion

Mahaney asked how this will affect current businesses if it is approved. Woodward said the curfew would have to be enforced the same for everyone after adoption. But existing lighting fixtures would be grandfathered in and would not need to be brought into compliance until replaced. The curfew does not impact sign lighting. It impacts parking lot lighting. It impacts building lighting except motion sensor light or lights of 60 watt equivalent or less. It does not impact lights at building entrances.

There were no changes to the definitions. Woodward clarified the need for the change in the off-street parking requirements of section 8.1 and site plan review application procedures of section 9.1 to be consistent with the proposed amendment. There were no changes to the suggested language for section 8.1 or section 9.1.

Meister was concerned about the need to meet the new requirements when a light fixture is replaced, and if this would necessitate a whole new lighting plan. Woodward said there is no limit on number of lumens per lot, and the change

would relate simply to choosing a new fixture with the correct shielding, placement, etc. The change would impact only that fixture, not all of them. Mahaney said it would be important to send a letter to all businesses letting them know of this requirement should it pass. Woodward was in agreement, and said it would also be published in the newspaper.

The Commissioners agreed on a change to 11.12.B.4 to say, “Gas lighting; glass tubes filled with Neon, Argon, or Krypton; and small decorative fixtures of 800 lumens or less (equivalent to a 60 watt incandescent bulb)”, and to add a definition for “lumens”.

The Commissioners discussed the issue of lighting at night related to security. Woodward clarified that the police have implemented a policy of turning off lights in some recreation areas at night to deter vandalism (so people will not be encouraged to congregate). Meister said he is comfortable with motion sensor lights for security, because they give someone a scare. It’s also more noticeable when the light comes on when it’s not supposed to be on.

Commissioner Decision/Recommendation

Moved by Sikkema, seconded by Milton, following a duly noticed public hearing, to approve the draft proposed Zoning Ordinance text amendment Case #ZA0002-13 Outdoor Lighting as changed (Section 11.12.B.4 ... “small decorative fixtures of 800 lumens or less (equivalent to a 60 watt incandescent bulb) and to add a definition for “lumens”), and to forward the proposed amendment to the County for comment and make a recommendation to the Board to adopt the proposed amendment.

Vote: Ayes: 5 Nays: 1 (Stanaway) MOTION CARRIED

VIII. PUBLIC COMMENT

None

IX. COMMISSIONER’S COMMENT

Sikkema said MDOT received the conditional commitment for the resurfacing of the bike path on the east side of US-41 to M-28 which would be done sometime this summer.

X. DIRECTOR’S REPORT

Woodward met with the ORV group led by Tony Harry to receive a proposed plan for an ORV connection along selected County roads through Chocoley Township that would allow a link between the western U.P. trails and the eastern U.P. trails. Chocoley Township is their only missing link right now. The proposal will come to the Planning Commission next month when a public hearing will also be held. The Planning Commission would be asked to make a recommendation to the Board.

Woodward serves on a food policy committee as part of a regional effort in conjunction with the Food Co-op’s Food Hub grant. She is working with other planners and area stakeholders to do due diligence on local regulations impacting food systems, with the goal of coming up with model regulations and educational materials to assist local government policy and regulatory decisions.

Woodward went to a FEMA meeting regarding a new study and updated maps for flood management. However, the Township has not received the study or updated maps for review as stated in the letter from FEMA (and neither had any other community in

attendance). She said there is a comment period on the data, but we haven't seen the data. We are also supposed to adopt new regulations related to flood management, but FEMA did not provide information on those required regulations.

The Tribe has changed the name of the road leading to the casino from Acre Trail to Zhooniyaa Miikana Trail.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News

ADJOURNMENT

Heinzelman adjourned the meeting at 9:10 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 6, 2013

Cherry Creek School, 1111 Ortman Road

I. MEETING CALLED TO ORDER BY: Gary Heinzelman at 7:30 p.m.

ROLL CALL

Members Present: Gary Heinzelman (Chair), Andy Smith (Vice Chair), Andy Sikkema (Secretary), Tom Mahaney, Eric Meister, Kendell Milton, Bernie Stanaway (Board Rep)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES – April 1, 2013

Motion by Sikkema, seconded by Milton, to approve the minutes as changed, page 6, B. “public hearing” was closed (not public comment).

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Sikkema, seconded by Stanaway, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Tom Russo, 910 Mangum Road. Russo said he is new to the process and getting involved, and due to his naiveté, he needs to know what is the role/mission statement of the Planning Director. As a taxpayer, he would like to know. Heinzelman said that the Planning Director is a conduit between the Township Board and Planning Commission, and is an information source to the Planning Commission. Russo asked if the Planning Commission hired the Planning Director, and Heinzelman said the Township hired her.

Raymond Wood, 1777 M-28 E, asked the Commission how citizens can change zoning regulations pertaining to chickens. His daughter is in 4-H and would like to raise chickens. He understands that the current status is that you can potentially have chickens, but it may be a problem if there is a neighbor complaint per the animal control ordinance. He would like to see regulations that say you can raise chickens if you don't keep a rooster so that his daughter can participate in 4-H. He wants to know how this process works now that he has brought it to the attention of the Planning Commission. Heinzelman said it can't be discussed at this meeting, but it could become an agenda item to be discussed at an upcoming meeting. He said that Wood could make a personal request for a zoning change by contacting Planning Director/Zoning Administrator Woodward. Woodward said she advised Wood to attend and bring up the issue during public comment because there is a whole list of people interested in the same issue, and suggested it could be discussed during Director's Comments if there is time.

Public comment was closed. Heinzelman pointed out that there are three public hearings on the agenda, and a very large turnout, and the building was only rented until 10:30 pm, so to accommodate everyone people should keep their comments brief to three minutes.

V. PRESENTATIONS

A. Firewise Program, Brad Neumann, MSU Extension

Neumann works with local governments across the Upper Peninsula on topics related to land use, planning and zoning, and community development. One main audience for the Firewise program is property owners. Large wildfires are common in the Upper Peninsula. Marquette County is second in the State for number of wildfires. MSU Extension has educational resources to help.

Homeowners can reduce risk of property loss and damage by maintaining landscaping within 150 feet of the home (remember “Keep your landscaping LEAN, GREEN, AND CLEAN”). Examples of tips include pruning branches up to six feet in height, removing dead fuels lying on the ground, choosing less combustible landscaping and roofing materials (fire resistant plants bulletin at www.firewise.msu.edu/resources/), relocating woodpiles away from the home, enclosing openings in eaves where embers could enter, etc.

There are also tips for Firewise communities and subdivisions who can work collectively to prevent fire damage. Local governments have a role. In the April 2013 issue of Planning and Zoning News, Neumann offers zoning language relating to a wildfire hazard overlay district for high risk areas (where the topography and fuel types are good indicators of risk). These regulations may address construction standards. Education can be incorporated in the zoning process by handing out Firewise brochures to people seeking permits in high hazard areas.

Neumann can set up a booth to hand out information at Township events, or can provide materials for Township mailings. Sikkema suggested getting a link to the Firewise materials. Neumann said the County is starting a community wildfire protection planning process with funding from DNR and US Forest Service to look at hazard assessment and to map hazard areas. They will contact the Township about involvement in the process.

B. T.E.A.M proposal for an east/west Chocolay Township ORV connector route utilizing County roads

Tony Harry, 6369 US-41S, is President of Trail Riders Enthusiasts of Marquette County ATV club (T.E.A.M.), member of SORBA ATV club in Munising, on the Board of Directors of the U.P. ORV Trail Development Association, member of MI Trails ATV Club in Ontonagon, and member of the Hiawatha Snowmobile Club in Marquette. Harry is trying to get a connector route for ATVs through Chocolay Township to create a U.P. wide trail from Ontonagon to the Mackinac Bridge. The trails would be marked and would have organized law enforcement. Harry started the club because people don't know where they can ride and are getting lost. The mission of the club is to play an active role in improving ORV conditions through legislation, publicity, and responsible members. Harry introduced Rob Katona who is a trails analyst for the Upper Peninsula District of the Michigan DNR.

Katona clarified there are State designated routes that are maintained by grant sponsors, such as ORV clubs that apply for grants through the ORV trail

improvement fund. These trails are typically off road and have true trail characteristics. They are not on roads. They are through the woods or on railroad grades, and are eligible for grants to fund maintenance and law enforcement. They are approved through the internal DNR approval process.

Non-state designated routes are corridors that are open to ATVs, and could be a forest service road, state forest road, county road, or even a trail that is not managed by the State. They are primarily located on County roads and serve as connector routes. In this case, this is an example of a club seeking to open a connector route. These are approved through a local ordinance. The process to open a non-designated route begins with citizens or a club approaching the DNR with a plan. The DNR provides guidance, and the initiators seek permission from landowners or the appropriate public authority. With support and approval from all parties, the corridor can be opened and enforced through a local ordinance. The U.P. Trail Development Association is working with clubs to develop a U.P. wide connector route. These can be combinations of designated and non-designated approved routes. Our area provides a large gap through which T.E.A.M. is trying to provide a connection.

This proposal is to open Mangum Road, Basal Road, County Road 480, a portion of Kawbawgam Road, and Cherry Creek Road between 480 and Carmen Road for ORV travel (on the paved portion of the road). There are some portions of the proposed connector route that involve other landowners and managers and require separate review and approval.

Katona said the benefits of opening select roads and enacting an ordinance is increased recreation for local residents, access to businesses, increased tourism opportunity, connectivity to other routes, and additional monitoring from responsible ORV users and club members along the routes. This could lead to decreases in trespassing, unauthorized youth operation, and property destruction. It creates the opportunity for enforceable regulations such as speed limits and hours of operation. Signage and information stations help educate users.

Katona addressed some concerns, saying there would be an increase in ORV traffic if Chocoday opens up some roads, but the use would be concentrated and better managed. Enabling of enforcement would help address noise and speed concerns (there are State regulations regarding sound emission and the local government could enact speed limits and put up signs). When limiting operation to the far right of the maintained portion of a road, there would be less damage to road shoulders, steep wet areas and driveways. Some funding from fines would be available to assist in restoration and maintenance. He said that ORV and vehicular accidents have been very minimal.

Ron Yesney of the DNR then explained their role. The DNR used to develop and maintain trails on their own. With staff decreases, the DNR now partners with others to develop and maintain trails, both motorized and non-motorized. The designated ORV route ends at the casino in Chocoday Township, and there is another trail that ends at the crossroads. A connection is needed between them through Chocoday Township. The governor supports interconnected trails between communities (Trail State) as good for the economy. A managed system is better

than a free-for-all where people don't know where they can ride. ORV clubs are good partners. The DNR representatives are present to hear what people have to say and to support T.E.A.M.

Mahaney asked if there any paved designated trails? Yes, there are, short segments to get around wetlands or accommodate road crossings.

Sikkema asked if this would be considered a long or short paved segment? Katona said this would be considered a long segment. State designation would require moving the trail off the pavement (off-road), even in the unpaved portion of the right-of-way.

Mahaney asked for clarification on funding for repairing road, shoulder, and driveway damage. An ordinance would allow civil infraction fines to be put into an ORV fund with a portion used for restoration.

Milton asked if the ORV definition includes jeeps and pickups. Yes, it does. Everything from full size vehicles down to motorcycles, including side-by-sides, quads, four wheelers, but not snow machines.

Sikkema asked about classifications of trails. There are several. An ORV route includes all vehicles; an ATV trail includes vehicles less than 50 inches in width; and a motorcycle trail is 24 inches in width and for motorcycles only. There are also ORV routes with specific restrictions.

Meister asked if the DNR has looked at alternate routes. Katona said they have, as far south as Trenary, working with the forest service. The watersheds south of Chocolay Township provide a barrier. This is really the only viable route at this time. The other considered routes were mostly roadways except for off-road trails through the Chatham area. There were problems with landowner permissions.

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. Consideration – Trail Riders Enthusiast Alliance of Marquette County (T.E.A.M) proposed plan for east/west Chocolay Township ORV connector route

Planning Director comments

Woodward pointed out that the 2012 Annual Report for the Township includes descriptions of roles and responsibilities for Township Planning and Zoning staff and decision making bodies. She said her job as Planning Director is to bring items to the appropriate decision making body. This decision is being heard first by the Planning Commission who will hold the public hearing, and then may or may not make a decision this evening. Depending on the time, they may postpone a decision until the next meeting. But what they will work toward is making a recommendation to the Township Board on this proposal.

Woodward said she appreciates that T.E.A.M. is working through the appropriate public process with the Township and the DNR to promote responsible ORV

ridership and to educate people. She also praised the hard work of others to get together, find out what people want, and to present the information and submit petitions.

Harry had submitted a petition with 51 signatures (at least 35 residents of Chocolay Township) who want an ORV route through Chocolay Township. Staff advised Harry to submit a detailed plan for the route. Harry had informational meetings with various Township staff. The group does NOT propose opening all roads to ORV use, and does not support travel through neighborhoods to access the route. This is simply a connector route.

The staff report details applicable legislation and regulations in surrounding jurisdictions. Basically, the County ordinance opened county roads in all jurisdictions to ORV travel except those in the townships of Chocolay, Marquette, and Sands and the cities of Negaunee, Ishpeming, and Marquette. The cities of Ishpeming and Negaunee adopted their own ordinances opening most of their roads to ORV travel. The staff report includes input from the County Road Commission and County Planning, and County Sheriff's department. Police Chief Zyburt is also present to discuss his report.

Woodward detailed the applicable sections of the Community Master Plan that support quiet, rural lifestyles and more non-motorized transportation opportunities. The only direct mention of ATVs is a vision statement that says, "Recreational riders enjoy their ATVs in designated areas with well enforced laws". Woodward submitted setback and density calculations along the route for consideration.

Chief Zyburt said he met with T.E.A.M. and they asked his opinion on the route. He thought the route they chose would be the safest, but he is concerned about ATVs and motor vehicles mixing on the road for that long distance, and also concerned about kids on ORVs. There will be a problem with people riding their ORVs from their residence to this route instead of trailering. The four man department is very busy and this will tax their ability for enforcement. He spoke with Mike Lovelace about his experience in other areas, and he has similar concerns. The police department does have an ORV. Statistics from the last five years show a total of 99 complaints (not a lot), with a majority on the portion of the snowmobile trail which is closed to all wheeled vehicles. There was one fatal accident, and others involve private property damage. Mahaney asked if they have been able to ticket violators. Chief Zyburt said the majority do get away. They are hard to catch and there is a risk of injury in a chase. They can usually identify locals because it's ongoing and there may be a worn trail. Heinzelman asked if they do a directed patrol for ORVs. This is done on the snowmobile trail in the spring and summer.

Sheriff Mike Lovelace commented on problems in other jurisdictions. Chocolay's primary enforcement would be the local police department. The Sheriff would have deputies available for DNR designated trails. Sheriff Lovelace is opposed to ORVs on paved roads. He opposed the County ordinance along with the attorney and road commission. He is concerned about youth on ORVs who are not supervised by their parents and travel in packs down the middle of the road. He will not chase them because they will flee and lose control and get hurt. He says the tires are not

designed for travel on paved roads and they are not stable at high speeds. Even on roads that are not busy, the mix of traffic can create dangerous incompatibilities. There are not enough deputies to answer calls if there are problems.

Public hearing – instructions were given

Robert Taylor, 204 Jean St, owns the Adventure Center at the crossroads and promotes ORVs. He detailed the substantial income generated by ORVs for the State. He said there are more accidents on non-motorized units than motorized units. He prefers they not run down paved roads, but due to various obstacles, no other route has proven viable. The tire safety consideration is not applicable at the 25 mph speed limit. He also has a problem with unsupervised youth riders, but there are appropriate laws for this. He suggested approval on a test basis.

Mary Jane Lynch, 316 Kawbawgam Road, appreciates the work of T.E.A.M., but asks that an economic study be done because she thinks the impact is not significant. She is in favor of a well-designated, well-maintained, and well-signed trail but not in favor of the connector route because she thinks it is not necessary. She thinks it's wrong to prioritize ORV funds over safety and other people's needs.

Jennifer Tapolcai, 794 Mangum, said Mangum Road is peaceful, with young families, and four season non-motorized use – a strong community with strong friendships. She is concerned about ORV traffic on a small winding road with hills, especially in the winter. ORV traffic would have been a deal breaker for her when she was looking for a home in a quiet, peaceful area. Safety is a priority.

Tom Russo, 910 Mangum Road, says Mangum is a busy, dangerous road. The DNR did not partner with the residents or get their input. Residents want to be in the partnership. The DNR needs to find an alternate route. TEAM means together everyone achieves more (his interpretation). Safety should not trump the quality of life for residents. He is concerned about safety, and increasing the amount of traffic is irresponsible. Don't forget the residents of Mangum Road, they care.

Deborah Mulcahey, 633 Lakewood Lane, congratulates ORV people who safely operate. This is not always the case. She is concerned about ORVs operating on dunes and the beach. ORVs are not listed as a Township priority. She asked that the hearing be cancelled so everyone is not wasting their time due to two primary reasons, 1) Road Commission not allowing the connector on Cherry Creek Road, 2) DNR not speaking uniformly about the Lake LeVasseur connection. The land managers didn't know about the proposal until recently. There are serious accidents. Look from the user perspective of the land. The creation of the link will not solve the education problem. There will be no enforcement. Noise is an issue. There is a liability issue for the local club. She is opposed to the route.

Carol Lamirand, 452 County Road 480, invites people to have a lemonade and view the traffic in front of her home. She is concerned about children on motorized vehicles and thinks it creates disaster in letting them share the road with big trucks. She also worries about the method of road repair using loose pebbles and lack of repair. She doesn't want vehicles making a mess in front of her yard.

Dave Drummond, 805 Silver Creek Road, disputes some of the other concerns and thinks people blame 4 wheelers for problems they don't create. He is in favor of the route.

Cheryl Koski, owner of Creative Interiors on the corner of US-41 and Basal Road, is opposed to the connector route. Basal is narrow with no shoulders, creating a hazard for users of the road. ORVs travel in groups and disrupt business activity with their presence and noise. It is a dangerous intersection. ORVs don't have identification so they can't turn them in for improperly using their parking lot. It is a safety risk. The Township should provide adequate parking for the users to trailer their vehicles to access the trails.

Ray Wood, 1777 M-28 E, uses the roads frequently as a cyclist. The shoulders are in poor repair already and this would make it worse. He is also concerned about safety with mixed users. Mangum Road is narrow, winding, and has line of sight issues.

Skip Schulz, President of U.P. ORV Trail Development Association, hears the same frequent concerns from the minority. He disputes the basis for safety concerns based on the low frequency of incidents compared to the number of total users. To the residents along the road, he said, "It's a public road". If you want something different you can live on a private road. He supports a controlled and managed route that can be enforced. Otherwise, people will use it anyway. It's already against the law for youth to ride. People break the law. Motorists also break the law by speeding, but we don't make cars illegal. The sport will exist whether people like it or not. The majority of riders are 52 year olds on side-by-sides. This is one way to bring people to and through the community. It doesn't make sense that people can say they want to drive their car from here to Detroit but they don't want ORV people to ride from one end of the U.P. to the other. That's selfish. He promoted working together.

Leanne Hatfield, 724 Greenfield Road, mentioned the petition against the proposal in her neighborhood. She heard every family on Mangum Road is opposed. She mentioned the many non-motorized users and safety concerns on the road. She said the economy would be better if everyone in the room bought local and supported local businesses. The directly affected landowners are opposed.

Domenic Ori, 293 County Road 480, is concerned about the safety of non-motorized users utilizing the road shoulder. Is he supposed to jump in the ditch or in the road when meeting an ORV on the shoulder? He supported the bike connection between Lake Michigan and Lake Superior. He is not opposed to ATV people if they ride in the right place, but is opposed to them using the road shoulder.

Jerry Labine, 6408 US-41, suggested putting the trail on prison property.

Debby Mahin, 774 Greenfield Road, is concerned about safety. Residents contribute a lot to taxes, and she is not sure about the contribution from ORV users.

Katie Beerman, 150 Mangum Road, was born and raised there. She thinks regulations will not be enforceable. The packet does not mention that the Township is not immune from liability arising from gross negligence. If the Township does not listen to the safety concerns of residents, then it may constitute gross negligence. She doesn't care what other jurisdictions do – our Township is different and that's what makes it special, that's what brings tourism here. The Township Comprehensive Plan supports her position. She thinks the Planning Commission is the representative of the residents, and should listen to the majority.

Chris Hamari, 114 Mangum Road, worked very hard on the petition opposing the route. They have ORVs and enjoy riding, but trailer them to private property. They are not the minority position. There are not that many complaints simply because residents don't bother to complain, but that doesn't mean there aren't incidents. You can't see how old riders are with helmets on. Citizens should help the police by turning in complaints. She invited the Commission to speak for them.

Dale Hamari, 114 Mangum Road, tried to find a compromise. He noted there may not be problems with ORVs on the roads in other jurisdictions because they have other places to ride. When pedestrians hear cars coming behind them, they get off the road. ORVs won't be able to get off the road safely on Mangum because it's narrow with no shoulders. Be consistent with the non-motorized focus of the Township Plan. He submitted a plan for an alternate route to the Commission.

John Kurkowski, 249 W. Ridge St. Marquette, speaking on behalf of M.A.P.S. and Cherry Creek School, asks the Commission to consider the impact of the route on the school and the children traveling to the school.

Don Houghton?, 21 year resident on Kawbawgam Road, said there is ORV and snowmobile use already, you can't stop the traffic. His concern is that snowmobiles will go faster than ORVs.

Donald Dameworth, 550 Mangum Road, 96% of residents on the road oppose this route, not counting the connecting road residents that use the route on a daily basis. Some of the other 4% that did not sign were out of town.

Public comment was closed.

Commissioner Discussion

Mahaney said that of the signatures that were collected, there were approximately 189 residents opposed and 35 in favor. He notes the predominance of the opposition, and based on the information presented, he is opposed to the proposal.

Heinzelman also noted the overwhelming opposition from the affected area. He also noted the safety concerns of the Chief of Police, and he has personal experience in enforcement difficulties. Paved roads are not a safe environment for ORVs. There are enough concerns on the roads between motorists, pedestrians, bicyclists, and deer, and this will be that much more distraction. He also noted the vast variety of vehicles considered to be ORVs vs. ATVs. This should be more definitive. It's a hard sell for him especially with all the opposition.

Meister had some of the same concerns. He traveled the route and noted it's an extremely narrow road with no shoulder and no room to get out of the way. The first priority is to the residents of Chocolay and their quality of life, so he is opposed.

Sikkema asked the DNR to clarify that this trail, being on long stretches of paved surfaces, would not be a State designated trail and thus would not be eligible for funding through the ORV trail improvement fund, and would not receive paid enforcement by the County Sheriff.

Milton noted the confined space on Mangum Road, and felt adding ORVs would be a mistake. He can't support an ORV trail on Mangum Road.

Smith personally owns snowmobiles and is an active ORV user, and likes the idea of riding from his house to a trail. But as a Planning Commissioner he represents the Township. As a user, he just wants a place to ride, but doesn't think people will trailer to a trail. He knows the people on Mangum Road probably have ATVs and probably use them respectfully to ride from house to house. However, there is overwhelming opposition to a through traffic route, and so he can't support it.

Heinzelman addressed the liability issue and gross negligence, and says the Township might open itself to liability because there is always a lawyer willing to take a gross negligence case. He also noted it is unclear what a pedestrian should do when approached by an ORV on the shoulder. The Commission will submit the alternate route plan to the DNR and Township Planner.

Smith noted that from his experience, it takes time to work with the community and get trails open. He hopes this will open the discussion and more people will come forward with alternate routes. He appreciates all the work the club put into it.

Mahaney is an avid cyclist using the roads that are included on this proposal, and he has safety concerns along Mangum Road, including disrepair and sharp turns. He sees problems with the mix of users and is concerned about quality of life and the non-motorized focus. He thinks they should listen to the residents of Chocolay.

Heinzelman asked Woodward to verify the County Road Commission's position on the proposed route along Cherry Creek Road. She said that even if the Township approved the ORV route on Cherry Creek Road, the Road Commission has said that they will use their authority to negate that decision.

Commissioner Decision/Recommendation

Moved by Milton, seconded by Mahaney, to recommend that the Township Board take no action on the T.E.A.M. proposal and maintain Chocolay Township's exemption from the County ORV ordinance that authorizes ORV access on County roads.

Vote: Ayes: 6 Nays: 1 (Stanaway) MOTION CARRIED

There was a two minute break to accommodate those who wished to exit the meeting.

- B. Consideration – Proposed Conditional Use #CU13-02 for 110 Aspen Drive, Parcel #52-02-465-026-00, for a Group Day Care Home (will be State Licensed)

Planning Director comments

Woodward summarized the application. This was formerly the site of a family child care home (up to six children) run by a former resident. Woodward took photos of the outdoor play area. She noted the main consideration is that the Michigan Zoning Enabling Act designates this as a residential use of property that shall be issued a permit if it meets all of six standards. To address the six standards, the Commission needs to decide what it thinks is appropriate for fencing. The regulations of PA 116 of 1973 do not require fencing for the required outdoor play area. The Township Zoning ordinance also does not have a requirement for fencing for this use, but the Planning Commission could require fencing as a condition of approval. The applicant is present to answer questions about hours of operation. No signs have been proposed, but a sign would not be permitted other than the typical residential name/address sign. There is plenty of room for parking for the other employee.

The use must also meet the conditional use standards of our zoning ordinance. Staff made a determination that it does meet these standards, and that the improved availability of quality home child care proximate to other homes and places where people work is in the public interest per standard #4. Staff also finds that the State licensing process will ensure that the use continues to provide adequately for the services and facilities deemed essential to the use per standard #6.

Sikkema asked for verification that if the use meets all the conditions, it's basically considered a residential use under the Michigan Zoning Enabling Act (MZEA). He asked if you can require a conditional use permit. Woodward said the MZEA says a Township can approve this use through a conditional use permit with extra conditions, as long as the conditions are not more restrictive than the State licensing act. For example, you can't be more restrictive than the 16 hours maximum hours of operation. But you can approve the use even if it doesn't meet the conditions of the MZEA. You can limit night time hours of operation but not prohibit them. These things should be addressed as conditions in the decision, not just exist in the application. You can't be more restrictive than the state in number of permitted children. Conditions must support standards in the Zoning Ordinance.

The Commission verified the number of public comments received. Sikkema also verified that even though an additional "employee" would be required, this is designated by the MZEA as a "residential" use of property, not a home occupation.

Public hearing

Andy Wasilewski, 114 Aspen Drive, said the former child care home worked fine and the children were never a problem. He is only now learning about the increase from six to twelve children, which presents some concern to him. He had some questions related to the discussion. He thinks that a front yard fence would be a detractor for the neighborhood because it would be the only one. Sikkema asked for clarification that the speaker would not consider a fence to be detrimental. Wasilewski clarified that he thinks a front yard fence would be a bad thing, but a

back yard fence would not be a problem. Mahaney asked if Wasilewski was concerned about traffic with the increase in children, or the hours of operation. He was not sure how it would be now, but it was not a problem before. The other child care home closed last October.

Meister asked if Wasilewski thought a fence was needed for his protection. He said that the other kids played in the front yard and were closely monitored, but it was never a problem and they weren't near the roadway. He said it was a positive thing.

Public comment was closed. The applicant will join the Commissioner discussion.

Commissioner Discussion

Sikkema verified that the operation would include another adult if there were over six children in care. The applicant verified this and explained the adult/child ratio rules. Mahaney asked how this was enforced by the State. They perform unannounced inspections and pull the license if you have too many kids.

Sikkema asked the applicant's thoughts on fencing. The applicant saw no need for fencing based on her level of supervision. Heinzelman asked about the perimeter trees. Mahaney asked the applicant if she is aware of other neighbor impressions. She said the older neighbors across the street expressed that they love the atmosphere that the kids bring, and that it creates more of a neighborhood feel.

Sikkema asked about limiting hours of operation from 6 am to 6 pm. The applicant noted that they might not be able to limit to 12 hours when the state allows 16 maximum, but she doesn't generally anticipate exceeding these hours. The Commission discussed limited outdoor play hours.

Mahaney again asked about a back yard fence. The applicant would prefer not to install a fence for the kids. They put in a wireless fence for the dogs. They like the current feel of their backyard. The kids have organized activities.

Commissioner Decision/Recommendation

Moved by Stanaway, seconded by Sikkema, that after conducting a duly noticed public hearing, and upon finding that the proposed use complies with all standards of Section 206(4) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, and the Conditional Use Standards of the Chocoday Township zoning ordinance as noted in the staff report dated May 2, 2013, the Conditional Use request for parcel #52-02-465-026-00 located at 110 Aspen Drive to operate a Group Child Care Home is hereby approved subject to the following conditions:

- *Limit hours of operation to 5:30 am to 10 pm.*
- *No outside activity prior to 9 am.*

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

- C. Consideration – Proposed Conditional Use #CU13-03 for 801 Willow Road, Parcel #52-02-107-082-10, for a Group Day Care Home (will be State Licensed)

Planning Director comments

Woodward noted one public comment was received that day and submitted to the Commission.

Public hearing

No comments were received at this hearing.

Commissioner Discussion

Stanaway asked the applicant how far down Willow Road she lives. The condition of the road was discussed. It is a private road with no private road agreement. Two homeowners take care of the maintenance. The applicant has resided there for two years. She has a family child care home now, and other residents should be aware since they play in the front yard. Sikkema asked if there are any covenants that limit uses. The Township is not aware of any.

Commissioners discussed hours of operation with the applicant. She has someone considering working a night shift. Drop off would be 9:30 pm. Commissioners thought there would be two important concerns for neighbors in relation to hours of operation, including pick-up/drop-off times and outdoor play time. The applicant noted that hours of operation are reported in the state license application. Changes can be approved through an agency process.

Commissioner Decision/Recommendation

Moved by Sikkema, seconded by Meister, that after conducting a duly noticed public hearing, and upon finding that the proposed use complies with all standards of Section 206(4) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, and the Conditional Use Standards of the Chocoday Township zoning ordinance as noted in the staff report dated May 3, 2013, the Conditional Use request for parcel #52-02-107-082-10 located at 801 Willow Road to operate a Group Child Care Home is hereby approved subject to the following conditions:

- *Pickup/drop-off shall be limited to the hours of 5:30 am to 10 pm.*
- *Outdoor activities shall be limited to the hours of 9 am to 9 pm.*

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. PUBLIC COMMENT

Gary Walker said the Planning Commission did a very good job in a very difficult situation.

IX. COMMISSIONER'S COMMENT

Sikkema said MDOT is proceeding with the design of the resurfacing of the bike path on the east side of US-41 from M-28 to Terrace. There will probably be some changes in curb and gutter in front of a couple of businesses to enlarge the islands to accommodate the bike path. Contact Rob Dervo.

The Commission asked about the status of the unfinished zoning ordinance amendments. This list will be brought to the Commission at the next meeting to discuss potential further action.

The Commission discussed the current chicken regulations in the animal control ordinance, and lack of clear regulation in the zoning ordinance. Enforcement can really only come from the animal control ordinance which is enforced mainly through complaint. It is not fair for people to have chickens only if their neighbor doesn't complain. There needs to be consistently applied regulation and enforcement. The Commission will further discuss this at the next meeting, considering other animals and the impact of the Right to Farm Act. They could adopt a local food chapter for the Master Plan and then address regulations.

X. DIRECTOR'S REPORT

Woodward related thoughts and examples from the APA conference in Chicago. The Board adopted zoning amendments pertaining to Signs and Conditional Use Standards. Woodward noted the Board approved a change in the Conditional Use amendment, which the Planning Commission thought was problematic because there is a need to keep up with current law vs. the law at the time the permit was issued. Woodward presented the revised Sign application. Sikkema said the new trend is portable billboards.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News

ADJOURNMENT

Heinzelman adjourned the meeting at 10:35 p.m.

Submitted by:

Planning Commission Secretary
Andy Sikkema

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 3, 2013

I. MEETING CALLED TO ORDER BY: Andy Smith at 7:30 p.m.

ROLL CALL

Members Present: Andy Smith (Vice Chair – Acting Chair), Andy Sikkema (Secretary), Tom Mahaney, Eric Meister, Kendell Milton, Bernie Stanaway (Board Rep)

Members Absent: Gary Heinzelman (Chair – resigned)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES – May 6, 2013

Motion by Milton, seconded by Stanaway, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, seconded by Sikkema, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

A. Chocolay Township Farm Incubator Project

Kelly Drake Woodward introduced Natasha Lantz and Matt Gougeon from the Marquette Food Co-op, who spoke about the Co-op's involvement in the project to date. Gougeon, General Manager of the Food Co-op, gave a perspective on the impact of local food in our area as context for the presentation. He said from a business perspective, locally grown food and product has been the fastest growing category in their store for the last four year period, growing 60 percent during that time and representing half-a-million dollars of impact from food grown in the Upper Peninsula. He said the prospect for this local incubator farm is significant. They have seen that there is a growing interest in locally grown food, but there is a dearth of locally grown food. The U.P. has a third of the land mass of the state and only three percent of the population. Gougeon said that his organization, directed by his Board of Directors, has a vested interest in supporting the farm incubator project in Chocolay Township, because they have seen a real need for the education of new, young farmers and a need for an increase in capacity of locally-grown food. He said this is a tremendous opportunity for Chocolay Township and Marquette County to be seen as a leader.

Natasha Lantz works as Community Liaison for the Marquette Food Co-op. Up until two years ago she owned one of the local farms in the area, Dancing Crane Farms. Lantz is the co-leader of the U.P. Food Exchange project. This project coordinates local food activities across the Upper Peninsula. Lantz said they

conducted an Ag Assessment across the U.P., polled the retail stores, and talked to the community, and found that there is not enough local food being produced to meet the demand. Hospitals, schools, and restaurants try to purchase local food but can't because there is not enough being produced. The Co-op has obtained commitments that these institutions and businesses will purchase local food when it is available. She said when the opportunity came up to work with Chocolay Township on the incubator project, they assigned two of their hoophouse/gardening experts, Kelly Cantway and Abbey Palmer, to meet with Woodward on a significant level, which they have been doing for quite some time now. They will also involve other staff members who are "hands on the ground" working and training community members to grow food. Lantz said there is great potential for the farm incubator project because there are two different types of farmers that can be served – new beginning farmers, and current farmers who want to increase capacity. Both need a place to learn and try different techniques. This is an opportunity not only to train more people, but to create a model for others in the state and across the country. Lantz can answer questions about local food and has brought information on various classes and other events to give the Planning Commission an idea how this incubator project will dovetail nicely with programs already in place.

Woodward gave a presentation on the potential project starting with a history of how the project materialized. The property has been leased to a farmer from Skandia, but the Township was actually losing money on the lease. During the process of renegotiating the lease, the Board voted to let the lease terminate in spring of 2014. The Board indicated support for agriculture as an interim use of the property until it could be determined if expansion of the Recreation Area was warranted. Township Manager Steve Lawry discussed the prospects for retaining the grandfathered agricultural status of the land with Woodward. Woodward suggested that it might be feasible to use the land as a farm incubator to train new farmers who might then purchase farms in Chocolay Township or the region and contribute to the local food supply.

Woodward said the goal is to contribute to a vibrant and sustainable food economy, and to increase food security in the region. Chocolay Township would be working with local farmers, the Co-op, U.P. Food Exchange, and other important community partners to accomplish this goal. Existing challenges within the local food system include a dependence on far-away food sources. Woodward said the average pound of food travels 1,500 miles to reach your table. This is a concern in light of dwindling fossil fuel reserves and rising food prices. She also noted corporate control of seed supply and distribution systems, citing various statistics related to the processing and distribution of meat, precut salads, and milk by only a handful of companies nationwide. She noted the value of more resilient and diverse food systems. Other challenges are the disproportionate subsidies for large vs. small farms, food standards that create a hardship for small farms, and local regulations that don't support local food businesses.

Woodward noted the following benefits of strong local food systems: fresher, healthier food; fewer middlemen leading to greater incomes for farmers and lower food prices for consumers; more local jobs; greater productivity per acre; better conditions for farm animals, and increased food security. Woodward noted the

evidence of increased interest in local food as shown by the rising number of farmer's markets, winter markets, institutional purchases, and agri-tourism sources along with the participation of local health departments in support of local food.

Woodward highlighted the vision and some of the relevant goals and policies of the Marquette County Local Food Supply plan that could be addressed by this farm incubator project. She especially noted the goal of government providing an example of how to use land to increase the local food supply. Also, the County plan does include policies for supporting education, land-leasing and sharing (farm incubators), and cooperatives for food processing, storage and farm equipment. She noted the importance of community partnerships in the project.

Woodward said that there may be several different meanings for the term farm incubator. Some organizations use them strictly for education or for certification. However, this project is envisioned as a working farm, outdoor classroom, and entrepreneurial experience. There would be multiple lease holders that would pay for their own plots and supplies and participate in cost sharing. They would be assisted in creating business and marketing plans and tracking their profits. The project also promotes the sustainable use and stewardship of agricultural lands, and ensures community engagement in the food system. The project is envisioned as a bridge between internship at a farm like Seeds and Spores and the big step of full farm ownership. Most new farmers don't have the opportunity to learn from other family members or access land and equipment on their family's farm like they used to.

The Township would be the land owner, and there would be a need to create an entity like a Board of Directors for the operations management portion of the project. Other partners would supply mentoring, education, support, and other resources for the farm participants.

Participants would be expected to attend workshops and training, cover start-up costs, participate in a cost share program and shared work days, practice organic farming, and submit reports. Woodward discussed other farm incubators including Intervale Center in Vermont and Tilian Farm Development Center in Ann Arbor Township, Michigan.

Woodward conveyed the keys for success that were discovered at the first visioning meeting on May 28. Topics related to the site, production, distribution, management, program support, and participants. Other potential elements for inclusion are a large plot community garden, children's garden, native plant or permaculture demonstration garden, space for classes and demonstrations, packing and storing area, community orchard or bramble patch, hoopouses, on-site and off-site marketing, and agri-tourism. Woodward will have a meeting with area farmers to get their input, and will form work groups if we want to move forward. Project partners who have offered support thus far include the Marquette Food Co-op and U.P. Food Exchange, AgBioResearch Center in Chatham, MSU Extension educators, local farmers, local educators, and local citizens. Woodward said that with the blessing of the Planning Commission and the Township Board, she would be working with others to create a proposal for the project. She said there is a survey available at www.chocolay.org to collect input.

Mahaney asked when the current lease expires. Woodward referred members to Board minutes on the topic. Mahaney asked if people could use the property year after year to grow food for their family. Woodward said this is what the large plot community garden site would be for, but the farm incubator would be intended to support the farmers for a period of time until they could graduate and buy their own farm. The time period might depend on the demand from new farmers to enter the program, because we would want to keep the majority of the site in production. He also asked about current farmers and how they might use the property. Woodward said they had envisioned it a jump-start for new farmers who don't have access to land, but they would expect existing farmers would be mentors. Existing farmers might also use a portion of the site to try out new products or techniques. Each farmer would either lease a portion of the site from the Township or from the non-profit fiduciary organization that oversees the project.

Smith confirmed that the site is 14 acres, and asked what is currently being grown. The answer was corn. The property was leased by the prison farm and then a farmer. The project would hopefully start next spring provided a proposal was approved by the Board. Woodward hopes to get grants or donations to help cover start-up costs, and to establish a Board to oversee operations.

Sikkema asked if there are models where the land is leased out to a non-profit and the non-profit runs the program. Woodward said that is the most common model. The Ann Arbor Township project is headed by a non-profit fiduciary, Steering Team, and Project Manager.

Meister asked about the possible expansion of the recreation area. Woodward said there are currently no plans for expansion, but they would plan for mobile structures so the site could be easily converted if needed. The communal elements could be located around the edges or away from the recreation areas.

Milton asked about the existing water supply on site (recreation area). The fields have their own sprinkler system and there is a pump house. Mahaney feels that the project should prioritize leasing the land to new farmers more than accommodating existing farmers.

Mahaney asked if it would be open to people other than township residents. Woodward said she anticipated it would need to be opened up to non-residents hoping that they might eventually purchase property here, but that the governing body could decide to give preference to local resident participation in their selection process. She noted that either way it would contribute to the local food system.

VII. NEW BUSINESS

A. Election of Officers

Meister nominated Smith as Chair. Smith said he would rather be Vice-Chair. After discussion, it was moved by Stanaway, seconded by Smith to nominate Sikkema as Chair.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED Sikkema was elected Chair.

Moved by Meister, seconded by Mahaney, to nominate Smith as Vice-Chair.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED Smith was elected Vice-Chair.

Moved by Sikkema, seconded by Stanaway, to nominate Meister as Secretary.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED Meister was elected Secretary.

B. Comments on Marquette County Local Food Systems Plan

The vision statement was praised by Woodward and Stanaway. Milton suggested adding a policy to regulate the mining of topsoil through the use of mineral extraction rules. Stanaway supported this idea. Other members had concerns that topsoil is needed for many uses such as highway construction and landfill remediation, and has to come from somewhere. At the least, a remediation plan should be associated with the activity. There were questions about whether remediation would be covered by the County Soil Erosion regulations. Smith said this would be covered if more than an acre was disturbed or if the site was within 500 feet of a lake or stream. There were also questions about whether these rules would be pre-empted by the Michigan Zoning Enabling Act. Woodward said the township would be limited in local government control of extraction. The focus is to promote responsible removal of topsoil for commercial purposes, recognizing topsoil as a valuable agricultural resource. Responsible removal could include rebuilding the soil with organic materials. Stanaway suggested keeping this idea to guide Township policy, but not necessarily County policy.

Supporting the County Plan does not mean the Township would have to adopt this plan. However, the County master plan goals and objectives would be the basis for the advisory comments on any zoning amendments we would send to the County for review. There were no concepts in the County Local Food Supply plan that were not supported by the Planning Commission. Season extension infrastructure was recognized as important to more resilient systems.

Moved by Stanaway, seconded by Smith, to support the Marquette County Local Food Supply Plan as a basis to guide Township policy.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Comments on the Chocolay Township Farm Incubator Project

Smith asked about the revenue from the current lease. Woodward said the lease with Bergdahl's Inc. was for \$211 per year, but subsequently it was determined that the property taxes of about \$640 per year were not covered by the lease, resulting in over \$400 loss. She noted the details were contained in a March 6, 2013 Memo from the Manager to the Board, as provided to the Commission.

Stanaway said the farm incubator project is a good idea, but he is concerned about security for equipment stored there. This is not so much a problem if the Township doesn't purchase the tools. Sikkema noted it was preferable to have a non-profit taking ownership of the equipment, managing the project, deciding who is in the program, so it's not the Township having to invest in and manage the project. Meister said the Township should not have to administer the program. Many people think this is a good project, but taxpayers don't want to have another employee hired on Chocolay tax dollars. He'd like to see a separate group take it over, with the Township making the property available and having some input on

use, terms, structures, etc. The Planning Commission and Planner don't have time to take this on, but he does support the project as a good use of the land. Woodward said the concept included having a separate group to manage the project. Sikkema suggested having a Board that could include Township residents to work with the non-profit entity, but not to utilize Township resources. He said it's a great opportunity for a group to take on this business, especially this close to Marquette. Sikkema said it's a great use of the property, we just need to look at how it gets managed and operated. Stanaway and Meister concurred. Mahaney asked if the guidelines would come back to the Planning Commission for approval. Woodward said that right now she just needs approval of the land use concept and moving forward with an advisory Board, and also Board to approval of further investigation and creation of a proposal. Mahaney recommended the proposal come back to the Planning Commission to make sure it's in the best interest of residents. Sikkema suggested finding a group to champion the project, do the implementation and take the burden off Staff. Gary Walker concurred that the Planning Commission is a better body to vet ideas. Sikkema acknowledged the correspondence received from residents that Township dollars not be spent.

Lantz said the Co-op could provide technical assistance on things like hoophouse construction, crop planning, and hands on farming instruction. She said that at the new facility, the Co-op will have an aggregation site in the basement with dry and cold storage that could be utilized by participants. The Co-op is also doing a study on how to better utilize trucking to support regional distribution with backhauls. The Co-op and their other community partners can handle large pieces in support of this project, including helping Staff put it all together.

Mahaney supported the creation of a large plot community garden as well on this site. After the following motion was made, Gary Walker asked for clarification of whether the concept would go to the Board for a blessing before proceeding, and Stanaway said that was not his intent. The Commission advised that the concept move to the Board after the proposal was considered by the Planning Commission. This was clarified as keeping the concept at the Planning Commission level until they approve the next step, then sending it to the Board.

Moved by Stanaway, seconded by Meister, to direct Woodward to investigate the forming of a committee or work with a current non-profit to proceed with the next step in forming the farm incubator project, and to present the draft proposal to the Planning Commission for recommendations.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

D. Potential Changes to the Animal Control Ordinance

Woodward said this came about due to enforcement difficulties for current regulations, and multiple citizen requests. She noted her memo response to Trustee Maki regarding chicken regulations. Woodward suggested two courses of action in clarifying the regulations relating to the keeping of chickens per citizen petition presented at the May meeting. One course is to address the animal control ordinance that currently bans the raising of certain animals in non-agricultural areas. The difficulty with this Ordinance is that it is only enforced by complaint to the police department. So people who have neighbors who don't

complain could keep chickens, and those who have neighbors who complain may not be able to, so it's not equitable or based on objective standards. The zoning ordinance is a better mechanism for regulating the activity beyond the basics of proper containment and animal behavior (nuisance provisions). The second and concurrent course would be to amend the zoning ordinance which currently only regulates this issue in a "backward way" (to quote the attorney). Attorney Zappa concurred there is room for improvement in the regulations, and the proposed procedures would be an improvement over current regulations. He said he wouldn't want to have to be in a position to enforce current zoning regulations related to agriculture, and it would be better to have more clear regulations for the keeping of chickens per zoning district. Woodward noted the limitations of the current regulations and the resulting imbalance in enforcement related to strict interpretation of the definition of agriculture. The Planning Commission is asked to consider the change related to the animal control ordinance tonight. Woodward noted that changes other than those being discussed tonight are necessary to bring the animal control ordinance up-to-date with current laws.

Stanaway expressed concern about opening up the regulations to allow chickens to be kept in his neighborhood in the R-2 districts where some lots are only 60 feet wide. He was concerned that if it was opened up for chickens, then other livestock like a pig might be allowed.

Sikkema noted the City of Marquette probably has no agricultural lands, so if they want to allow poultry, they have to allow them in a residential district. Whereas in the Township, we have options for everybody. If someone comes here and moves to residential, then later decides they want to have chickens, well, they should have moved over there.

Stanaway asked if it can be limited to a certain size parcel. Sikkema noted that people don't want to have to move from their homes after their desires change and they decide they want chickens.

Smith asked how the Right to Farm Act comes into play. Woodward noted there are many cases happening across the State and the impact is yet to be determined, however, we have one example case in our County that provides some direction that regardless of our regulations, there are some cases in which local regulations may be pre-empted by the Right to Farm Act. This would involve commercial farms that follow the Generally Accepted Agricultural and Management Practices (GAAMPS). The case was discussed briefly.

Woodward advised creating regulations that are appropriate in scale, setbacks, etc based on the different contexts within the Township after having obtained public input (not just Commission opinion). These regulations may still be pre-empted by the Right-to-Farm Act, but at least we will have clear regulations that citizens can understand before they move here, and they won't have to wonder if they are actually breaking the rule if they keep chickens.

Mahaney said he thinks Traverse City allows chickens. He thinks it's an important issue that we're getting many calls about, and he thinks it's time we deal with it. Stanaway said he wants to see some ordinances and do some more research on

the Right-to-Farm Act. Woodward noted an MSU Extension workshop on the Right-to-Farm Act on June 11, 6:30 – 9:30, at the NMU Olson Library, Room 109.

Moved by Stanaway, seconded by Mahaney, to table this issue to the next meeting to allow Commissioners to do more research on this issue, and Staff to provide more information from Ordinances in other municipalities.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Board request on proposed Zoning Ordinance Amendment Case #ZA0001-13 Notification Distance relating to posting of sign on property for public hearings

The proposed amendment changes the notification distance for written correspondence to all properties within 500 feet, instead of the current 300 feet.

Gary Walker said this issue has come to the Planning Commission as a result of a Township Trustee suggesting that in addition to the other required notices, a sign be placed on the property. The question is does the Planning Commission think that is appropriate or not. Proposed language for consideration is “Where a public hearing of the Planning Commission or the Zoning Board of Appeals is required in relation to an individual parcel in the administration of this Ordinance, notice of said hearing shall also be given by posting a sign not to exceed six (6) square feet in area on the subject parcel at least ten (10) days before the public hearing. This requirement may be waived if the sign would not be visible from any adjacent roadway when placed within the property boundaries, or if excessive snow or frozen conditions interfere with visibility or placement.”

Meister asked who would be responsible for posting the sign, the applicant or the Township? Milton said he thinks Google maps is useful for finding the location, and he doesn't think a sign on the site is necessary. Smith verified that surrounding properties will be notified in writing of the public hearing.

Woodward read Deborah Mulcahey's comments on this issue as submitted to all Planning Commissioners since she was the citizen who requested a notification change to start with. Mulcahey thinks the proposed changes are not acceptable. She suggests a notification distance of 1,250 feet instead of the 500 feet proposed by the Planning Commission (currently 300 feet is the State requirement). She said the proposed language regarding the posting of a sign is also unacceptable because the proposed period of posting of 10 days should be 30 days since people travel for work, take holidays, and might not be aware of a proposal that is posted for only 10 days. She also does not agree with the waiving of the requirement as proposed since she says it offers the community no protection of notice. Comments include, “The fact that the requirement to post notification in the area where the sign will be placed can be waived if there is excessive snow or frozen conditions interfere with visibility or placement is subjective. What exactly does excessive snow mean, or frozen conditions interfering with visibility? Frozen conditions can make it difficult to post a sign; but the reality is that if someone wants to put up a sign they will do so through frozen conditions. Therefore, the individual or business that wants the sign should be required to put the notification sign up and no waiver should be granted for this. Further, there is not mention of dealing with signs being posted along seasonal roads and the ability to post, or the

public's opportunity to review.”

Woodward said the Commission needs to verify their recommendation on the notification distance, and consider whether posting of a sign is necessary or not, and if so, decide on details such as time of posting, size, etc. The Board or Staff could figure out the details on how to purchase or make the signs.

Stanaway said he still thinks 500 feet is sufficient notification distance in most of the area. He agrees Google maps is a good tool. He doesn't think people who are a greater distance away will care about the issue. If they are not directly affected, most people won't care. He doesn't think a sign needs to go up.

Smith said they are already increasing the written notification distance, and he is also not for placement of a sign. Mahaney asked Woodward if she is aware of any other communities that post a sign on the property. Woodward said she did not know. Walker said an older Township zoning law 20 years or so ago may have had a requirement for posting a sign but that is no longer there. He doesn't know if other Townships retain that practice.

Moved by Stanaway, seconded by Milton, that the Board adopt #ZA0001-13 Notification Distance as previously submitted without the requirement for posting a sign on the premises for the following reasons:

- *Properties are easily found*
- *We are providing greater notification than what is required by the Michigan Zoning Enabling Act.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Recommended resolution of unfinished historic zoning ordinance amendments

The Commission discussed the zoning amendments that were never finalized but were placed in the public zoning ordinance. Woodward recently corrected the Zoning Ordinance to reflect official processes. If these unfinalized amendments still merit consideration, the process must begin again.

The Commission went through the entire list and decided on whether to take further action as follows:

#34-08-03 Floor Area Ratio - Need more information on the exact text and what was intended. Staff will provide more information at the next meeting.

#34-08-04 Setback changes in the MFR district – this was originally denied by the Planning Commission and there was consensus no further action is warranted.

#34-09-05 Change in lot size and width in the MFR district – this was originally approved by the Planning Commission but there was no Board action. The Commission wishes to take action on this amendment. Sikkema said this was a correction they were trying to do and should be reopened.

#34-09-06 Outdoor Wood Boilers – the Planning Commission approved the language, but there was no record it went to the Board for consideration. However, significant undocumented changes were made to the Zoning Ordinance that didn't match the language approved by the Planning Commission. This language was recently corrected to reflect official proceedings. Smith says he has

the draft at home. The Planning Commission decided to reopen this issue.

#34-09-07 27' Commercial vehicle parking in residential districts – This was to reinstate language that existed before the 2008 amendment. It was approved by the Planning Commission, and approved for a first reading at the Board, but was tabled at the 2nd reading. There was consensus no further action is warranted.

#34-09-08 Change to nonconforming uses and structures – deleted all language pertaining to nonconforming uses which were confused with use variances. This change was denied by the Board, but text was deleted from the Zoning Ordinance anyway. This language was recently corrected to reflect official proceedings. There was consensus no further action is warranted.

#34-09-09 Definition of park – The Board had approved a definition at a first reading but then didn't bring it for a second reading or approval. In the meantime, the Planning Commission created a new definition. Neither definition was approved but the Zoning Ordinance was changed according to the first definition. Currently there is no definition of Park in the ordinance, and parks are approved as conditional uses except in the MP district where they are permitted uses, and in the C and I districts where they are not permitted. After much discussion, there was consensus no further action is warranted.

#34-09-11 Flags – Approved by the Planning Commission and first reading of the Board but never adopted. The same basic language is now contained in the recently approved sign ordinance thus, "flags other than those representing corporate or commercial entities are permitted in all residential districts provided the support structures comply with the setback and height provisions of that zoning district." Smith said this amendment originally was intended to address very large US flags. Gary Walker said that might be a free speech issue. There was consensus no further action is warranted.

#34-09-12 Definition of flags - Approved by the Planning Commission and first reading of the Board but never adopted. There is currently no definition of flag in the Ordinance. There was consensus no further action is warranted.

#34-09-13 AF district nonconforming lot – An attempt to correct an ordinance problem. However, it's the consensus of staff and the attorney that this was not needed. The intent was that people can still build on nonconforming lots in the AF district. There are already provisions for this. There was consensus no further action is warranted.

#34-09-14 Flag – The Planning Commission approved it, the Board approved the first reading, but there was no second reading or adoption. This was related to a provision in the sign ordinance. There was consensus no further action is needed.

#34-09-16 Outside Wood Boilers use provisions. This was approved by the Planning Commission but not addressed by the Board. The idea is that if you meet all the setbacks, why do you need a 5 acre minimum? The Planning Commission decided to reopen this issue.

#34-10-16 Swimming pool regulations – This was never finalized by either the Planning Commission or the Board. But it was thought this was dropped because the County has regulations for swimming pools and the Township doesn't need to regulate them. Swimming pools are not currently addressed in the ordinance. There was consensus no further action is warranted.

#34-10-18 Height – Approved by Planning Commission. Not taken up by Board. The Planning Commission had considered a formula to increase the setback for higher accessory buildings. It had to do with energy truss systems. There was also an issue with how the height was measured. The Planning Commission decided to reopen this issue.

#34-11-06 There was consensus no further action is warranted.

Moved by Stanaway, seconded by Meister, to revisit previous zoning ordinance amendments #34-08-03, #34-09-05, #34-09-06, #34-09-16, and #34-10-18 and to take no further action on all the others.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. PUBLIC COMMENT

None

IX. COMMISSIONER'S COMMENT

Smith asked on the progress of purchasing the property to the west to allow for better access into the Township office complex. Gary Walker reported no further progress. Sikkema said progress is moving forward on the bike path project. The Township will approach some of the land owners because there is a need to increase the width of some of the islands to accommodate the 10' wide path with 2' borders.

X. DIRECTOR'S REPORT

Woodward noted the opportunities for the Right-fo-Farm-Act workshop and Citizen's Planner certification. She asked Commissioners to let her know if they are interested. Stanaway is interested in the Citizen Planner program.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News

Correspondence received from Deborah Mulcahey and Wayne Dees.

ADJOURNMENT

Sikkema adjourned the meeting at 10:10 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, July 1, 2013

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:31 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Tom Mahaney, Kendell Milton, Bruce Ventura

Members Absent: Andy Smith (Vice Chair), Bernie Stanaway (Board Rep)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES – June 3, 2013

Motion by Milton, seconded by Meister, to approve the minutes as corrected, page 4 “The property was leased by the prison farm and then a farmer.”

Vote: Ayes: 4 Nays: 0 Abstain: 1 (not present at meeting) MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Dick Arnold, 312 West Branch Road, asked about the status for the change relating to nonconforming lots in the AF district. Per a FOIA request, he reports there are 841 parcels in the AF district, and of these, 512 are nonconforming lots less than 20 acres. He said his understanding is that nonconforming lots can only have permitted uses so they cannot have conditional uses as listed. He thinks dealing with this issue is more important than putting up community gardens. He suggests we should not change the AF district, but just look at the permitted uses for a conforming lot and nonconforming lot. He was concerned about the lack of height restrictions other than distance from property lines because that could result in excessive heights. Also he is concerned that there are no restrictions on the size of accessory buildings or the number of accessory buildings. He wants to protect the residential neighborhoods and doesn't want a 100' x 200' building 40' high across from his house because it limits his view and decreases property values.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

A. Marquette County Brownfield Inventory

Presentation by Dotty LaJoye of Marquette County Planning. Marquette County started a Land Bank which receives tax reverted properties and provides

advantages for redevelopment such as title clearing and redeveloping according to a plan. There are more properties for redevelopment than there are redevelopers in the County. The County obtained an EPA assessment grant to start baseline environmental testing as a catalyst for redevelopment. They will then go for a cleanup grant. Brownfields include many types of properties such as blighted, functionally obsolete, and those in the land bank. There were 2012 and 2013 changes to P.A. 381 that now include parking, multi-level parking, urban stormwater management systems, and historic resource redevelopment as eligible projects. There are more eligible activities allowed in core communities which include the cities of Marquette and Ishpeming, or those that are in a land bank. Brownfield redevelopment authorities use tax increment financing and revolving loan funds to reimburse the costs of eligible activities and get sites ready for redevelopment.

Marquette County is giving the community a chance to help identify and nominate brownfield eligible sites and comment on the preferred use. It is important that these findings are validated in the Master Plan and Recreation Plan. The County will prioritize sites for redevelopment according to the following factors: they are identified by the community, public health impacts, hazardous material use on site, and redevelopment potential.

Sikkema asked questions about tax reverted properties and how they are put in the land bank. Ventura asked questions to confirm that the County wants Chocolay Township to help identify sites and that the County may then take steps to redevelop. LaJoye said the projects need to be included in a plan that is usually written by a consultant and sent to the local unit of government for approval. Meister asked who evaluates the properties that are in the land bank? LaJoye said the County Treasurer visits all sites and does an assessment of potential. The Wahlstrom's property is in the Land Bank and therefore qualifies for all eligible activities and expenses, including site and infrastructure improvements, demolition, cleanup, etc as addressed in a Brownfield plan. The goal is to get the property back on the tax rolls, but to get community input on the land use.

VII. NEW BUSINESS

A. Welcome new member Bruce Ventura

Sikkema welcomed Bruce Ventura to the Commission and thanked him for his willingness to serve.

VIII. UNFINISHED BUSINESS

A. Unfinished historic zoning ordinance amendments

1) #34-08-03 Floor Area Ratio

Woodward said she could not find any more information on this proposed amendment, it's purpose, the proposed text, etc. There was only a cryptic reference in one month's planning commission minutes. Ventura

asked Woodward to define what is meant by Floor Area Ratio. Woodward said this is a way to control the size of development on a parcel. It's the ratio of the area of all floors of a building to the area of the parcel. Chocolay does not currently have controls in place to limit the portion of a lot that can be covered by buildings. Some communities have maximum lot coverage, maximum impervious surface ratio, or minimum open space requirements, etc.

Meister said he's not sure he wants to address this if there hasn't been a problem thus far. Sikkema said we only have one area with small parcels and there hasn't been a concern over inappropriate density. Ventura said it would potentially come up more with a multi-family development than with single-family. The Commission agreed to let this issue drop.

2) **#34-09-05 MFR Lot Size/Width**

Woodward said this amendment was proposed to reduce the minimum lot size for the multi-family district from 20 acres to 2 acres, and to add a minimum lot width requirement of 200 feet (currently there is no minimum lot width). However, Woodward pointed out that other uses are also permitted in multi-family districts, including schools and churches, and the minimum lot size would also apply to them. But the other consideration is that this zoning district currently only includes areas that are already developed as mobile home parks or apartments or condos. There are no undeveloped properties in this zoning district. Woodward said this is a bigger issue than minimum lot size. She would like to see the Commission get rid of the Multi-family district, and address multi-family development as a conditional use in appropriate districts. This would give more flexibility in where these kinds of developments could locate. Woodward said that multi-family development should be encouraged in areas with public sewer availability, such as the current commercial district and adjacent areas. This is similar to the method used by Negaunee Township and Marquette Township. The Master Plan supports the development of diversity in the housing stock, housing affordability, and satisfying the needs of more residents.

Sikkema asked about the definition of multi-family. The current definition includes many housing types with two or more dwelling units, such as apartments, boarding houses, fraternities, dormitories, townhouses, etc but not hotels, hospitals, or nursing homes. It does not include Bed & Breakfasts. It does include duplexes.

Sikkema asked if the Commission wants to support creating more multi-family development, and if so, an amendment would be needed. Milton

asked how the current multi-family developments ended up in the multi-family district. Ventura said it looked like spot zoning was done just to accommodate the existing multi-family uses. Meister wasn't sure a multi-family use would be appropriate or have resident support in the R-1 district in places like Briarwood or areas along Ortman Road by Cherry Creek School. He is concerned that if multi-family is made a conditional use, it could go in where it is not appropriate. He said there is a strong tradition in the Township of not having multi-family development, although he's not saying he agrees with it, but there must have been a reason.

Woodward mentioned that they are not currently allowed in any of the Commercial or Harvey areas where sewer is available. Meister reiterated that there is currently no opportunity for future multi-family development. Milton said there is encouragement for mother-in-law flats or accessory dwelling units to address this issue, but the problem is they later become rental units, and he asked if we are trying to encourage this. Meister said he thinks apartments should be more like transitional uses on the edges of the commercial district. So he wants to know if a conditional use would allow some location criteria to achieve this.

Milton said another problem with mother-in-law units is that people may want to split the lot later. Ventura said in the current ordinance, accessory dwelling units are required to revert back to single-family when not in use. Woodward clarified that we don't currently allow detached accessory dwelling units that could later turn into rentals. They must be attached to the home and theoretically all the kitchen facilities for the separate unit must be removed after the use terminates, although she said this is an enforcement difficulty.

Sikkema asked if the only way for someone to build a multi-family development currently is as a PUD? Woodward said the other option is a rezoning. The Commission felt this would be like spot zoning. Woodward pointed out that there is a minimum lot size for PUD's and particular objectives that must be met.

Sikkema again asked if the Commission wanted to try to find a way to allow more multi-family development in the Township. Gary Walker mentioned the limitation of availability of public utilities, unless the citizens would support the extension or development of more public utilities. Mahaney asked if anyone has approached the Township to put in multi-family development. Meister said the units in the medical office redevelopment were rented right away, so that demonstrates demand for rental properties. Sikkema proposed the option of just opening up the

area with sewer facilities to development of this type. Meister mentioned the tradition of having apartments above businesses as an alternative to apartment complexes.

Milton mentioned that density is also controlled by Health Department requirements. Woodward mentioned there are engineered methods that can help satisfy these requirements. Milton said he thinks the 20 acre minimum may be excessive.

Sikkema asked if there is a general consensus to create more multi-family opportunities. This was agreed. The Commission agreed to table the issue for more discussion at the next meeting. They are tasked to think of more areas where multi-family development as currently defined in the Ordinance (including duplexes) would be appropriate and the regulatory methods for approval.

3) **#34-09-06 Outdoor Wood Boilers**

Sikkema said he knows there is one commission member who is particularly concerned about these regulations and he is not in attendance, so he suggests tabling until the next meeting. Ventura said that the packet materials presented information that he could not make sense of due to contradictions, so work is needed.

4) **#34-09-16 Outdoor Wood Boilers in Use Provisions**

Tabled for the above reasons in item #3.

B. Workshop and Attorney input on the implications of the Right-to-Farm Act

Woodward referred to the MSU Extension decision matrix on the Right-to-Farm Act (RTFA) as provided in the packet. The matrix leaves you with the question of what local governments CAN regulate in relation to agriculture. Woodward met with the Township attorney to determine their level of comfort with risk associated with the RTFA, and also discussed the issue with Supervisor Walker. For example, box 5 in the decision matrix asks if local government regulations restrict farms or farm operations to certain zoning districts, at which point you have to decide on a level of risk that your community finds acceptable in acknowledging that local regulations may be legally challenged and pre-empted. The attorneys agreed it is worth having some local regulations because not every operation will fall under jurisdiction of the RTFA. Woodward discussed her belief that we should allow some appropriate scale of these activities to occur, assuming that if the regulations are reasonable and publicly accepted, there may be fewer reasons for people to challenge the regulations under the RTFA. Currently, people don't want to break the rules, but the rules are unclear. The intent is to create regulations that will stand up to scrutiny under the RTFA. However, we should understand that there may be cases where the RTFA will apply, so Woodward suggested making sure

the Nuisance Ordinance is updated to protect against nuisance claims arising from agriculture so that a complaint could be filed with the State and therefore the process would begin to determine if the operation complies with Generally Accepted Agricultural & Management Practices (GAAMPS). Woodward is not aware of any local ordinances that are not challengeable, so her intent was to create something innovative to address the issue.

C. Approach to regulations for Accessory Homesteading Activities

Mahaney asked if this is all tied to regulating chickens. Woodward said it addresses the raising of other animals like rabbits too. Woodward wanted to avoid having to make a determination of whether an activity is commercial or not due to enforcement difficulties and a wish to focus more on the nuisance impacts and compatibility among uses. Mahaney's impression is that the proposed language goes beyond just the chicken issue. Ventura said that the RTFA is a State law that supercedes almost anything the Township can do. Woodward said this is why she tried to create standards that are related to "accessory homesteading activities" as differentiated from "farms" or "farm operations" as defined in the RTFA. Anything that doesn't fall under those categories would need conditional use approval. Walker said that Woodward is trying to set the Township up so that we can keep reasonable decisions local, and not have decisions automatically fall under the jurisdiction of the RTFA; to do what we all believe is necessary to protect the context of our neighborhoods and yet not run "afoul" of the RTFA. Walker says basically it's brand new, no one's really thought this stuff out, we're going to see some ridiculous results before the legislature goes back and fixes it (RTFA). He said Woodward's intent is to have the Commission determine what is appropriate in the Township, and with the Attorney's help, try to make that happen.

Mahaney said we could have an ordinance allowing people to have only 4 chickens, and if they have 20 they could fall under the RTFA jurisdiction and be allowed. Woodward said they could, but they might think twice about challenging the regulations if ours are reasonable. The proposed regulations were briefly discussed in detail. Woodward sent the proposed regulations to the food policy group which includes an MSU Extension land use educator and had received no feedback yet. All potential regulations discussed at the RTFA workshop were felt to contravene the RTFA, except an approach to deal with these animals as "pets", and perhaps Traverse City's approach of regulating only "non-commercial" operations that by definition don't fall under RTFA jurisdiction. Woodward wanted to avoid having to make the "commercial" determination as part of enforcement, and felt it goes without saying because if they are commercial they could be protected under the RTFA anyway.

Sikkema said the way it is written, you wouldn't have to be commercial and could still have the animals, and you wouldn't have to follow GAAMPS and could still

have the animals. Meister said it restricts how many animals and types of animals. Mahaney said the chicken regulations he had researched limit it to four chickens. Woodward said these ordinances randomly limit the number of animals without consideration of the size of the parcel or the context. Mahaney said most ordinances also say they have to be fenced in and no roosters allowed. Woodward said her regulations were meant to be related to something rational and reasonable, such as available pasture area, and also to be publicly acceptable, because some people won't want to see certain animals in their neighborhood. Mahaney said he agrees, some things aren't appropriate in a residential area. Sikkema said that raises the questions of what is a residential area. He says people may invest \$250,000 or \$300,000 in a house and the next thing they know they have a goat or cow next door. He understands this could happen anyway with the RTFA, but he thinks these regulations would open it up so you wouldn't have to have a farm operation but could still have a cow, pig, or sheep. Proposed regulations were further discussed.

Woodward suggested this goes back to what people used to do at their homes, raise a few animals for their family's use. She asked about the difference between having dogs and sheep. Sikkema said he doesn't know if they want to go so far as to have farm animals in residential neighborhoods, even though it could happen with the RTFA. Woodward said that is what you will force people to do, is to seek RTFA protection to have their animals.

Mahaney said the issue now seems to be chickens. It doesn't seem like people are pushing to have sheep, cows, and goats in residential back yards. So he wondered if we could put in an amendment just for chickens. Milton said he likes the animal unit method. The Commission discussed the scope of regulations they want to tackle. Woodward said she was just trying to cover all possibilities in the draft regulations. Sikkema said he grew up in a neighborhood where people had cows, chickens, rabbits, and it's not a big deal to him but he knows there are people who probably wouldn't appreciate that. He doesn't see a big problem with chickens because people will likely get tired of them, but people may have a bigger problems living next to swine. Meister said 4 chickens won't bother anyone if there are no roosters. Ventura said that deer and raccoons that come into his backyard are a bigger problem to him than 4 chickens in the neighbor's yard would be, but you can't do anything about that.

The Commissioners again discussed the approach. Milton said he thinks it's meant to be like "heading it off at the pass", trying to get prepared for some of the challenges that could come up. Walker said adopting an amendment for chickens would probably satisfy things for the moment, but he thinks what Woodward is attempting to do is 1) be innovative, and 2) be prepared for RTFA issues. You could solve the chicken issue and then hope not to see challenges later. Ventura

suggested they move forward with the proposed regulations, dealing only with the 0.1 animal unit equivalents now, making it easier for a future amendment if needed. Meister didn't see a problem with someone in the R-1 district with 40 acres having a variety of animals. Sikkema said then they could have 30 head of cattle, but anyone with that many animals would probably be a commercial operation anyway, and be covered under the RTFA. Meister said there were complaints about arbitrary zoning district boundaries related to having animals, such as on one side of a particular road you could have horses, and on the other side you couldn't, even if you had many more acres than the other property.

Sikkema asked the Commission's intent, whether to work on Woodward's draft but making revisions, and whether to do it now or as homework. Meister likes Woodward's general format but wants time to consider. The Commission was directed to mark up their draft for a good discussion at the next meeting.

Woodward was directed to contact Andy Smith before the next meeting in preparation for the Wood Boiler discussion.

VIII. PUBLIC COMMENT

Arnold asked if the Right-to-Farm Act is a State or Federal Law, and whether State representatives should be contacted to say he doesn't like it. Sikkema said he grew up on a blueberry farm/orchard in an area that experienced changes over the years, and was surrounded by residential development. The neighbors tried to shut the farm down and not let his Dad sell his produce because of the road dust generated by farm visitors. The RTFA rightfully protected this farm that had been there since the 1940's. Ventura said the Act was predicated on issues with an existing pig farm that became surrounded by development, then the new residents tried to shut down the farm that was there first. The reasoning behind the law is to protect the farmers that have been there a long time. It came from downstate pressures. Woodward said agriculture is Michigan's second largest industry and is therefore important to legislators. Meister said the RTFA also protects the farmer who must innovate to stay profitable, because previously if they wanted to change crops, they would lose grandfathered status. Walker said the issue really is change, and whether you come to the nuisance and think you can complain. Woodward said she felt it was wise for the region to come together to write to legislators and let them know the difficulties the RTFA is creating for local zoning, and how it is contradicting the ability of people to raise food in their own back yard if they want to. It's really only protecting the big farmers if it makes local governments think they have to allow all or no agriculture and not regulate anything in-between. But Sikkema said the RTFA does allow some farms out of context and that creates problems. Arnold asked if someone could actually farm in Marquette. The Gwinn RTFA case was discussed in which the farmer prevailed.

IX. COMMISSIONER'S COMMENT

None

X. DIRECTOR'S REPORT

Woodward said the Board passed the Outside Lighting amendment and the zoning ordinance has been revised. She will send a letter to businesses informing them of the change. The amendment on notification distance awaits a second reading but no changes were made at the last Board meeting.

Woodward asked who wished to attend Citizen Planner training this fall. Meister would like to attend. Ventura wants training in Township procedures this year, perhaps the Citizen Planner program. Sikkema and Milton would like to take the Citizen Planner Training next year.

Woodward said an NMU professor had developed a permaculture plan for the farm incubator site, incorporating water catchment and other ecosystem ideas which Woodward hoped to include in the proposal. This site plan was developed by the group and instructor of a permaculture design certification program. Woodward talked to some Chocolay farmers at the farmer's market, and they are very interested in helping with the project and gave some helpful tips.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News

City of Marquette Planning Commission minutes

ADJOURNMENT

Sikkema adjourned the meeting at 9:10 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 5, 2013

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Bernie Stanaway (Board Rep), Kendell Milton, Bruce Ventura

Members Absent: Tom Mahaney (excused)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES – July 1, 2013

Motion by Ventura, seconded by Milton, to approve the minutes as corrected, page 1, last sentence of public comment, “it” instead of “if”.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, seconded by Smith, to approve the agenda as corrected, adding the items “Planning Director comments”, “Public Hearing”, and “Planning Commissioner discussion and decision” under New Business item VII.A.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane, commenting on the Right to Farm Act information presented in the packet on page 7-8. She said there is no Supreme Court ruling or published Court of Appeals decision and no legal precedent. She thinks it's overreaching for a zoning ordinance to take away what she considers to be her rights to sue for public nuisance. She cited two Attorney General opinions from 2006 and 2011 and read a statement from an attorney. She said there is controversy but the two informal opinions say that if there are relevant GAAMPS then the Right to Farm Act pre-empts the local ordinance. The site selection GAAMP requires facilities to be zoned agricultural. She said that public nuisance is a serious matter. She doesn't think the Planning Commission is trying to make it difficult for citizens, but is looking to not get itself in trouble. She doesn't think we want to add trouble for the common citizen. She doesn't think the intent of the legislation is to say farming can be everywhere.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Conditional Use Permit for 1875 M-28 East, Birney, Parcel #52-02-112-017-00

1) *Planning Director comments*

Woodard said this is a conditional use permit application under the Lake Superior Dune Protection Overlay District, and it's come to the Planning Commission because the applicants want to make earth changes to the dune, including taking four feet off the top of the dune. The overlay district was approved in 2002. The owners of the property to the west (1871 M-28 E) removed the dune sometime between 1997 and 2002 before the overlay district was adopted.

Woodward read correspondence from Jeff Neuner, current owner of 1871 M-28 E. Neuner wanted it known that he is not the owner that removed the dune. He purchased the property in 2004 and he has worked with the DNR to mitigate the damage caused to the dune. His main point was that they are not opposed to the proposed changes on the Birney property if the modifications are made as indicated. They are worried that taking four feet off the top of the dune will cause the west dune to collapse, so they'd like assurance that this would not occur. He says the entire tall dune falls into the area extending 20 foot in each direction from the side property line which, according to the ordinance, is untouchable. Woodward mentioned previous cases that were approved within the Dune Overlay Protection District involving similar changes.

2) *Public Hearing*

Mr. Birney had talked with Mr. Neuner and told him they weren't going to touch the west dune. He described the proposed location of the home. He said they were going to retain the big pines on the dune except one that is leaning toward the house. They want to maintain the integrity of the dune.

John Okonkowski, 1879 and 1881 M-28 E, said his house was built many years ago on top of the dune. He said the dune is really stable there, and his concerns about erosion were satisfied after he saw the plans. He felt that taking four feet off the top of the dune would not destabilize it. His understanding was that the Birneys would keep the area natural and retain all the trees between the properties. He had no objections.

Deborah Mulcahey, 633 Lakewood Lane, objects to the dune being cut and to the requirement for a 1:3 maximum slope. She said cutting the dune causes ongoing erosion, such as that experienced at 1871 M-28 E next door. She said the owners never had a view anyway. She doesn't think using the foundation to stabilize the dune is a good idea because the dune will impact the building since sand moves a great deal. She gave examples of earth changes in the area over time, with dune movement as much as 61 feet, and disappearance of a large pond. She

does not feel it is an energy efficient proposal to take away trees that block the north wind. She urged the Planning Commission to look at other things that can be done with the property, because she thinks that every day will impact the dune.

Pat O'Boyle, project contractor, corrected an earlier statement, saying the property that is setback similarly with the proposed development is owned by Manoskey, not Neuner.

The public hearing was closed.

3) *Planning Commission discussion and decision*

Meister asked for clarification on the setback of the house in relation to the dune. Sikkema asked about the vegetation that would be used to replant the dune.

Ventura said it has been his experience in working with properties along Lake Superior that the wind will undermine structures, including boardwalks. He has seen foundations exposed as much as six to eight feet. The sand will move, and there's no stopping it. He said that putting in a boardwalk will create an invitation to further movement. The only thing that stabilizes sand is vegetation with plugs planted close enough together to create a mat under the sand, however, even that is not permanent. He thinks it's imperative to implement re-vegetation immediately. Birney said the dune face is well vegetated. Ventura said the sand will also obscure windows because it sand blasts the glass. Ventura asked about the re-vegetation requirements of the ordinance and whether it is consistent with what is recommended by the Superior Watershed Partnership. Woodward said there was some indication in the minutes that the Partnership was involved when the standards were adopted.

Sikkema noted that the owner, Mr. Birney, needs to sign the application, not the agent, Mr. O'Boyle.

It was moved by Stanaway, seconded by Meister, that after conducting a duly noticed public hearing, and upon finding that the proposed use complies with the Conditional Use Standards of the Chocolay Township zoning ordinance as noted in the staff report dated July 26, 2013, the Conditional Use request for parcel #52-02-112-017-00 located at 1875 M-28 E to perform construction within the Lake Superior Shoreline/Dune Protection Overlay District is hereby approved subject to the following conditions:

- 1. A twenty foot undisturbed buffer shall remain in place on the dune along side property lines.*
- 2. Slopes for dune cuts shall not exceed one foot vertical to three feet horizontal.*

3. *The limits of clearing, grading, and vegetation removal will be clearly indicated to avoid accidental damage to slopes and vegetative roots that support slopes, and discourage materials being stored outside the planned impact area.*
4. *Disturbed areas will be minimized, and the applicant will utilize all applicable temporary slope stabilization measures during construction.*
5. *The applicant will minimize tree and vegetation removal. If removing trees, stumps and roots will be left in place to stabilize soils and slopes unless they would interfere with the building foundation.*
6. *The development area will be re-vegetated in stages as soon as possible as portions of the site are complete utilizing native vegetation. Disturbed areas of the dune will be rehabilitated with dune grass plantings at a rate of one culm (clump) per square foot of disturbed area (can also include other native vegetation).*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Unfinished historic zoning ordinance amendments

1) #34-09-05 MFR (Multi-Family Residential) District Lot Size/Width

Woodward said the last meeting ended with a discussion on where new multi-family development might be accommodated since the zoning district is currently configured only to include existing development. She obtained input from the Marquette County Health Department which will assist with the decision. She said she has been tasked with completing a strategic master plan update within two months, and there is some urgency on addressing future land use. She suggested holding a special meeting to further discuss these decisions. She would like to see the master plan adopted before taking on this amendment.

Milton asked about the history of accessory dwelling unit regulations in the Township which resulted in not permitting detached accessory structures. Woodward said that would take some research, but usually communities are worried about these units turning into rental properties. She said this could be mitigated somewhat by requiring the parcel to be owner-occupied. The other concern could be additional density and traffic concerns. She pointed out the benefits of accommodating extended family members who may need care.

Stanaway recommended holding a special meeting, anticipating a long discussion.

It was moved by Stanaway, seconded by Ventura, to table the discussion to a special meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

The special meeting will be held on Monday, August 26 at 7:30 p.m.

2) **#34-09-06 and #34-09-16 Outdoor Wood Boilers**

Smith gave a history of the proposed amendment. The most important difficulty with the current ordinance is trying to figure proper chimney height by considering the height of structures within 1,000 feet, especially considering terrain differences. Smith did research with area distributors regarding the usual complaints. The most common complaint for outdoor wood boilers is that people burn improper materials such as green wood, garbage, leaves, and debris. Smith researched regulations from other Townships and determined that 300 feet was a more reasonable radius for determining minimum chimney height (based on the chimney being two feet higher than the nearest structures within 300 feet). Smith said standard chimney height is six to eight feet, so fifteen feet is considerably higher anyway. The current requirement of having a fifteen foot minimum chimney height or a height two feet higher than the nearest neighboring principal dwelling within 1,000 feet, whichever is higher, is prohibitive.

Smith said the EPA has new standards for outdoor wood boilers, and the new ones (Phase II) burn cleaner than the old ones (Phase I). Because of this, the recommended standards reflect reduced setback requirements. The recommended standards also reflect a potential requirement to raise the chimney height upon development of a vacant neighboring lot, if warranted by the standards. Standards for commercial size appliances were discussed and supported. Also the reasoning behind the moratorium on burning during the summer months was explained (to reduce nuisance impacts while people are outdoors). The previous decision to eliminate the minimum five acre requirement was discussed. Smith said you can't over extend the chimney height because the boiler won't work properly (creates too much draft) and it's also not attractive.

Meister is in favor of re-approving the previously approved amendment provided the wording is properly recorded (there were some previous problems). The Commission reviewed the wording and asked Woodward to work up a draft for the next meeting.

It was decided that outdoor wood boilers should be a permitted use in the AF district and a conditional use in all other districts (R-1, R-2, WFR, MFR, C, I, MP), however, all appliances in all districts have to meet the stated regulations.

The Commission discussed the method for determining building height in

relation to chimney height. In response to a question, Ventura said mechanical codes require a chimney to be two feet higher than any point of the roof within ten feet. Commissioners want the smoke from the wood appliance to draft up over the house, not halfway up the roof (if we base building height on the average height between the eaves and the peak). The Commissioners decided it is really about the wood appliance chimney being raised above the elevation of highest point of the nearest residences within 300 feet. This elevation can be determined within a foot or two using Google Earth (add the building height to the given elevation) or through an elevation survey. Chimney heights for Phase I are to be a “minimum chimney height of 15 feet, measured from grade to chimney top; or 2 feet higher than the elevation of the highest point of the roof of the nearest neighboring principal dwellings within 300 feet, whichever is higher”.

For Phase II appliances there are no proposed chimney height requirements since they burn cleaner.

The Commissioners intend that property owners may need to raise the chimney height if, after the wood appliance is installed, someone builds a new residence within the 300 foot radius and the chimney height of the appliance is insufficient to meet the standards. This will need to be run past the attorney. Eliminate proposed I.d as it is redundant with I.c. The proposed standards will be renumbered to make sense.

There was a discussion about prohibiting these wood appliances in front yards. This creates problems with the lakefront properties, because most of them have deep front yards (fronting the road) with the home hidden from view, and most wouldn't want the appliances in their back yard which faces the lake (the residents typically consider this to be their front yard). The Commissioners added wording that exceptions could be granted during the conditional use review in the WFR (Waterfront Residential) district. Corner lots were discussed. The wood appliances would go in the side yard of corner lots.

Change wording to say only “granting of a permit”, not “granting of a zoning compliance permit”, because some will be conditional use permits.

The prohibited fuels and standard for conformance with EPA burn practices will remain unchanged to address potential complaints.

Correct the word “plum” to be “plume”. Woodward had concerns about enforcing the provision relating to smoke plumes crossing onto adjacent properties for 12 minutes or more in an hour (does she have to stand there with a stop watch?). Does the plume have to be in the air, along the ground, etc? It is meant to address smoke within the height of the residence, making it difficult for people to enjoy their own property.

Commissioners left the standard in to address real nuisance problems. The prohibition on using wood appliances from May 31 to September 1 remains unchanged, along with the requirement for spark arrestors. The requirements for commercial appliances with thermal outputs greater than 350,000 Btu remains unchanged. The five acre minimum will be removed.

It was moved by Stanaway, seconded by Ventura, to have staff submit a zoning ordinance amendment application covering former amendments #34-09-06 and #34-09-16.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

After a draft is approved, it will be sent to the County to determine consistency with their applicable requirements.

B. Approach to regulations for Accessory Homesteading Activities

Woodward received comments from the attorney regarding the draft regulations. He said in principle the draft tries to supplement, and not conflict with, the Right-to-Farm Act (RTFA). The attorney recommended adding the words “of a non-commercial nature” to the definition of Accessory Homesteading Activities so as avoid conflict with the RTFA. He understands the Planning Director’s preference to avoid distinguishing between commercial and non-commercial activities, and to focus on nuisance factors, but he noted that one commonly used definition of “commercial” includes activities done “PRIMARILY for sale or profit”, so occasional sales may not trigger the RTFA definition as long as the PRIMARY use is for residential consumption. He noted that the meaning of “fiber activities” might not be clear. He also suggested clarification that the animal equivalent allowances are intended to be prorated for smaller parcels. It should also be clarified that the permitting process applies only to Accessory Homesteading Activities including animals, not plants.

The attorney clarified his position that if we retain our current standards, it could be argued that gardens would be a customary accessory use in any residentially zoned district, but the raising of animals would not be a customary accessory use and would only be permitted (by negative inference) in the AF district. To permit chickens or other animals in residential districts, he believes the proposed Accessory Homesteading Activities provisions with the above recommended changes accomplish that objective without serious risk of pre-emption under the RTFA.

It was clarified that the site selection GAAMP which says that a new or expanded operation has to meet zoning district requirements doesn’t apply until 50 animal units as defined by the Michigan Right-to-Farm Act, so there is controversy over pre-emption of zoning. Brad Neuman of MSU Extension forwarded interpretations by attorney Catherine Kaufman who does training for the Michigan Township Association that include the idea that local governments cannot distinguish

between types of farms/farm operations allowed, cannot require minimum acreage for farms/farm operations unless the regulations don't conflict with GAAMPS (per RTFA definitions), and that farm/farm operations have to comply with ordinances that do not conflict with GAAMPS (such as setbacks and height for agricultural buildings). Neuman said that the local Circuit Court ruling that allowed pre-emption of zoning is only applicable (precedent setting) to our circuit.

Ventura pointed out that the pasturing area as defined in the provisions need not be fenced for animals that are in cages, such as rabbits or chickens.

Sikkema discussed the intended scope of the regulations (chickens or beyond)? Woodward presented two case studies that illustrate potential impact on two different size parcels in the R-1 district. Meister thought animal allowances should be related to reasonable family, not commercial, consumption. Stanaway felt that allowing chickens will open the door up for other animals. Woodward said that these questions arise often in the daily operation of the Township anyway.

Sikkema said the Commission needs to agree on a direction and then write the regulations to fit. Walker asked if it would make more sense to determine areas where animals should be allowed and then zone it appropriately? Woodward said this might look like a checkerboard since there are widely varying lot sizes and character areas in the Township, but that is why she associated permitted activities with the size of the pasturing area – this will limit activity in the subdivisions anyway to probably only the smallest animal equivalents such as chickens. The definition and rules for pasturing area was discussed. For example, the area within setbacks would not be included in calculations for pasturing area. The Commission anticipates strong feelings both ways, but they anticipate that people in subdivisions won't want farm animals in their neighborhood. Animal noise was discussed. Sikkema said we need to be sensitive to this and get a lot of public input. Woodward asked "what is rural character"? Does it mean pristine country estates or areas where you can practice traditional rural activities in a reasonable way? It was noted that in our Township there are probably people who embrace both perspectives.

Stanaway suggested holding a public hearing on the regulations to determine public opinion. He said ultimately we are here to serve the people of the Township, so let's have a public hearing to get input. Ventura said there would be two very vocal groups show up so it might be hard to balance. Sikkema said the other problem with public hearings is that only one side might mobilize while the other doesn't show up, so the view is skewed. Woodward noted the importance of this issue to local food systems.

Citizen Dick Arnold said it might be harder to sell your house if you live next to someone with cows or chickens unless they have a farming attitude.

Gary Walker suggested a survey to get public opinion. The Commission discussed how to get good feedback. Sikkema said the regulations are innovative

and he's not opposed to them but he thinks we need public input. Walker said the Board could be asked to approve mailing of a survey to all households, asking their general opinion on applicable concepts, not the draft regulations.

Gary Walker commended Woodward on trying to anticipate everything, although he said that can't be done. Woodward said she can develop the survey for Planning Commission review at the Special Meeting (to be distributed in September). The Commission wants to get the regulations to the point that they're accepted within the community and don't harm people. Ventura said that dogs and cats are also kept in residential neighborhoods and cause nuisances such as noise, smell, killing of birds, etc, and asked why we are segregating farm animals. Commissioners cited probable lack of public acceptance for similarly limiting dogs and cats. Woodward said the animal control ordinance deals with dogs and livestock, but doesn't allow livestock anywhere but non-residential areas.

VIII. PUBLIC COMMENT

None

IX. COMMISSIONER'S COMMENT

Stanaway is moving to a home in another jurisdiction, and will attend the Special Meeting but will have to resign his position after that. Sikkema said the paving of the bike path (10 feet wide from Holiday to Terrace Street) will happen this fall or spring. The DNR is repairing the Soo Line bridge.

X. DIRECTOR'S REPORT

Woodward asked about participation in the Citizen Planner program. Meister and Ventura confirmed. There was a question about Mahaney and Woodward will contact him. Woodward updated the Commission on the Montessori School that was approved by conditional use permit. This use will locate within the Commercial district instead. The Commissioners asked when that conditional use permit would expire. Woodward said the approval runs with the land and probably does not expire.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News
City of Marquette Planning Commission minutes

ADJOURNMENT

Sikkema adjourned the meeting at 9:35 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES
SPECIAL MEETING**

Monday, August 26, 2013

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:35 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Tom Mahaney, Kendell Milton, Bruce Ventura

Members Absent: Bernie Stanaway (Board Rep)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

August 5, 2013

The minutes were not included in the packet.

Motion by Ventura, seconded by Smith, to table acceptance of the minutes to the next meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Meister, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane, commented on fire safety. She is concerned about the fires people can have at their residences that are not regulated and pose a significant hazard to the community. She gave a recent example of a fire on the beach that consisted of a pile of debris about 12 feet by 12 feet and one story high containing brush, trees, wolmanized wood, styrofoam, etc. The police instructed the responsible party to remove the things that are not supposed to be burned like the treated wood and styrofoam. You are allowed to burn a campfire with permission of the State of Michigan. In her opinion, this was not a campfire. There is no definition of campfire in our ordinance or in State law. She requests that we evaluate this while planning. The Department of Environmental Quality and Michigan Township Association in July 2011 created an Outdoor Burning model ordinance. The police can't write and cite in this situation. An unattended fire is not a violation unless it causes problems. She's trying to prevent problems.

Smith said when he gets permits to burn brush, it can't be in a City, it has to be in a Township, and it has to be attended 100 percent of the time or he gets a fine. He calls the Township fire department and the DNR before the burning. Woodward noted that Chocolay Township does have outdoor burning regulations in the zoning ordinance.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Approve 2013 Master Plan & Recreation Plan Survey for distribution

Woodward asked the Commission for feedback regarding the draft public opinion survey. The Township will provide respondents with the character area category for their property as part of the address label. Respondents will then be asked to check the appropriate box in their survey to identify their character area. Results for each character area will be tabulated separately for some land use related questions. Online respondents can identify the character area of their property from a map or from the mailing.

Milton asked what will prompt people who take the survey at home to mail it back. Woodward said if they want their voice to be heard, then they can either mail it in or bring it to certain locations for pickup. Woodward said there is not enough money in the budget to pay for return postage for the entire mailing, especially since many will not respond to the survey or will take it online instead. If they take the survey online, it will be automatically tabulated and will save the Township time and money because Staff won't have to manually enter their responses. Milton thought it would be better to encourage people to take it online, and mail the survey only to those who choose not to take it online. He suggested sending everyone a post card notifying them of the survey. Multiple members of a household can take the survey. Sikkema noted we are going on the honor system that no one will "stuff the ballot box" and skew the results. It was suggested that people be notified of the survey by posting information on the sign at Township Hall.

The Commission reviewed the survey for suggested changes. Meister wanted to move the question relating to the keeping of animals to the beginning of the survey because that is the primary impetus for the survey, and so that people don't think it's just a general survey. Sikkema suggested revisions to the introduction so that it mentions the Master and Recreation Plan updates but also indicates potential changes for accessory homesteading activities involving animals. Ventura suggested adding a Table of Contents or general listing of topics to the introduction. Sikkema allowed public comment on each question.

The Commissioners discussed the question about "rural character". Ventura said it seems to be a comprehensive list, and people can also write in comments. Woodward said the 2010 survey identified "rural character" as being important to people, but there were no questions to clarify perceptions of what constitutes rural character. This question is meant to rectify that. The Commission discussed the purpose of the question. After discussion, the Planning Commission decided to add an explanation about the 2010 survey and the purpose of the question, and to have the question read, "In terms of Chocolay Township, what does rural character mean to you?" Mahaney suggested adding "access to hiking/biking trails" as a

choice for the meaning of “rural character”. Ventura suggested instead a more general question about “access to outdoor recreation”. This was agreed.

On the survey, the Commissioners decided to eliminate the names of the Character Areas and include only the number for simplicity. Ventura suggested having a peel off label with the character area number for the respondents to attach to question #3 to identify the character area. Woodward will look into this. The Planning Commission decided to use the word “neighborhood” instead of “character area”.

For question #4 regarding appropriate uses for each character area, the Commission decided to substitute the word “neighborhood” instead of “character area”.

Dick Arnold brought up a concern regarding the number of accessory buildings permitted on a property. The Commission decided this issue was more suited to question #15 about the level of support for various regulations. They added a choice of “Limitations on the number of accessory buildings” to question #15.

For question #5 regarding current recreation opportunities, Commissioners were concerned about the term “need” vs. “use”. They recognized that there might not be a household need for a particular current facility, but a household might still recognize a community need for that facility. Also, a particular household may not have a current need, but as people evolve in life cycles their needs could change. Is it about the need for facilities to be available in Chocolay Township vs. Marquette or somewhere else in the region? Or is the intent of the question to determine if people currently use the facility? There was also confusion about the indication of support for funding the facility. The willingness to fund may indicate verification of a community need. Also, people may not understand that funding can be accomplished by grants and other methods. Woodward said there are people outside the community that use some facilities, so the survey which is distributed only to local addresses, who may not even respond, will not indicate total use anyway. Commissioners decided to substitute the word “community” need for the word “household” need.

For question #6, Commissioners discussed the phrase “has a need” for the recreational opportunities. They changed the sentence to read, “Please indicate if you or any member of your household **anticipates a use** for the recreational opportunities ...”

No changes were made to question #7 regarding the priority of funding improvements to parks and recreation facilities.

Question #9 concerns accessory homesteading activities. This question will be moved to the beginning of the survey. The Commission changed the wording of the following sentence, “Please indicate your opinion about whether the following activities should be allowed in your **neighborhood** (instead of **character area**). They also decided to change the wording of the final item to “Do not permit the raising of animals”.

Smith indicated the former intent for the Township to conduct an ORV survey. The former planner was going to conduct the survey on this issue, but this did not happen. Smith would like to ask a separate question on this survey relating to ORV travel on County roads (while explaining applicable State and County rules). Meister thought this would be useful. Mahaney was hesitant to stir the issue up again. Smith indicated that a citizen had submitted a petition with 250 signatures and was told a survey would be conducted. Mahaney thought the community response to a potential designated route at the hearing in May was definitive. Smith said the hearing was about a specific route. People may not be against another route. Ventura suggested asking the Police department about their view before putting it on the survey, because they are the ones who will have to enforce the provisions and deal with related accidents. The Commissioners decided to gain input through question #6 which asks whether there is a need and desire to fund "additional motorized trail connections".

The Commission added an additional item to question #10 (important issues) to read, "Lower taxes and decrease services".

The Commission added two additional items to question #11 (potential new public improvements/amenities). They are, "Underground utilities (electric, telephone, cable) along US-41" and "Underground utilities (electric, telephone, cable) with new development". It was noted that there is a high cost associated with implementing underground utilities. Ventura wanted to address multiple exits for residential developments in the survey. Many developments only have one access route. It was agreed to identify necessary additional access roads as projects during the Master Plan process. Ventura related communications with the Iron Ore Heritage Trail authority regarding the potential of paving the existing aggregate trail, or of adding a pedestrian/bike path east of Kawbawgam (as a dual trail paralleling the ORV trail). It was decided to gain input about additional non-motorized trails through the existing question #6, "additional non-motorized trail connections", and then address desired improvements appropriately in the Master Plan goal setting process. The Commissioners discussed how funds are raised for public improvements such as public water supply.

The Commission added one additional item to question #12 (appropriate uses for Township property), which is "sell excess land".

It was clarified that the Township Board requested question #13 which asks whether people would support the placement of a cell phone communications tower at the Silver Creek Recreation Area. This is in response to a business proposal, which may no longer be valid. Township staff added the other question relating to the placement of a tower near Green Garden Road (where the Township owns property).

The Commission discussed the intent of the items in question #15 regarding the accumulation of inoperable cars, scrap parts, and accumulated equipment and junk. No further changes were made to the question.

The Commission added an additional item to question #16 (views toward Township taxes and services) to read, "Lower taxes, which may require reducing public

services”. No change was made to question #17 regarding how people get information on what is happening in the Township.

The Commissioners discussed the County Broadband Survey which will also be distributed and conducted as a separate survey.

B. Identification of growth sectors based on Character Area Inventory

Woodward indicated that the Character Area inventory was meant to provide information to the Commission to help them determine where they would like to indicate areas of intended growth, managed growth, redevelopment or infill, working lands, and conservation. The Commission viewed the placement of the character areas on the map. Mahaney asked for a map with a close up view of the Harvey area. Meister asked how this relates to the discussion of allowing more multi-family housing. The survey will also indicate public opinion regarding future land uses which will be applicable to the discussion.

Commissioners decided to wait for the results of the survey before having this discussion regarding growth areas. Ventura said the market will also determine areas of growth and uses. Woodward said that the natural resource maps will also contribute to the discussion (areas of prime farmland, wetlands, etc). Meister also wants to view the results of the 2010 survey again (it is available on the website).

VIII. UNFINISHED BUSINESS

None

VIII. PUBLIC COMMENT

None

IX. COMMISSIONER’S COMMENT

Smith again inquired about the purchase of the property to access the Silver Creek Recreation Area. Woodward will pass along the inquiry and ensure the action is mentioned in the Recreation Plan.

X. DIRECTOR’S REPORT

None

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 10 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 9, 2013

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Kendell Milton, Tom Mahaney

Members Absent: Andy Smith (Vice Chair), Bruce Ventura (excused), Bernie Stanaway (Board representative - resigned)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

August 5, 2013

Motion by Meister, seconded by Milton, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

August 26, 2013

Motion by Milton, seconded by Mahaney, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, seconded by Meister, to approve the agenda as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane, commenting on the draft Master Plan survey. She noted a problem because the character area ID was not included on the post card and residents may not be able to determine where they live. They are confusing their section number with character area number – they are not looking at the legend on the map. Also the postcard indicates that September 30 is the deadline to complete the survey. She went to the website and there are two other surveys that are due by September 15. Based on the agenda items, she is confused about the purpose of the survey. She thought it was to get updates on farming activities and to get information for the Master Plan. She doesn't understand the why the farm incubator project is on the agenda.

Also, she wondered why we would consider putting the farm incubator adjacent to a recreation area. How did the Township acquire the land? Why go forward with the project? She associated the survey questions on accessory homesteading activities with the farm incubator project.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Review and comment on draft Farm Incubator proposal

Woodward noted additional materials relating to input received from interested citizens and resource people. This includes comments from Natasha Lantz of the Marquette Food Co-op, a letter of support from Ashley McFarland who is the Coordinator for the MSU Upper Peninsula Research and Extension Center in Chatham, MI, comments from Gary Shaffer who is a local certified organic farmer and Gary Wiater. The proposal needs to go to the Board for land use approval. Some details may more appropriately be provided by the project Leadership Team once the project is approved. Woodward would welcome cost information from Planning Commissioners as well. Anjila Johnson has indicated she will provide assistance with a site plan drawing. If not, Woodward will provide a site plan.

Sikkema opened this item up for public comment. Natasha Lantz said she had the opportunity to work with Woodward on this project from the beginning. She attended the public meeting for the Marquette County Local Food Supply Plan, which was passed by the Planning Commission and is going to the County Commission for approval. She said in her work on local food, Chocolay Township is being recognized in a positive light in their approach to agriculture. She talked with the Ag Commission of the State, and the issue of backyard chickens was mentioned as well as incubator farms. She said it's nice to know that Chocolay is always referred to as on the leading edge in being progressive and taking a proactive approach to these issues. She said the Marquette Food Co-op and the funded partners are involved in projects such as this, and she is glad we are looking at these issues.

Mahaney noted the proposal is not labeled a "proposal". Sikkema inquired about the current zoning of the parcel. Woodward said it is zoned "Municipal Properties" but agriculture is a grandfathered use. She reminded the Commission that the Township manager had suggested a strategy to maintain the grandfathered use as a good interim use since there were no current plans to expand the recreation area. She is trying to accomplish this goal as well as open the land for public benefit.

Mahaney asked if there is any issue with Mulcahey's comments regarding the purchase of the land. Woodward said that there were no DNR funds associated with the purchase or subsequent use of this parcel, so there are no applicable complications or restrictions for use.

Sikkema asked what type of farming activities could occur with this proposal. Woodward said she had envisioned organic vegetable or grain production. Sikkema suggested this needs to be clarified in the proposal with the addition of a section on "Proposed Activities" specifying type of agriculture. He is concerned that the parcel is bounded by some small parcel residential uses and that animal agriculture may not be appropriate. Woodward suggested that any planning for animal agriculture should take place after the Planning Commission finished its analysis on accessory homesteading activities. Sikkema said that as a grandfathered use, the parcel could probably currently include any agricultural activity, including animal agriculture, so he thinks this should be specified. Woodward said she would specify that activities are envisioned to include organic vegetable and grain production, and any animal agriculture activities would be determined after the Planning Commission addresses regulations for animal agriculture in the Township.

Meister said the Planning Commission had previously determined that an outside group should administer and fund the project, and he didn't think this was clear in the proposal. He thought there is enough interest in this project that the Township can find someone to take this on. He thinks it's an excellent use of the property and he's in favor of it, but he doesn't think the Township should administer and fund it. Woodward thought this was addressed in the proposal, but it wasn't clear to the Commission. The proposal suggests there will be a volunteer Leadership Team to administer the project. It was suggested that the Township would only pay for the permanent site improvements such as the well and electricity, and for the initial soil test. All other funding would be generated from other sources such as grants and donations. Woodward said no one can really start searching for funding opportunities until the project is approved by the Board. Woodward also clarified that the project is envisioned as including three separate elements: 1) the large plot community gardens, which would be administered by the Chocolate Community Garden Board, 2) the Farm Incubator which would be administered by the volunteer Leadership Team and advisory Resource Team, and 3) the public elements, which would be administered by Township staff just like any other Township facility.

The well was discussed. Woodward said she was told the well at the existing Beaver Grove Recreation Area is being used at maximum capacity for irrigation, and that any new well could also benefit the Recreation Area.

The concept of tax payer dollars and special interest groups was discussed. Mahaney thinks it is a good use of the property, but thinks the Township should be reimbursed for any start-up costs. He cited reasons that the project does not necessarily favor Township residents (Woodward said the Management Team will choose the incubator participants based on the strength of the application). The Commission wants the project to be financially self-supporting.

The Commission feels that this is such a popular project that there should be no problem in finding a group to get the project off the ground. Sikkema said a Charter needs to be developed for an outside group to have an agreement with the Township. The outside group would come in and develop the plan and the site, and the Township would oversee the project agreement.

Mahaney asked how long an individual farmer can stay on the site? Woodward said that would be a topic for the Leadership Team. The Township won't necessarily know the individual needs, but should only be concerned that the entire site is kept in production or appropriately managed.

Sikkema asked about the composition of the Leadership Team. Woodward said residents can be included on the Leadership Team, but she can't solidify who is involved until the use is approved. Sikkema asked how the Leadership Team would report to the Township. Woodward said that was a good question, and she would have to ask the Township Manager how this should work. Meister said this would be spelled out in the Lease agreement with the project group. Sikkema said that a tremendous amount of planning goes into a project like this.

Sikkema asked if there was a consensus on the use of the property for a project like this. All members said yes.

Sikkema asked if the proposal is meant to be given to the outside group to form the basis of the project. He wondered who would provide the other project infrastructure listed in the proposal. Woodward said those items would be provided when money became available from grants, donations, user fees, and other sources. But the well would be utilized for the other separate elements such as the community garden and public elements, so this was envisioned as a Township expense. Lantz said there are grant writers willing to help.

Sikkema mentioned a lease idea in which an outside group might provide the start-up infrastructure and be given the use of the property for a specified number of years. If the Township asked them to leave before the end of that term, then the group would be reimbursed on a prorated basis for the improvements.

Woodward asked what the Commission anticipates will happen to the revenues from the project? Meister said the lease could specify that the project group has to make a certain portion of the project available for community gardens and make the well available to them and for the public areas. Mahaney asked who would own the well? Milton said the Township should own the well, because if the project is discontinued, the well can still be used for the Recreation Area.

Sikkema said there is good information in the proposal that justifies the use of the property for the project, and there is consensus on that. But there are specific

management, ownership, and funding issues that need to be worked through. It will take a lot of research and planning.

Sikkema asked for a motion, and took comments from each Commissioner to be used in a motion. Milton said it's a good proposal. He is under the impression that the proposal provides for a separate management group other than the Township. This could be a non-profit.

Eric said it's an excellent use of the property. It could be administered and managed by a separate entity because there is a lot of interest in the community.

Mahaney said it's an excellent use of the land. He is concerned about having Township residents on the Leadership Team so that resident interests are taken into account. Before the Township turns over the land to a separate group, there should be a structure including operating procedures as a part of the lease agreement.

Sikkema said it needs to be determined how the group will report back to the Township (define the Township oversight).

Walker suggested the project Leadership Team would ultimately report back to the Township Board, however Staff should be the intermediary because some issues may need to be resolved and both the Township Board and Planning Commission only meet once a month. These Boards don't need to discuss daily operations.

Sikkema also noted there should be limitations on the farming activities since the parcel is adjacent to small lot residential uses.

Dick Arnold commented on the survey in relation to this project. He asked about the cost of the well, and suggested the discussion be postponed until after the survey results are in. He doesn't want dangerous animals in residential areas and thinks there are enough acres designated as AF. Meister said the survey isn't meant to address the farm incubator project. Lantz said there was a separate farm incubator survey, and there were at least two public meetings on the project. She understood that the accessory homesteading activities being discussed in the current survey are a separate issue. The incubator project has been underway for several months, and the idea for the current survey originated with the Planning Commission's need to get input on the accessory homesteading activities. She understood from the proposal that the Leadership Team was a separate entity that would manage the project with the permission of the Township. So maybe the duties could be more clearly defined.

Jim Goodman, Orchard Lane, Skandia, within Chocolay Township taxing authority. He thinks not one penny of taxpayer money should go to the project.

Summary

1. The project is an excellent use of the property.
2. The project should be administered and managed by a separate entity through a lease agreement or charter with the Township.
3. Township residents should be included on the Leadership Team that reports back to the Township.
4. The Township's oversight role should be defined.
5. The agreement should define the acceptable agricultural activities.

Motion by Mahaney, seconded by Milton, to approve the land use as contained in the proposal along with the comments as written in the Summary above.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

B. Review and comment on Jennifer Thum's draft Master Plan Goals/Objectives section

This is an attempt to get Planning Commission input on a portion of the draft in preparation of a new draft. Sikkema noted some material is dated and needs to be brought to current. He mentioned the strategies that suggest purchase of additional property. He said there should be some criteria regarding purchases. He also noted some recreational property is donated to the Township. Mahaney suggested this discussion wait until the survey results are in. Woodward said this is just the start of the discussion, but the final version will not be solidified until the survey results are in.

Motion by Mahaney, seconded by Milton, to table this item until the results of the survey are available.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Gary Walker said that some of Jennifer's comments in the Master Plan draft should be more aspirational because, as they are stated, it seems like we have already achieved them, which we obviously haven't. Woodward added, in Thum's defense, the draft does state in the beginning that readers should transport themselves mentally into the future. Walker thinks people will miss that statement and thinks the statements should be rewritten as aspirations – things we would like to see, not things that have been achieved.

Woodward said she would like to see the goals organized around specific growth areas and related to specific projects instead of being organized around topics.

Walker said we should plan for an expansion of the business district with businesses suited to the area and which can serve needs for the Township. But he thinks we are hampered by the lack of availability of public infrastructure, and this poses a limitation for development. However, the public infrastructure would require a large capital

outlay which we are currently unable to meet. He is not certain there is citizen support, and not certain the Township would reap the benefits of this development based on what is happening with taxing of big box retail stores.

Laurie Krzymowski, 741 Lakewood Lane, was the resident who first brought attention to the concern regarding recreational fires. There was a large fire at her neighbor's house containing illegal materials. She called 911 because she could not get hold of the DNR. The Chocolay Township Police asked the party to remove the unlawful materials prior to the burning. But this warning was not heeded. However, they couldn't cite the party because all the materials (evidence) had been burned. She called again because the large fire was never extinguished and was allowed to burn unattended for four days. This situation could not be prevented because fires on the beach are labeled recreational. She wants safety to be addressed as part of the Master Plan, especially the provision for unattended fires. There needs to be limits on recreational fires, which she defines as fires you can safely sit around. Limitations should include how to prepare the materials, how to control/attend/extinguish the fire, limitations on the size, etc. She is concerned that unsuspecting people on the beach can get injured when people extinguish their fires with sand instead of water. The fire will continue to burn under the sand for days. Her second concern is that Chocolay Township should regulate pornography. There is an increase in crime associated with these uses. The Township can't ban these uses, but through zoning, they can control where they locate, such as distance from schools and churches.

Dick Arnold, 312 West Branch Road, thinks the Township should consider adding a road from Holiday to Snyder's so that residents can avoid the hazard of going back out onto the highway near a difficult intersection to go next door.

X. COMMISSIONER'S COMMENT

Mahaney told Woodward she did a nice job on the farm incubator proposal, and he does think it's a good use of the land. He would like to see the project happen.

Sikkema asked for a spreadsheet to be available as part of each packet to track unfinished business such as ordinance amendments and other important issues such as multi-family lot size and widths, outside wood boilers, accessory homesteading regulations, property purchase at Silver Creek, private road ordinance, blight ordinance. This will help with determining future planning commission agendas. It is expected that the next agenda will be dedicated to the survey results and the master plan. The Commission also wants to hold the public hearing on the amendment pertaining to outside wood boilers. Mahaney asked when they will proceed with accessory homesteading regulations. Woodward suggested they not move forward until the Master Plan is approved.

Milton cannot attend the next meeting.

XI. DIRECTOR'S REPORT

Woodward said that Mulcahey's concerns regarding the survey and identification of character areas is justified. The character area numbers were somehow inadvertently omitted from the address line of the mailing. She was unaware how the mistake occurred. She said residents can determine their character area by looking at a copy of the database on the website (character area by address), looking at the map in the office or online survey, or calling or stopping by the Township. The Commissioners said it would be worth sending the postcard out again to ensure greater participation and accurate results. It is vital to their work.

Woodward noted that Meister and Ventura were successfully registered for the Citizen Planner program, and the Township did receive an MMRMA grant to defer most of the cost.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News
City of Marquette Planning Commission minutes
Character Areas Worksheet
Character Area map – Harvey Area
Character Area map – Township
Draft Master Plan Chapter 4
Zoning Practice publication on Urban Livestock

ADJOURNMENT

Sikkema adjourned the meeting at 9:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 7, 2013

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Tom Mahaney, Bruce Ventura

Members Absent: Kendell Milton (excused), Bernie Stanaway (Board representative – resignation accepted, not yet replaced)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

September 9, 2013

Ventura commented that although he was not at this meeting, the minutes reflect a good summary of what happened and are very complete. He said, “Good job”.

Motion by Meister, seconded by Mahaney, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Smith, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane, has concerns with the public input survey response rate and how the data was reviewed. She was also concerned that the results were only available before the meeting as part of the agenda packet. She thought there might be some comments from non-residents. She also viewed some parts of the summary as a manipulation of data. She doesn't think it's right to have a summary that presents the “yes” and “maybe” responses together.

She said the 2010 and 2013 results show that people want regulations for junk and she doesn't think the Planning Commission has addressed this identified priority. She asks the Commission to consider if the survey is a good representation of the community. She doesn't feel the rush to get public input is warranted. She wants the Commission to take the time to read the public comments.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Public hearing on proposed Zoning Ordinance Amendment ZA0003-13 pertaining to Outdoor Wood Boilers (OWB), Section 6.5 and Sections 4.1, 4.2, 4.3, 4.5, 4.6, 4.7 and 4.8

1. *Staff Report*

Woodward noted that the amendment changes existing regulations and uses per zoning district. Major changes include allowing OWB as a permitted use only in the AF district, and a conditional use in all other districts. There are new provisions for chimney heights and setbacks, and regulations acknowledging new technologies such as Phase II EPA approved units which burn cleaner and are less polluting. There is an exception for the restriction on placement of OWB in the front yard in the WFR district. Tonight the Commission will hold a public hearing, review Attorney comments, and discuss any changes.

2. *Public Hearing*

No comments. Public hearing was closed.

3. *Review of Attorney Opinion*

Woodward summarized the comments from Attorney Roger Zappa from October 3, 2013. The first concern is that the proposed standards have setback requirements for Phase II units (which burn cleaner) but none for Phase I units. This difference could be interpreted as “arbitrary and capricious” by a Court. Woodward noted this could have been an oversight. But if this was implemented, the Attorney cautions that Phase I units could be set very near the property line in some zoning districts and have chimneys that could fall on adjacent properties.

The Attorney also noted that requiring taller chimney heights could render the appliances ineffective. The requirement for chimneys to be 2’ higher than the highest elevation of nearby residences could yield excessively high chimney heights in relation to the maximum building height of 30 feet, especially with terrain differences. Tall chimneys could be aesthetically unpleasant or unsafe.

The Marquette County Building Code Official enforces a chimney height that is approved by the manufacturer of the appliance.

The Attorney pointed out the difficulties with requiring compliance not only at the time of installation, but after a residence was built on an adjacent vacant lot. Possible implications are a requirement for the owner to move the unit after installation in order to comply with new conditions, or possible revocation of the permit due to the inability to meet regulations based on new conditions.

The Attorney also cautioned against using coal as a permitted fuel because it is highly polluting. He pointed out enforcement difficulties with the 12 minute per

hour smoke plume rule.

4. *Planning Commission Discussion and Decision*

Smith recalled a 75 foot setback for both Phase I and Phase II units. This is consistent with current regulations.

Ventura said that mechanical code regulations require consistency with the manufacturer's recommendation, so installation cannot deviate from this and be legal according to Michigan's code. If we set regulations that are contrary to this, we could be inconsistent with Michigan mechanical code. Because of this, he thinks we need to control the smoke dissipation through setbacks rather than chimney height. He thinks setbacks are also more easily measured for owners and those who enforce the regulations. Measurement of chimney height as written could require specialized equipment. He noted that Phase II units are supposedly 90% cleaner in relation to particulate matter. He suggests regulating the setback to eliminate the need to move the unit if a residence is built on an adjacent parcel after installation.

Sikkema said that if you set the stack height as high as you can to disperse particulates instead of releasing them close to the ground, setback becomes irrelevant. You have to get the smoke up to disperse it. He noted that terrain would impact the ability to disperse. He thinks there are many properties that could not have these appliances because of neighbor nuisance impacts. He's not opposed to OWB, but he has experience with a neighbor's unit that creates smoke in Sikkema's house every time the wind is in a certain direction, year round. He said zoning is about creating zones for particular uses, and OWB aren't appropriate everywhere.

Ventura noted that under certain atmospheric conditions the smoke may not disperse, and said perhaps the 75' setback is not enough to compensate. Changing the setback to 200 feet or even more will eliminate the ability for some residences to have OWB but it would also protect the neighbors.

Smith said he thought the 15' chimney height suggestion was based on model ordinances he discovered during his research. Woodward noted the Marquette County Building Code official said that the units are usually 8' tall with a stack height around 6', so the 15' height is probably consistent with manufacturer's recommendations. Several Commissioners noted that it is important that the units function properly, and function is related to appropriate chimney height.

Sikkema said he thinks the setback requirement should be consistent across districts, but that it should be quite large to minimize nuisances. This may be restrictive to people outside the AF district. He thinks OWB make the most sense economically for people who cut their own wood, so maybe this restriction

won't mean much to those who would have to purchase the wood elsewhere since they don't have the timber resources onsite.

Woodward noted the Marquette County code official said that only about 15 percent of existing units were installed with permits, so if there is a problem with a unit we should check with the County to see if a permit was obtained (ensuring proper installation).

Smith said that in his research he discovered that most of the problems with OWB come from people burning inappropriate materials, and when that is remedied, the problem is solved.

Ventura said many OWB are oversized for the structure, and that the Phase II units will smoke just as badly as the Phase I units when they are throttled back. He said the standards of the testing agencies are based on the units running at optimal conditions, and most people don't run them at optimal conditions so more particulate matter is released.

Smith said the issue was initially brought up by citizens who wanted to know what could be done to accommodate these appliances, and he agreed to look into the matter.

Meister suggested that more restrictive provisions for Phase I units might force people in residential neighborhoods to install cleaner Phase II units. He also thinks the summertime burn ban will help.

Sikkema suggested a change in the summer restriction period to October 1 through April 30. Mahaney said it wouldn't take too many OWB in certain neighborhoods to cause problems. He asked if a larger setback is needed.

Sikkema suggested the problem cannot be solved for everyone due to differences in terrain and placement of homes in relation to the lot line. OWB may not be appropriate in subdivisions.

Ventura said there is precedent in the Country for bans on OWB in urban areas. Meister said that large setback requirements would preclude installation on smaller lots such as subdivisions, but still allow them on larger lots. Sikkema said it is still important to make them a conditional use in residential districts so that context can be considered – for example, a larger parcel could be surrounded by smaller parcels and greater density.

The Commission discussed measurement of setback from either the property line or an adjacent residence. Implementing a setback from another residence reintroduces the concern about neighboring parcels that are vacant at time of installation and the OWB needing to be changed or moved upon construction on

the vacant parcel. Meister suggested we have long, narrow parcels where someone might be able to locate the OWB optimally considering the length of the lot and but might have difficulties meeting side setbacks.

Sikkema said at the 200' setback from property lines, it is unlikely that anyone with fewer than 4 acres would be able to have OWB unless they were granted a variance. Smith objected to increasing the setbacks over current requirements because the whole idea was to help people who wanted to save some money, and there have been no complaints at the current setback requirement of 75'. However, the Commission doesn't want to encourage nuisance impacts. They would like to encourage people to install the cleaner Phase II units, perhaps through the possibility of reduced setbacks for those type units. The differences between Phase I and Phase II units were discussed.

There was a discussion whether to leave the provisions as they are or continue. There are trade-offs in permissiveness vs. restrictiveness. Consensus was to continue.

There was consensus also for two different setbacks for Phase I vs. Phase II units. Ventura pointed out that the smoke problem would be worse when it's not very cold outside and the units aren't burning hot.

After further discussion, the Commission decided on 200 foot setback for Phase I units and 150 foot setback for Phase II units (to the property line). For seasonal limitations B(7), they revised the amendment to read "may only be used from *October 1 to April 30* each year." The Commission eliminated "coal" as a permitted fuel per Section B(1). It was uncertain whether coal can be used in the OWB anyway, because most OWB have steel fireboxes.

Eliminate A(1a), A(2b) and A(2c). Eliminate provision A(3) pertaining to vacant lots. Modify A(1) to read that the setback for Phase I units is "a minimum setback of two hundred (200) feet from any and all lot/property lines, easements, and right-of-ways". Modify A(2a) to read that the setback for Phase II units is "a minimum setback of one-hundred fifty (150) feet from any and all lot/property lines, easements, and right-of-ways". Eliminate Section B(6). The Commission decided to have an additional public hearing because of the changes.

Motion by Mahaney, seconded by Ventura, to direct Staff to implement the recommended changes to the amendment ZA0003-13 pertaining to Outdoor Wood Boilers, Section 6.5 and Sections 4.1, 4.2, 4.3, 4.5, 4.6, 4.7 and 4.8, and to hold another public hearing at the next meeting and send to the County for review.

Vote: Ayes: 5 Nays: 0 **MOTION CARRIED**

VIII. NEW BUSINESS

A. County Brownfield site nomination

Woodward asked Commissioners to review potential sites for nomination to the County Brownfield inventory. There could be a chance these properties could receive funding to assist in redevelopment. Nothing would be done without owner approval. The following were suggested for submittal:

- Parcel #52-02-106-044-00, 4067 US-41S (vacant residence which is a non-conforming use in the Commercial district – redevelopment potential)
- Parcel #52-02-107-007-00, Wahlstrom's (tax reverted, vacant commercial improved, purchased by Andrea Beckman, slated for redevelopment)
- Parcel #52-02-110-083-85 and #52-02-110-083-50, 1500 M-28E, Varvil Center (vacant commercial improved) Per inspection, Ventura reports the structure is sound but the infrastructure is not.
- Parcel #52-02-254-003-00 and #52-02-254-004-00, 4021 US-41S, Harvey Motors building (known contamination, vacant commercial improved)
- Parcel #52-02-251-012-00 and #52-02-250-001-00, 2801 US-41S, Walt's Auto (potential contamination, occupied commercial improved)
- Parcel #52-02-252-005-50, and #52-02-252-011-00, and #52-02-252-012-00, 3061 US-41S, Silver Creek Project LLC (vacant commercial lot)
- Parcel #52-02-106-023-10 and #52-02-106-023-20 (vacant commercial lot at the Rock Cut)

The Planning Commission suggests that the owners be contacted and notified of the Planning Commission recommendation that could someday assist them in redevelopment. Woodward will also obtain more information about potential contamination.

B. 2010 and 2013 Master Plan survey results and implications

Woodward noted that the Planning Commissioners were given the complete raw and summarized survey results in a binder. This includes results from both the 2010 and 2013 surveys. The 2013 results include results in aggregate and also results as filtered by Character Area. All raw results and summaries are also available online.

Mahaney inquired about the former Planning Commission decision to resend the postcards since the Character Area was inadvertently not printed on the postcard as planned. Woodward said that there was not enough money existing in the budget to resend the postcards. However, residents were either personally assisted in determining Character Area for their property (paper surveys), or could locate their property on a map that was in the online survey, or could locate their property address and Character Area on a published list (website).

Mahaney noted that only 600 people took the survey. Woodward noted this was about 100 more than took the 2010 survey. He also wondered if the survey should

have continued for a longer time period. Woodward noted the survey is meant to be taken as a representative sample and as a basis for discussion and one guideline for policy. Further public input will be obtained for proposed plans and regulations. It's not the only opportunity that citizens will have for public input. Mahaney asked about the advertising of the survey. Woodward said it was advertised in the Mining Journal (and of course by direct mailing to every address).

Ventura noted some skewing based on age and length of residency, which he thinks is more significant than the number of respondents. We did not get young people's opinion and recent residents. Woodward noted that surveys were hand-delivered to all residences in the mobile home parks and tribal housing to try to get renters. Youth were not singled out especially. Ventura noted this may be representative of the actual age distribution. Sikkema said residency is pretty stable here without much turnover. So this may also be representative.

Ventura compared the number of survey respondents to the number of residences in the Township. Mahaney noted multiple responses were allowed per residence. Sikkema said their purpose was to find out more about a general consensus on issues. He also noted that just because someone doesn't live here doesn't mean we don't value their opinion. To sustain the Township, we also have to consider what future people want.

Ventura said that the people that made the effort to respond might be the people we should listen to if the rest don't care. Meister said we can't assume they don't care. Sikkema said a lot of effort went into obtaining the data and we should use it. Even though we may be concerned about the number of responses, at least it gives some idea on what to do and what to consider moving forward. It should be kept as a reference book as agenda items are considered. Woodward said she felt it was great that so many people took the time to answer a very long survey, and that we should honor the effort that was put into it by taking it into consideration. She suggested there were many cool ideas in the public comment and Commissioners should take the time to read them.

Sikkema asked for public comment. Dick Arnold said he filled out the survey four times, so how is it valid when you can stuff the ballot box? Sikkema said, "Shame on you Dick." Arnold also said that at 167 questions it was way too long. He said he got about halfway through and was ready to quit. Sikkema said, "Then you changed your mind and did it 3 more times."

Mulcahey again objected to the contents of the summary. She cautioned against using the results to justify spending of taxpayer money because we don't know if the people who commented live in the community.

C. Work session on Master Plan

Woodward said the beginning of the plan articulates important community values and where they come from (such as public input). Values include *Community Character*, *Healthy & Livable Community*, and *Sustainable and Resilient Community*. Particularly, Woodward would like the Commission to reach consensus regarding the priority decision criteria that are based on these values. These may be used by departments, community groups, and commissions/committees to determine the important projects on which to focus. This sets the stage for the rest of the plan.

Sikkema noted we really don't have an identifiable business district. Commercial was built around the highway. The area didn't develop as a village. He thinks we need to support a commercial area, but the Township will probably continue to be rural in nature and not contain a traditional business district. However, he thinks there are things we could promote that would make the commercial area more attractive over time, such as larger setbacks, green space in front, etc. Smith noted a need for better access between Holiday and adjacent development.

No modifications of the text were noted in the first section. Ventura said it was a good summary of community character. Woodward noted that there has been some talk of aging in place and taking care of our seniors, and said that while doing that, we also make things better for other people at the same time, so it's not about catering to one population segment. Ventura thought it's a good point to refer to sustainability and resilience because every community experiences changes, and those who don't accept change die.

Sikkema noted the guiding principles for sustainability and resilience were to be drivers for decision making, along with the priority decision criteria that are based on risks and opportunities. Woodward suggested that projects that don't meet certain criteria might still be pursued, but they would receive lower priority than those with higher scores based on these criteria. She asked Commissioners to envision how possible projects would be considered against this criteria to see how it works.

Sikkema asked for an update of history from the 1920's at least until the 1980's, mainly related to the progress of development (particularly residential neighborhoods as opposed to strictly agrarian). Commissioners suggested highlighting recreational opportunities such as trails as examples of resilience. Mahaney suggested mentioning the overlooks on M-28 under regional context - geography, tourism, and transportation, because they draw tourists. Woodward noted the lack of handicapped accessible beaches as mentioned in the survey comments. Ventura mentioned the lack of signage for the Great Lakes Circle Tour.

Ventura noted the college is no longer called Bay De Noc Community College, but as simply Bay College. Commissioners also wanted to mention Michigan Tech which is in the western U.P. region. Sikkema noted many people come to Chocolay Township for hunting and fishing (especially the Chocolay River).

Ventura said this is a good start to the plan. Sikkema asked Commissioners to send any additional comments to Woodward within the next couple days.

D. Review summary of amendment history and progress report and set priorities

Sikkema said the “X” represents completed items, and “O” represents open items. Commissioners went through the open items to set priorities. Continue with Agricultural Regulations. Finished County Brownfield Inventory. Continue with the multi-family amendment although this isn’t a high priority (noted by Ventura this would be consistent with survey results because it was not a priority among residents either). Continue with proposed amendment for outdoor wood boilers. Finished with Master and Recreation Plan survey except for continued discussion. Ongoing Master and Recreation Plan as a high priority.

Firewise zoning was suggested for inclusion in the Master Plan, but no current implementation. The purchase of Silver Creek access property is included in the Recreation Plan. Woodward noted that a citizen had suggested she could submit sample regulations for fire safety regulation, and some of the materials included for OWB also had model regulations for fire safety. Commissioners suggested Woodward check with Chief Zybert to see if there are ongoing complaints about fire safety and discuss this in the next Director’s report. Fireworks regulations were brought up by Greg Seppanen – include this in the Director’s report as well.

Necessary changes to lot split and land division ordinances – noted as a need by the Assessor. The Commissioners agreed to add this to the open list. They also wanted to add an item to consider minimum lot widths for potential changes in the Zoning Ordinance, per suggestion of Township Supervisor Gary Walker.

Commissioners noted that the junk car and blight ordinance should be the next priority after some others are finished. Continue with all open items as identified in the Annual Report priorities. Woodward noted the priority list can be updated with the Annual Report for 2013 (2014 priorities). Woodward noted we can’t do a grant for playground equipment until the Recreation Plan is adopted. She also noted we tried to get funding through Marq-Tran for the transit center, but it didn’t work out this time. We will find other options.

Next meeting will include the second public hearing on OWB, review of more of the Master Plan, and begin to address historic amendment #34-10-18 pertaining to the

definition of height for accessory buildings. The Commission directed Staff to send an e-mail with the amendment history to Commissioners in case research is needed for the meeting.

IX. PUBLIC COMMENT

Mulcahey discussed the fire safety issue that prompted the concern. She reported that Chief Zyburd had told her he was surprised that Lakewood Lane hadn't burned already because of all the jack pines. She agrees with the focus on junk car and blight and thinks this should have been done earlier. She suggested that we can't decrease minimum lot sizes because the area along the water bodies is already built up, and if you increase building you increase pressure on resources. She suggests we consider Recreation Passport funding for parks. She doesn't think the local food concept is supported that well.

X. COMMISSIONER'S COMMENT

Mahaney was shocked only 600 residents responded, and he is thinks in a way it's a joke when a person can comment 4 times and skew the results. He is disappointed the post cards were not re-sent. The Township spent a lot of money on this and we don't know how reliable or good a representation the results are.

Meister said the Citizen Planner Program is well-worth it and puts a lot of things in perspective. Smith said someone should be assigned to actively pursue better access to the Township Hall/Fire Hall through property acquisition. He wants someone to actively move this forward.

Sikkema said there were successful bids on the bikepath improvements and work will start in the spring. On completion ownership of the path will be turned over to the Township.

XI. DIRECTOR'S REPORT

None

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

Skandia notice of intent to plan

ADJOURNMENT

Sikkema adjourned the meeting at 9:55 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 4, 2013

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Kendell Milton, Bruce Ventura

Members Absent: Tom Mahaney (excused)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

Sikkema asked if we have heard about a Board member replacement yet, and Woodward said the Board would appoint someone as a Planning Commission representative at the November Board meeting, but indicated that Richard Bohjanen, who was in attendance, is the new Township Trustee and a possible appointee. She also reported that Tom Mahaney had called to say he would not be able to attend because he is out of town.

II. MINUTES

October 7, 2013

Motion by Ventura, seconded by Smith, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Public hearing on proposed Zoning Ordinance Amendment ZA0003-13 pertaining to Outdoor Wood Boilers (OWB), Section 6.5 and Sections 4.1, 4.2, 4.3, 4.5, 4.6, 4.7 and 4.8

1. Staff Report

Woodward noted that the materials reflect the changes from the last meeting to eliminate chimney height requirements, eliminate coal as a fuel, and eliminate the smoke plume provision. She said that the Manager suggested the Commission clarify whether the provisions apply to food cooking devices such as

smokers. She provided a definition for consideration that would clarify this issue. This could be added to Article II. This meeting includes a public hearing on the revised amendment. The County is also reviewing the amendment this week.

2. *Public Hearing*

No comments. Public hearing was closed.

3. *Planning Commission Discussion and Decision*

Ventura suggested a change in Section 6.5A 1 & 2 to eliminate the words “easements and right-of-ways” in relation to required setbacks. He said that if a utility easement crosses the middle of the property, the current language would indicate someone would have to maintain a 150 or 200 foot setback from that easement as well as the property lines. Milton had concerns about permanent structures being built in drainage easements. Woodward clarified that the structures wouldn’t be allowed to be built in the easement, but the proposed revision would indicate the structure could be adjacent to the easement and not have to meet the 150 or 200 foot setback as from property lines. Consensus approval was indicated on this change.

Ventura also addressed a proposed change for Section 6.5B.2 which would indicate “coal” as a prohibited fuel (in addition to the previous revision which deleted “coal” as an acceptable fuel).

Section 6.5C, Ventura suggested adding (f) which is “recommendations for proper firing and maintenance of the unit” to control more than just installation. Sikkema suggested that is part of the “Best Burn Practices” but there was concern this did not apply to commercial units. Meister indicated Section 6.5B is meant to apply to ALL outdoor wood boilers, but Ventura felt this is not clear. The Commission decided to make an addition to Section 6.5C in the introductory paragraph for Commercial Outdoor Wood Boilers to say that they shall also follow all provisions of Section 6.5B in addition to Section 6.5C.

Ventura also suggested that all portions of Article IV District Regulations be changed to say “outdoor wood boilers” not “outside wood boilers” for consistency.

Sikkema confirmed everyone is in agreement with Ventura’s suggested changes. Woodward asked if the Commission wants to add the suggested definition per the Staff memo as well. The definition reads, “Outdoor Wood Boiler: A fuel burning appliance that (1) the manufacturer specifies for outdoor installation or in structures not normally occupied by humans (e.g. sheds) or is an indoor-rated device housed in a modular or containerized structure; (2) is designed to transfer or provide heat by burning approved solid fuels; and (3) heats space or water, or both, through the distribution, typically through pipes or ducts, of a fluid or air heated in the device. Also known as hydronic heaters or outdoor wood furnaces.

Does not include outdoor smokers or wood-fired stoves for cooking food; fire pits; or chimineas.” This was approved.

Motion by Meister, seconded by Ventura, that after holding two duly noticed public hearings, the Planning Commission hereby approves proposed amendment ZA0003-13 pertaining to Outdoor Wood Boilers as changed (delete “easements and right-of-ways” in Section 6.5(A) 1 & 2; add “Coal” to Section 6.5(B)2; indicate that commercial outdoor wood boilers shall follow all provisions of Section 6.5(B); correct wording in Section 4 from “Outside” to “Outdoor”; and add the definition for Outdoor Wood Boilers) based on the following findings of fact:

The proposed amendment accomplishes the following:

- *Simplifies administration*
- *Addresses nuisance impacts through setbacks and seasonal limitations on use so that chimney height can be consistent with manufacturer’s specifications and thereby meet Marquette County Code requirements*
- *Accounts for technological improvements that affect nuisance impacts*
- *Is more appropriate in relation to zoning district provisions*
- *Provides an exception in the waterfront residential district which may permit outdoor wood boilers to be located in the front yard*
- *Has more stringent requirements for commercial appliances*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Site Plan Review #SP13-02, My Way Enterprises Inc, Parcel #52-02-121-002-50

1. Public Comment

Kevin of GEI Consultants spoke for the engineer of record, George Meister, who could not attend. The plan is for three large storage buildings, a small office, and five retention basins. In addressing staff comments, he said the lighting would be designed by the electrical contractor in accordance with the Ordinance and if necessary the contractor can bring in the electrical details to the Township for approval. The proposed distances for plantings are based on appropriate distances for the specific plants. They felt our Ordinance provisions would result in overplanting. He also said the storm and erosion control measures would be constructed prior to construction of the drive areas.

Sikkema asked if these statements would satisfy Woodward’s concerns. She indicated that the lighting spec sheet did offer a houseside shield and a photoeye that would help satisfy Ordinance requirements. The lighting design probably eliminates most concern over type of bulb or wattage as long as the lighting is directed away from adjacent properties and toward the development.

Woodward indicated concern with the locations of the three access drives in close proximity (this property and two adjacent). Sikkema asked about the current driveway location. Chuck Genshaw, property owner, said the driveway

for neighboring property G.T. Sales is basically on the property line and goes along the entire frontage but also exits on Mangum Road. He said his driveway design would depend on MDOT's requirements. Sikkema indicated there would be two commercial driveways about 10 to 15 feet apart, and asked Genshaw if he could work out a shared driveway arrangement with G.T. Sales. Genshaw said he had spoken with Mr. Stanaway once and he seemed agreeable with their plans as was the adjacent residential property owner. His intent is to work with them to satisfy any concerns within reason.

Genshaw indicated he had talked with Jeff Ratiola of MDOT who said he didn't see that there would be a problem. Ventura said "the fewer access points, the fewer accidents". Genshaw said he had been told that a service drive was not possible. Ventura said he did not envision a steady stream of traffic in and out once people have their things in the buildings and Genshaw agreed, saying with mini storage uses there are not usually many people onsite.

Sikkema asked if Genshaw is opposed to trying to work out a shared driveway. Sikkema is concerned with conflicting turn movements into the two commercial uses, even though the chances of an accident are pretty slim. Genshaw said that he guesses it would not be a problem to blend the two driveways in together, but he's not sure the adjacent owner would agree to a parking lot reconfiguration. Sikkema would like to at least see the two commercial driveways combined into a true shared use driveway with a formal shared use agreement (an example of which can be provided by MDOT). Woodward noted that G.T. Sales is in the process of submitting paperwork for a site plan review to add an office building, so perhaps these details could be worked out further with that site plan review.

Sikkema said as it is now, it won't work well, and he would like to see both properties move their driveways onto the property line as a common driveway.

Sikkema asked Woodward if the landscaping plan is acceptable. She said it's not according to the Ordinance, but she assumes there is some expertise in the family (referring to Eric Meister, Commissioner). Meister said he feels he has to abstain from the decision since his son created the plans, but he said lilacs can get to be six to eight feet wide.

Ventura said the lilacs are gorgeous in the spring, with nice foliage in the summer, but what about winter? Would they provide much screening? He would like some evergreens to be mixed in with the lilacs at least on the residential side to provide more buffer. This is agreeable with the applicant.

There were no further public comments.

2. *Planning Commission Discussion and Decision*

Sikkema summarized the previous discussion, which includes:

- Require a lighting design to be submitted prior to obtaining a zoning compliance permit. So as not to hold up the permitting process, it was

decided that the lighting specifications should be turned into the Zoning Administrator prior to installation.

- Joint use driveway with G.T. Sales. Sikkema asked the opinion of the Commission on requiring a joint use driveway. Ventura said he is in favor of it but doesn't think they can require it. He thinks they can recommend that the applicant pursue it, but can't withhold the permit if an agreement can't be reached. Woodward said Chocolay Township does not have a regulation that can be cited to require the shared driveway, because this property is not within the Access Management Overlay district. Sikkema said that MDOT can also make the recommendation, but cannot withhold the permit. Sikkema said if the property owners can't reach a shared driveway agreement, then this driveway needs to be completely separate because it is not acceptable to have a 75 foot wide apron. Either it needs to be a narrow driveway that is visibly distinct from the adjacent driveway, or there needs to be a shared driveway. Genshaw said he is willing to discuss it with the adjacent property owner and to present him with a proposal for a shared driveway. He asked if he could just amend his plans to move the driveway next to the property line. He doesn't want to delay construction for months. Sikkema would like a plan to be presented to the adjacent property owner to see if they can agree on and implement the plan. Smith asked how the Commission is going to handle all that tonight. Woodward cited a section of the Zoning Enabling Act that says a site plan shall be approved if it meets the conditions of all applicable Ordinances and statutorily adopted plans (the Master Plan). It was decided this issue would be handled in the form of a recommendation.
- The other issue is to add evergreens to the landscaping plan.

Motion by Milton, seconded by Ventura, that after review of Application #SP13-02 My Way Enterprises, Inc for parcel #52-02-121-002-50, the site plan dated 9/27/13 be approved having met all requirements of the Ordinance and based on the Findings of Fact contained within the Staff Report dated 10/24/13, with the following noted clarifications:

- *Complete details for a lighting design consistent with provisions of the Chocolay Township Zoning Ordinance are to be presented to the Zoning Administrator for approval prior to installation;*
- *The Applicant will pursue a possible shared use driveway with the adjacent commercial business, or upon failing to achieve such agreement shall construct a completely separated driveway;*
- *Applicant shall incorporate evergreens in the indicated planting screen per the standards of the Zoning Ordinance Section 11.3 as approved by the Zoning Administrator.*

Vote: Ayes: 4 Nays: 0 Meister abstained for conflict of interest. MOTION CARRIED

Ventura made a comment to the designer. He appreciates the quality of the work on the Plan which shows the contours, drainage and storm calculations and thinks it was very professionally done.

B. Work Session on the Master Plan

The packet includes updates to the Draft Master Plan and a memo with questions that Woodward would like addressed relating to the former draft Future Land Use Plan and implications of survey results in relation to animal regulation, growth sector areas, housing, connected greenways, etc.

Woodward summarized the changes that had been made to the Draft Master Plan, including the addition of an introduction with a detailed summary of changes since the last Master Plan, and progress toward the recommendations of the 2005 Comprehensive Plan. This should give the Commission an idea of the issues that still need to be addressed. She updated the Historic and Regional Context sections based on input from the last meeting.

The Commission reviewed the former Future Land Use Plan draft. Woodward inquired about the statement regarding more intensive use along the major corridors and arterial streets based on availability or economy of public services. She would not want this to translate into commercial strip development as opposed to commercial clustering around nodes. This should be clarified in the development plan.

Sikkema said that Chocolay had a distinct business district, and over time many of the businesses were abandoned, but the property has not gone back on the market. He wonders how to encourage redevelopment on underutilized parcels along the central business corridor. Woodward said that a zoning change (mixed-use) might encourage more options. She said the Township isn't necessarily in a position to offer development incentives such as tax breaks. The property behind the McDonalds development was discussed. A new connecting road might be helpful. Smith noted the presence of a creek and wetlands in the area as well as steep terrain.

Per discussion, it was noted that a connecting road is needed adjacent to the Varvil Center to provide additional access to the Timberlane subdivision.

Sikkema asked the Commission to address the section on non-residential Commercial land use. He suggests the Commission identify strategic locations for commercial expansion. There is a draft section that reads, "Expansion of nonresidential tax base should only be permitted along US-41/M-28 from the west township line to the intersection of these two roads and to 500 feet either side of the intersection, with the exception of possible small expansions along M-28 in front of the Casino and adjacent to the Varvil Center on M-28, and at Kassel's Korner (corner of US-41 and CR 480)." Meister said this seems a bit confining.

Sikkema suggested that most are in agreement with the US-41/M-28 corridor development, but how far from that intersection do you want to promote new non-residential development? Sikkema is concerned that expanding the area for non-residential development may result in sprawl instead of infill development. Ventura said that if the Township limits commercial expansion, it will encourage more infill development in existing commercial areas. If the Township makes more land available south and east for development, developers will take advantage of those opportunities and create sprawl. He said if we want infill we should somewhat limit new land that is available for development. This will increase the value of existing underutilized commercial properties. The opposite is happening in Marquette Township where they keep making more land available for commercial development, and new development is marching west, yet there is a mall on the west side of Marquette that is almost empty.

Sikkema said he also doesn't want to make all the land close to Harvey commercial so that residential just keeps getting shoved further out. There are services here that would support a walkable community, but if we make it all industrial or commercial no one will want to live there. He said we might be missing some opportunity related to low-impact light industrial uses that are compatible as well. Our industrial area is very limited, and we might need to deal with the blight that is there to make it more appealing to business. We should try to attract businesses to create more local jobs.

Milton asked if the Township has to allow industrial? Woodward said they can't be exclusionary of a particular use. Sikkema said staff could look into resources for industrial parks and how to establish them.

Ventura said you could approach this differently through form-based zoning. Instead of having separate industrial and commercial areas, you regulate a building form that could accommodate those uses but is compatible from the street and doesn't impact the neighbors. You regulate the building form rather than the use. He thought this might work in a limited area in Chocolay Township. Meister said people seem to think that you have to totally separate commercial and residential, but with the new developments, they put them together and it seems to be what people want. Smith said all of Third Street in Marquette is a combination of uses. Apartments on upper floors were discussed. Ventura said we have a lot of commercial uses in houses along the corridor anyway. Milton said whatever form we come up with, we will always be hindered by fire protection and water in mixed-use applications. He thinks we should think about where an elevated water storage tank could be, because he thinks eventually we will need one. Sikkema said if you want to create a more vibrant business district, you probably do have to assess the challenges. Smith indicated Building Code requirements for 6" lines for fire protection would be challenging. Sikkema didn't think we have the level of community services that would attract those wanting to live in apartments over

businesses, for example, transportation into Marquette. Woodward noted that more and more people are getting priced out of the residential market in Marquette and are looking for housing near the jobs in Marquette.

Sikkema said we have to decide what we want it to look like and then figure out what to do to make it happen such as public water supply, etc. It might take a Planning Consultant to figure that out. Smith thinks Chocolay's existing character is related to those missing services, and the character would be much different had those services existed in the past. He thinks it's too hard to meet Code.

Meister asked why we should be opposed to apartments over businesses. It might help the business be more economically feasible, and shouldn't be objectionable to a person who would choose this lifestyle. Sikkema said we could put a goal in the Master Plan to explore how to redevelop the corridor into mixed use, and then recommend a Planning Consultant be hired to figure out how to make it happen. Then the Township would have to decide which of those things it's willing to do. For example, there are grants for water supply systems, but the Township may not qualify because of the median income levels here. It may not be realistic to expect the developer would pay for it when they can go to another Township where they don't have to.

Woodward said that in creating the development plan, we could involve area developers and local property owners to get more information on the challenges and realistic opportunities. She said with so many properties in transition, it's the right time to plan.

Meister said we should look at what can we do with what we have now, and have someone tell us what we need to do to make other things happen. If the cost of sewer and water is going to be more than the Township can afford, then we should figure out what to do with what we have.

Smith asked how the Township would go about building the connector road that has been discussed in the Plan. He thinks it would benefit a lot of people. Sikkema said it's a marriage between property owners and the local unit of government. The property owners donate easements, the government creates TIF districts, they get matching funding for grants, etc. He said we don't have enough development inertia to start that kind of process. Woodward said funding could also come from a special assessment. Sikkema also said private individuals have built roads and the local government has taken over maintenance.

Sikkema said we should have a goal to redevelop the underutilized commercial areas, and answer the questions, 1) what can we do with our current infrastructure, and 2) what is needed to accomplish our vision.

Meister said 60% of survey respondents said they'd like to see more jobs in the community, and so building commercial/industrial uses are important. Sikkema said he doesn't see heavy industrial as being suitable or possible, but high tech, low impact industries might be.

Sikkema said the vision might require doing a study to see how to incorporate commercial and residential mixed-uses in Harvey that are consistent with community character, because the Commission isn't aware of all the requirements.

Woodward said some communities are hiring consultants to create a development plan along with a form-based code to implement the plan. Sikkema said the proper zoning can also give property owners the assurance that their investment is protected from incompatible future development. The discussion turned to residential development.

Ventura said that the survey results were pretty definitive that the people who responded only want single-family homes. Meister said people do want more senior housing although they may not want apartments. He thinks people may be opposed to multi-family, but not senior multi-family. Milton said health department regulations also have an impact on the number of units built, because over a certain number of units they have to get an operator's license. Woodward said there are existing developments that do meet these requirements in Chocolate Township, it's just more expensive. Milton said they can share operators to save costs.

Woodward said there are other ways to do single-family housing and still support housing affordability and housing for seniors, including allowing tiny homes, cottage communities, accessory dwelling units, etc. Sikkema said people may accept a smaller scale multi-family versus a large-scale multi-family development. If the units are separated into multiple small buildings versus one large building it might be more acceptable. Meister said that for seniors, we need housing that is easier to manage. Woodward said that it's useful to think about the scale of the firehall, and how many multifamily residential units could fit into that structure which doesn't seem inappropriate on the corridor.

The Commission generally supports multi-family residential as a conditional use with controls on the scale of development, and allowed in transition areas between commercial or mixed-use and residential. They also support a mix of light industrial and commercial in some areas.

For regulations regarding special areas of concern, Woodward suggested we could have more regulations to discourage development in floodplains or for wellhead protection, but probably could not enforce extra regulations for wetland protection or endangered plants and animals. For cultural areas of concern, Woodward

would like to see a plan for connected greenways to allow wildlife movement. Ventura said we have a start on that with the Iron Ore Heritage Trail. He suggested the non-motorized trail could be expanded all the way to the County line, but this would involve addressing the issue of motorized versus non-motorized traffic where motorized is currently allowed. Smith said in that area there is an old County road that parallels the Iron Ore Heritage Trail that could be used to create a parallel trail for motorized users. It was previously used for snowmobile traffic when the railroad was active on the grade, and is more fun to ride than the rail grade. Milton said the North Country Trail also meanders through that area.

Woodward asked if the Commission wants to expand the access management areas beyond the current overlay district, as is suggested in the draft. Sikkema said it's not real applicable in residential areas, but is somewhat important in commercial areas. He said the real value is in preventing new driveways when properties are split. This forces a shared driveway arrangement in order to get the split approved. Smith said that the State DNR enforces similar regulations in limiting trail crossings.

The Varvil Center was discussed in relation to mixed-use. It is currently zoned industrial, but some commercial uses are permitted. Sikkema said owners of some residential properties in that area have wanted to be rezoned industrial, but it wasn't approved. Smith said that was because there wasn't a plan, they just wanted to sell the property. Meister said he thought it would be appropriate for a restaurant to be there. It was suggested to rename the district to more accurately reflect the mix of commercial and industrial uses.

Milton asked if CR-480 would become a State highway. Sikkema said not any time in the near future; he doesn't see it happening. Sikkema would like to see a zoning map for the next meeting so their future land use decisions don't create a bunch of nonconforming uses.

The Commission stopped at the section on "Infrastructure Management" to continue at the next meeting. They will also get a draft of Section 4 for the next meeting, sent electronically more in advance of the next meeting.

IX. PUBLIC COMMENT

Richard Bohjanen said he typically would rather not speak, however, he wondered if the Planned Unit Development zoning would be a good management of the transition areas that the Commission has been discussing. It requires input from the neighbors. There was a requirement that made it not too useful before, related to parcel size, but this could be changed.

X. COMMISSIONER'S COMMENT

Meister said he thinks the firehall looks great, and Sikkema agrees. Milton said he

would like to have the zoning of adjoining parcels noted on the site plans. Ventura agreed.

XI. DIRECTOR'S REPORT

Woodward said she was contacted by Carol Fulsher about some three sided sign kiosks she wanted permitted at the trailheads for the Iron Ore Heritage Trail, and some MDOT wayfinding signage. Sikkema said local communities can develop a wayfinding sign program that can be permitted with MDOT, but the Iron Ore Heritage Trail Authority would have to work with the Township to get it permitted with MDOT. Woodward asked about the sign for the Bayou Restaurant. Sikkema said that is a TOD sign (tourist oriented directional sign) which is developed with a private company (Michigan Logo) contracted by MDOT. The company contracts for the signs with MDOT under a general permit. Smith said the current sign provisions under the snowmobile program are very generic for trail signs. Smith suggested talking with Ron Yesney of the DNR to see if they've made exceptions for these types of signs.

Woodward asked Commissioners to send comments on the draft recreation plan to Dale within a couple weeks.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

ADJOURNMENT

Sikkema adjourned the meeting at 9:40 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 2, 2013

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Richard Bohjanen (Board), Tom Mahaney, Bruce Ventura

Members Absent: Eric Meister (Secretary), Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator)

II. MINUTES

November 4, 2013

Motion by Ventura, seconded by Smith, to approve the minutes as corrected (correct spelling of "sited" to "cited" on page 5, 2 incidences).

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Dick Arnold, 312 West Branch Road, said he would like a better description of the topic in the agenda. Public comment was closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Work Session on the Recreation Plan

Dale Throenle presented a copy of the previous draft recreation plan to the Commission. It was thought this plan had been submitted to the DNR (after it was approved by the Board), however this was in error and our Recreation Plan is currently expired. Throenle presented a completely revised draft.

The goals of the plan are to support recreation grant requests, fit within the budget, and create a recreation directory to aid citizens and visitors. The format is designed according to DNR specifications, with some additions. It is intended that this plan be

reviewed annually.

Throenle reviewed the outline of contents of the plan, including a *Community Description, Recreation History and Timeline, Administrative Structure, Recreation Inventory, Resource Inventory, and Description of the Planning and Public Input Process* (including goals, objectives, action program, and plan adoption documents). Appendices include *Maps, Recreation Locations, Site Information, Recreation Coordination, Risk Management Assessment, Summary of Survey Questions, and Self Assessment Grants*.

The Recreation Inventory is divided into four components including *Chocolay Township properties* (owned and maintained by the Township), *cooperative facilities* (public/private ownership partially or wholly supported/maintained by the Township), *other public facilities* (other public ownership not maintained by the Township), and *private facilities* (privately owned and privately maintained). Examples of *cooperative facilities* include the Chocolay Community Garden and Kawbawgam Ski Trail. Examples of *other public facilities* are the Cherry Creek Fish Hatchery, Cherry Creek School, DNR Chocolay River Access site on M-28, Jeske Flooding, MDOT turnouts, NMU Golf Course, and the MDOT Welcome Center. Examples of *private facilities* are the Gitchee Gumees RV Park, Homestead Golf, and Lakenenland.

There is also a brief section on *Regional Recreation Facilities* (such as trails) and *Grant-Assisted Facilities*. *Grant-Assisted Facilities* is a detailed outline of recreation grants that have been awarded to the Township in the past from sources such as the 1988 Recreation Bond Fund, Clean Michigan Initiative Recreation Bond Fund, Land and Water Conservation Fund, and the Michigan Natural Resources Trust Fund.

The *Resource Inventory* will contain information on the natural resource assets of the Township, such as natural areas and rivers, state natural forests, farmland, floodplains, groundwater recharge areas, rare species, scenic areas, and wetlands.

The *Public Input Process* will include methods for reaching decisions, and will be rewritten. The Census data will be rewritten.

There are five stated goals for the plan. Recreational opportunities will reflect the lifestyles of residents, will serve all age groups and people with disabilities, and will attract visitors. Risk management and maintenance policies and procedures will be developed for recreation facilities. There are ten policies and ten implementation strategies meant to support the goals of the plan. There are additional responsibilities assigned to Township departments and staff to support the plan.

The *Action Program* is created for the next five years. It begins with general implementation strategies and concludes with site specific implementation strategies. Strategies are assigned for each year. There is also a summary table for all years and all facilities indicating the assignment of action items or evaluation/ongoing maintenance activities.

The Plan concludes with a detailed table summarizing all project descriptions by site

and year, including costs, participants, and funding sources. This is meant to provide direction to the Board. Some costs will be indicated as “to be determined”.

Appendix B includes detailed information for each facility with map and GPS coordinates to help users locate the facilities. Basic access and asset features are described. There are also coordinates for the water features in the Township.

Appendix C includes supplemental designs, drawings, specifications, and documents pertaining to specific facilities. Throenle described those available for the Brower Recreation Area.

Appendix D will describe the collaborative recreational activities in which Chocolay Township participates.

Appendix E contains results of the Risk Management Assessment performed on all Township properties in June of 2012 in collaboration with the MMRMA.

Appendix F contains a summary of public survey questions and input.

Appendix G contains the Self Assessment Grant forms completed by the Township.

Throenle noted that survey results indicate that people first want the Township to maintain what we have and do it at a reasonable cost rather than focusing on new facilities. He said respondents prioritized trails and passive recreation. Throenle noted that there were very few younger respondents to the survey, so he has tried to anticipate and accommodate their needs as well. It was found that Township recreational opportunities are not well known, so education and promotion is needed. Throenle said the only property that the Township could sell (is not grant funded or otherwise encumbered) is the Wick property by Kawbawgam Lake on the north shore of LeVasseur Creek. It is land locked and an easement across private property would be needed for access. If a kayak/canoe launch could be established by Kawbawgam Road, a water trail to the property could be created.

Throenle said the Kawbawgam Pocket Park was once the launch site for the Kawbawgam Ski Trail. He wondered about re-establishing this launch site for both the ski trail and ATV/ORV trail.

Recreational partnerships will be pursued. Examples include the Chocolay Community Farm project, improved fishing access, and a possible cross-country ski trail on the golf course.

Throenle asked for Commission comments. Ventura said the plan is very comprehensive and thanked Throenle. Ventura noted the golf course will not expand beyond 18 holes as noted in the plan, and it is used informally now for cross-country skiing (would be a good site). Ventura also noted the Brower property is not well marked.

The Voce property was discussed. There is a 66' wide access easement from US 41, but no parking and no identification. Sikkema said for some of these properties the most you can really do is identify them for passive recreation use.

Throenle noted that better access to Silver Creek Recreation Area is a priority. This could involve property acquisition. This would support expansion.

Sikkema reiterated his view that the priority is for recreation to serve residents. He doesn't necessarily think we should develop facilities for other people to come here and use. He is in favor of multiple smaller scale recreation sites near population centers. The Commission had previously identified road easement parcels along Lakewood Lane that run between US 41 and Lakewood Lane that might serve as pocket parks. Resident buy-in could make possible the creation of small scale pocket parks. He thinks this is a priority as an amenity for young families.

Mahaney asked if there was thought to closing down Lion's Field and putting another field at Beaver Grove for easier maintenance. Throenle noted that he is an umpire for the leagues that play at those fields, and many people like the location of Lion's Field. He's not sure if maintenance would be that much easier since you would still be maintaining two fields. He also noted that Lion's Field is to be a trailhead for the Iron Ore Heritage Trail, and that the paved hockey rink is now located there. Throenle also noted there could be resistance from the surrounding neighborhood to the removal. Woodward noted that the Lion's Club has invested a lot of time and resources in the park. Throenle noted that if you move the field to Beaver Grove you'd have to start from scratch, and he doesn't think there is enough projected growth to warrant an additional field. Mahaney asked because of the extensive facelift that seems to be planned for Lion's Field in 2014 in the Plan. Ventura said he thinks it's better to keep multiple facilities closer to where people are living. Mahaney asked if the hockey rink could be moved to Silver Creek where there is already infrastructure. Sikkema noted you can really only get to Lion's Field by car. Throenle noted you can get there via the Iron Ore Heritage Trail, and the back portion of the park can be developed. Mahaney said people will drive to hockey because of the equipment anyway. Throenle said the paving of the hockey rink is already complete.

Throenle mentioned that a resident of Marquette told him there is a group of people who haul their bikes to the Beaver Grove Recreation Area and use it as a launch site for bike tours of the rural roadways. This resident said the Township should create some bike trail maps and encourage greater use.

Woodward asked the Commission's opinion on the plan recommendation of bike lanes on US 41 (shoulder). Sikkema said MDOT does not allow this because that would indicate there is no parking of vehicles on the shoulder, but parking is allowed. A bike lane indicates a travel lane. However, he said everyone knows they can use the highway shoulder for biking, so you wouldn't gain anything by marking it.

Bohjanen said there is a mistake on page 95 of the Plan – the Kawbawgam Pocket Park is on the left side of the road when heading south, not the right.

Ventura also noted necessary changes to the population information.

Sikkema asked about the nature of the “MDOT” cooperative facility listed on page 23. It is unclear that this references the multi-use paths in the highway right of way. He wanted it made clear that these multi-use paths will be turned over to Township ownership & maintenance responsibility when complete next summer.

Sikkema said the DNR owns the rail grade that is used for a snowmobile trail, and there are many potential uses that could be accessed from this trail, perhaps in the Bayou or along the Chocolay River. Throenle discussed the plans for the park strip along Green Bay Street, including parking. Sikkema said people should avoid referring to it as the snowmobile trail; it is the Iron Ore Heritage Trail.

Sikkema wanted the Commission to understand that the Beaver Grove Agricultural Area was being presented as a new recreation area with a work plan recommended by staff. Woodward said it was not just a staff recommendation – there were many meetings with the Planning Commission and the Commission recommended the project as a good use of the property. Sikkema said he thinks it needs to be clear that this project was recommended based on an outside group doing it. Ventura is in favor of the content being in the plan; the plan doesn’t specify who is going to be doing and financing everything, that can be determined later. Ventura suggested clarifying that this is a proposed project to be done jointly with an organization that would be created to oversee it rather than being run by the Township. In previous action, Ventura thinks the Planning Commission supported this project to the point it can be included in the plan. Bohjanen said the development plan can be put into slow motion – you don’t have to be very specific early on.

Mahaney asked about things that are in the plan but may not happen? Throenle said the plan can be modified over time.

Sikkema asked about next steps. Woodward wanted the Commission to focus on the goals and implementation strategies on page 54 and 55 and the action program beginning on page 56. The next step for the master plan is to prioritize the strategies from this plan according to the Priority Decision Criteria in the Master Plan. Smith said the Commission previously discussed their top 5 priorities with some being common among the majority. Woodward will look for those. He thinks it involved playground equipment at Silver Creek Recreation Area (Lowe’s grant), a bigger parking lot at the Chocolay River boat launch, etc.

Ventura noted that without the costs, priorities might be difficult to assign. Smith said some priorities will be indicated by the survey results. The plan is to review the final draft no later than January so it can be moved to the Board for approval. The Commission said the priorities can be determined after this plan is approved, as long as the important items are included. Woodward said the priorities need to be consistent with the Master Plan. The Commission wants to make sure costs are available for the top priorities with the rest to be determined.

B. Work Session on the Master Plan

Woodward asked Bohjanen if he thought it would be preferable for the Board to review the Master Plan in phases or as one complete document. He said it's difficult to read a document that big thoroughly, so segments would be better. Woodward suggested that if the Commission could approve Chapters 1 through 3, she could include those in the next Board packet for introductory review.

Woodward explained the format of Chapters 4 through 5. Chapter 4 is a review of resilience from the perspective of four elements including community (public) systems, private businesses and households, natural systems, and social systems. Within each of these systems, risks and opportunities are identified for subtopics like critical infrastructure and services (transportation, water, waste, public safety, energy, food), housing, public health, etc. Chapter 5 contains the functional strategic plans for future land use and development, fiscal sustainability, transportation, capital improvements, energy, food systems, economic support, health and quality of life, ecosystem support, disaster and risk management, collaboration, and zoning.

Woodward asked for any comments or changes for Chapters 1 through 3. She revised the summary of major changes since the 2005 Plan based on input from Board minutes, so it is more comprehensive. She asked about the Commission's preference for the placement and readability of the section detailing progress toward the recommendations of the 2005 Plan. Consensus was that this is an important section. There were a few comments/changes. Sikkema, page 10, said the Township has accomplished more for alternative transportation, including the MDOT carpool lot and the Altran/Marq-Tran transfer at Jacks. This may be more appropriately included in accomplishments. He also noted that under economic development (page 10) there has been retail expansion with the strip mall at the intersection of US 41/M-28. On page 11, Sikkema was not sure about the wording under Community Center, and whether it really is still work to be done. He hasn't seen it come up as a priority according to the survey results. The Community voted it down twice, so he's not sure it's something the community is looking for. The Plan makes it sound like we didn't accomplish it, but he's not sure it's something the residents wanted. Bohjanen was on the Ad Hoc committee for the community center. He said he thinks people wanted it, but didn't want to pay for it. Sikkema said if they don't want to pay for it, that means they don't want it. Bohjanen offered some background on the issue. Before the school was purchased, money was put aside for this purpose in an amount which was almost enough to purchase the school. He said this indicated consensus on working toward a community center. However, the school ended up being more expensive to operate than anticipated. During the brief time of operation, there were many activities going on in there. There were two choices for financing, including user fees and/or a millage. The Board decided to go for a millage, and the millage failed twice (it was combined with other things and the people didn't want to pay for it). Then the Township sold the school. But he said the facility was heavily used while operating.

On page 11, regarding Township Office expansion, Sikkema said that the offices were expanded, so this may be an accomplishment.

Bohjanen noted on page 21, 2nd paragraph, it should say “transportation corridor of *natural* and international significance”, not “transportation corridor of *natural* and international significance”.

Ventura noted on page 13 in the bullets, “proximity to cell towers” etc is mentioned under supportive principles for healthy communities. This is the only negatively worded item. Woodward said she would reword it to say “Separation from cell towers”, etc.

Upon there being no other comments on Chapters 1 through 3, Bohjanen moved, and Ventura seconded, to present Chapters 1 through 3 of the Strategic Master Plan with changes to the Board for review.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Sikkema asked for comments on Chapter 4. There was consensus to revise the format to include all the risks and opportunities together per topic, instead of keeping all the risks for all topics together, followed by all the opportunities for all topics. There was consensus to leave the action strategies in a separate section, with references at the end of each topic in Chapter 4 to the appropriate action items in Chapter 5. Woodward said she might put each element of Chapter 4 in a separate Chapter, resulting in four additional chapters.

Some changes were suggested to the tone of the energy section. The Commission wants the information to directly relate to the Township, sharpening our focus on things within our control. Woodward said she does think energy is going to be one of the defining issues of our long term future. Sikkema said it is somewhat out of our control – we’re not going to drive energy policy here. Woodward agreed it’s somewhat out of our control, but felt we need strategies to deal with energy issues. The quote “necessity is the mother of invention” was referenced by Sikkema. He said we should focus on things within our control – for example, we can’t determine if people use electric vehicles or not, but if it becomes an issue, we could install infrastructure to support them such as that in Marquette. Bohjanen said that some things that haven’t traditionally seemed to be within our control might be a valid future local government role. Energy rates were discussed. Sikkema said electricity costs for some residents are expected to increase 25% over the next 3 years, which Ventura said will still be 60% less than those who are served by Alger Delta.

The plan was tabled to the next meeting.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENT

Sikkema welcomed Bohjanen to the Commission. Bohjanen said if he had one

comment or position, it would be to prevent ordinances. There was laughter in the group.

Ventura said he agreed with Sikkema that there is some editorial comment in the plan, especially regarding energy, and he understands the problems but doesn't think this is the place to promote it.

XI. DIRECTOR'S REPORT

Woodward said that if you read energy and sustainability plans from other communities, this is a real topic of discussion. She wants the Commission to keep this in mind, even though this might not be the right time to talk about it. She said she included the information because she does care about the future of the Township and is doing her best to anticipate things that will be of importance.

Sikkema mentioned the Township does have a pretty good network of natural gas, which is something people consider when they build. Woodward noted that there were survey comments from people who can't get natural gas. Smith said that Wintergreen Trail and Autumn Trail can't get natural gas because the infrastructure wasn't put in by the developer (would have cost \$40,000). Now it would cost \$7,800 per household if you could get 28 of the 35 residences to participate in putting in the infrastructure. He has to use propane, and is also on Alger Delta electricity. His roads are also not plowed. Some wells are failing to meet capacity (180 to 160 feet).

Sikkema encouraged everyone to stick to the outcomes in the plan, and not include text that would make some people disregard it.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 9:48 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 6, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:31 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Kendell Milton, Bruce Ventura

Members Absent: Andy Smith (Vice Chair)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator)

II. MINUTES

December 2, 2013

Motion by Ventura, seconded by Bohjanen, to approve the minutes as amended (correct spelling of “resondents” to “respondents” on page 3, modify sentence regarding the Beaver Grove Agriculture Area per Sikkema page 5).

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Meister, to approve the agenda as amended (add item VIII.C Dairy Processing Facility).

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Work Session on the Master Plan Chapter 4

Woodward said she'd like to send Chapter 4 to the Township Board for reading on February 17 if the Commission can get through the entire chapter either tonight or through e-mail comments in the next week.

Bohjanen wondered if “Resilience in Community Systems” is the appropriate title for Chapter 4 since there is a lot of work to be done before the Township can be called resilient. Ventura said the chapter points out openings for failure and proposals on

how to achieve resilience; if we follow through, we will be more prepared for what comes in the future. He gave an example of an action that could create better resilience. Sikkema said the chapter does relate to community resilience, it's just about whether we have achieved it or are working toward it. The Commission decided to change the title to "Working for Resilience in Community Systems".

Page 28, Ventura requested an explanation of the remaining revenue sources. This will be added to the commentary.

Page 30, change "underutilized non-residential areas" to "underutilized existing commercial areas". The purpose is to be consistent with the goal to increase tax base but still preserve rural character.

Page 31, change the word "modest" to "small" to reflect actual survey text in relation to tax increases. Sikkema likes the idea of having a Capital Improvement Program.

Page 32, change "K.I. Sawyer" to "Sawyer". Also include information on rail with nearby transportation modes.

Page 33, Sikkema said the State's population increased in the last year. Change sentence to say, "The decline in the State's population between 2000 and 2010 and increased fuel efficiency resulted ..."

The process for levying special assessments for private roads was discussed. The Commission also discussed the idea for an all-weather transit station, and whether there was a need based on long waits for connections. It was decided that this type of station might encourage greater use of transit and serve a developing need, and would be appropriate considering our climate.

Page 38, Sikkema asked if the Township has a Complete Streets ordinance. Woodward was not sure. Sikkema said the Township might want to consider that. Sikkema said there was good information on the water system that he wasn't aware of.

Page 41, Sikkema asked that there be further explanation of what the "shortfall" means. It refers to there being no money put into the sewer fund to fix failing infrastructure. In addition, there was a lack of certainty regarding the status of regional electric generation and potential rate increases. Say only "Fiscal feasibility of the sewer system is also related to energy costs", and "Increases in energy costs will continue to raise operating costs". Choccolay's potential role as an energy producer was discussed. This could include small scale methods such as solar panels or small wind turbines to power Township facilities.

Page 44, Bohjanen said he is somewhat cynical when it comes to the statement that "reducing consumption will reduce energy costs" because power producers have fixed costs, and if consumption declines, they may increase rates. He said the only way we can control costs is to produce our own power through methods such as solar and wind farms. Sikkema said this wouldn't necessarily reduce costs either because of the capital expenditure associated with this infrastructure.

Sikkema said he is not sure about the need to establish an “emergency fuel fund” because this would not involve a great deal of money and the Township already has funds in the bank. Bohjanen said this is also already reflected in the budget. No text change was suggested.

Page 46, next to last paragraph, change the word “facilities” to “measures” to make it more clear that the incentive involves ensuring that property taxes don’t increase because of energy improvements. Bohjanen said that the Township will recoup this value anyway eventually, because when the properties are sold, the energy improvements will increase the value and translate into tax increases for the new owner, not the person who installed the improvement.

Page 50, provide more information on Commission discussions and actions regarding agricultural regulations thus far and the importance of the issue.

The Commission approved all recommended staff changes to incorporate climate-responsive design strategies.

The Commission took time to read the new materials presented that evening so they could conclude the entire Chapter 4 review.

Page 57, provide more information on recycling of other materials such as fluorescent light tubes and organics.

Page 59, provide more information on the water quantity issue in relation to increasing density, and whether density is feasible. Sikkema said this is a good discussion on density. The Commission discussed their perceptions of citizen acceptance of density. Supervisor Gary Walker said there is no place in Chocology Township where additional density will provide the same benefits of walkability as Marquette, because there are fewer activity centers. He said he is not sure that competing with Marquette in this way is something to aspire to. Sikkema said he knows people who would like to age in the Township but don’t have that option because suitable residential options don’t exist, so they have to move to Marquette, or they accept a lower quality-of-life because they don’t want to move to Marquette. Woodward said that residents may be more accepting of diverse residential options if they were put in the same room with others discussing these needs. Bohjanen said he has heard no complaints about the senior housing on Cherry Creek Road, and it’s nicely located for walking to the grocery store and other businesses. Sikkema said if a district is developed to support that, then MarqTran may service the area.

Page 60, point out that another reason for the 20 acre minimum lot size in the AF district was to maintain rural character. Meister asked about the acceptability of the idea for small stores in neighborhoods, and how this would be achieved. Woodward said she proposed to achieve this through an activity nodes overlay. Bohjanen said someone tried to get zoning for a convenience store at the corner of Kawbawgam Road and M-28 and it met with tremendous opposition from residents. Sikkema said many people walk to Kassel’s Korner from the neighborhood. No change was made.

Milton asked “what is a form-based code”? Woodward said it is using the zoning ordinance to shape the public space with a certain scale and appearance, placing lesser emphasis on use and more emphasis on form, such as how the building fronts the street, the height, straight or stepped facades, etc. Sikkema said it’s a way of creating character. Ventura said it allows for changes in use without complicated processes. Woodward said it only gets implemented with new development or redevelopment.

Meister suggested providing for rezoning in case there is no suitable existing location for a particular desirable use. For example, he said there was nothing suitably zoned for his business when he started it, and no existing developed lot would have suited the purposes. He doesn’t think we should force someone into a PUD. He doesn’t want to make more land available ahead of when it is needed, but also doesn’t want to prohibit opportunity. Bohjanen suggested the PUD provisions could be redesigned to accommodate this. After discussion, the Commission decided that following the statement, “The Township should resist zoning more vacant land available for commercial or industrial development until the existing developed areas are more fully utilized with the exception of PUD projects”, ADD “; but rezoning could be considered if there are no suitable properties to accommodate the development. An alternative is to redefine the PUD provisions for these purposes”.

B. Work Session on the Recreation Plan

Throenle said the primary focus is the staff recommendations for climate-responsive design and the blanks filled in since the last review.

Bohjanen said he thinks it’s a great document, an extensive document. He had some corrections including page 7, substitute the word “incurred” for “occurred”; page 9 delete redundant “and”.

Ventura, page 9, substitute “James” for “Jesse” for the James D. Jeske wildlife flooding.

Bohjanen, page 13, check spelling of “predominately” vs. “predominantly”. Page 18, property donated by Wick “west”, not “east” of Kawbawgam Lake. Page 103, Voce Creek property is on the left as you travel south, not the right, but substitute the word “east”. Page 101, Kawbawgam Pocket Park is on the “left” not the “right” when heading south.

Ventura, page 25 and 27 charts, the legend is confusing because the same letters are used for different amenities. It was decided not to repeat the letters within the chart.

Milton questioned the poverty Census figures on pages 4 and 5. Discussion followed for the purpose of understanding the data.

Meister said it’s well done and will be easier to update next time.

Mahaney said it’s very comprehensive, an asset for the Township; it increased his awareness. He thinks it would really benefit the Township if more of the residents

knew what we have.

Bohjanen, page 4, change “Marquette Branch population” to “Marquette Branch prison population”.

The Commission approved all staff recommendations relating to climate-responsive design.

Ventura said he also feels the plan is an asset to the Township, and complimented Throenle on his efforts. It will be especially helpful when applying for State recreation grants as this is what they’re looking for.

Bohjanen moved, and Ventura seconded, to approve the 2014 – 2018 Recreation Plan draft as changed, including additional materials on climate-responsive design, and to make it available for the required public comment period.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Potential Dairy Processing Facility

Woodward explained that she was first approached by Jason Schneider of Accelerate UP, and then by the entrepreneur, with an inquiry regarding a start-up dairy processing facility and suitable sites. Woodward researched available properties and presented contact information to Schneider. The entrepreneur has decided one of these locations could be suitable for this purpose.

The question tonight is how to handle this use in relation to the zoning ordinance. The site is in the Commercial District. Dairy or food processing facilities are not listed under either permitted or conditional uses at this time. However, the Commercial District recognizes, as a conditional use, “Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses”. Woodward asks the Planning Commission to determine whether a “dairy processing facility” is of the same general character as a “bakery” or other allowed use. A “bakery” is a permitted principal use in the district. The zoning ordinance addresses “food packaging and bottling works” as a permitted use in the Industrial district, but does not mention it in any other district.

The use is expected to utilize 800 to 1,000 square feet of space initially. Raw milk delivered from local farms would be processed and distributed by retail or wholesale means. The applicant has been in contact with the Marquette Wastewater Treatment Plant and the licensing agency.

Sikkema asked some questions regarding the potential operation and the potential methods of approval. Mahaney asked what makes this proposed use similar in character to a bakery. Woodward said both operations use heat to process raw materials into food products. Mahaney asked about the waste products. One solid waste component is whey, which the applicant expects to divert as a feed source to farms. The other would include liquids with cleaning solutions and milk residue. The potential location has public sewer.

Ventura asked about the suitability and capacity of the water supply. Woodward said that would be a Health Department issue.

Meister said he thinks it would be very much like a bakery in the processes involved in food production, and this is a legitimate way to process the application.

Sikkema had a question regarding potential expansion, and the differences between an operation like Huron Mountain Bakery and Bunny Bread. Sikkema asked what it would take before it was no longer a commercial facility but an industrial facility. Woodward said either scale of operation would be allowed as a permitted use under our Ordinance, because there is no distinction made. Meister said the site does limit the amount of activity that can occur. Woodward reminded the Commission that even if the use is processed as similar in character to a bakery, it would still be a conditional use that requires a public hearing and Planning Commission review. Certain parameters can be explored within the stated Conditional Use standards.

Woodward said the three choices are 1) process as a conditional use similar in character to a bakery, 2) amend the zoning ordinance to include this type of use in the commercial district, either as a permitted principal use or conditional use, 3) do not allow the use.

Mahaney said his opinion is that it's a conditional use. Walker noted that if the operation were to expand in the future, they would have to come back again to get approval under option #1. Mahaney and Meister said it seems like a good use. Sikkema said it would be a good use provided it's processed through a conditional use permit. Ventura concurred. Sikkema clarified that he doesn't want to chase the use out of the commercial district because this type of use is more appropriate in an area with sewer service.

Bohjanen moved, and Ventura seconded, to accept the concept of a dairy processing facility to be processed as a conditional use permit on the basis of the similarity to a bakery which is a permitted principal use in the commercial district.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Meister said the milk processing facility would be an excellent addition, there are a lot of cheese shops in Wisconsin that include a retail operation, and he hopes they go through with it.

Milton said he likely could not make the next meeting. Bohjanen said he will also be unavailable for the next meeting, as did Meister. The Commission decided to move the next meeting date from February 3 to February 10 because a public hearing and final approval of the Recreation Plan is involved.

Milton moved, and Meister seconded, to change the next meeting date from February 3 to February 10 at 7:30 p.m.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

No further comments.

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News

ADJOURNMENT

Sikkema adjourned the meeting at 9:48 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 10, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Kendell Milton, Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator)

II. MINUTES

January 6, 2014

Motion by Ventura, seconded by Milton, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Patty Stephens of Stephens Realty and Consulting in Marquette spoke as an agent of the federal court regarding a property at 208 Timberlane. This 2.5 acre parcel is an asset in a federal case, valued at \$88,500. Stephens said this parcel could be part of a Chocolay River water trail from Green Garden or Mangum Road to M-28 and the Marina. It would also make a nice pocket park. She invited discussion on the parcel.

Stephens said she had talked with Kelly Drake Woodward, Zoning Administrator, and Don Bode, Assessor, and wanted to comment on how professional they were, and she thinks they are great assets for the Township.

Sikkema asked how such a purchase would be handled. Stephens said that if the Township wanted to make an offer, she should negotiate with the federal trustee as the appointed agent. The sale would need federal court approval, and creditors would be given the opportunity to object.

Woodward offered a clarification that there had been discussion of the potential for a DNR acquisition grant which could take 1.5 to 2 years to implement. Sikkema said that is a long time frame, and asked if that would be an issue. Stephens said the Trustee has the liberty to accept such terms.

Sikkema asked if they should add this to the agenda as a discussion item.

Stephens said there is 375 feet of river frontage, and it's a very private property with electricity and point well.

After no further comments, public comment was closed.

V. PUBLIC HEARINGS

A. Public Hearing on the Draft Charter Township of Chocolay 2014-2018 Recreation and Natural Resource Conservation Plan

Cathy Peterson, 6341 US 41 South, said staff did a great job on the plan. It is well put together. She didn't get a chance to read the whole plan, but she wants the Commission to know she is opposed to anything that is bad for the people. If there is anything negative in the plan, she is opposed.

After no further comments, the public hearing was closed.

VI. PRESENTATIONS

A. Silver Creek Church use proposal

Pastor Kevin Taylor of the Silver Creek Church said he echoes the sentiments expressed earlier regarding professional treatment he has received from Kelly and other folks from the Township office and offered appreciation.

He directed the Commission's attention to page 2 of their proposal, Objectives. They propose the development of a thrift store ministry to be located in their current facility at 219 Silver Creek Road to serve the residents of Marquette County with quality second hand clothing and household items.

They ask the Commission to consider this activity a customary accessory use to the activities and function of their Church. They cited quite a few examples of churches that also have thrift stores involved on-site in their ministry. In the U.P., the Salvation Army locations in Escanaba, Hancock, Iron Mountain, Ishpeming, and Marquette at one time operated a thrift store in conjunction with their church. He also specifically mentioned the Maranatha Assembly of God in Kingford, MI, whose ministry center grew so much that they had to purchase an off-site facility to serve the 3,000 clients each year, caring for a broad range of needs in addition to food and clothing.

The Church anticipates the ministry will create a couple salaried positions as well as an atmosphere and opportunity for volunteerism and donations within the community. There will be environmental benefits as items are repurposed instead of taken to the landfill. They believe the affordable shopping opportunity will also draw people from various parts of the County into the Township.

They believe the ministry will benefit people from all socio-economic backgrounds, but the physical location will especially benefit low-income residents within walking distance. Taylor cited a study conducted in 2004 by Precept showing that in Chocolay Township 30% of homes are single parent homes, 19% of households are below poverty level, etc. This project allows them to continue to take the church to the community with possible future outreach projects such as a food pantry, addiction recovery, and supplies for emergency situations.

The footprint of the building will not change except for a canopy on the rear. They estimate the traffic flow will be the same or less at any given time, except there will be additional Saturday traffic. Jennifer Prus of the Church brought the idea.

VII. UNFINISHED BUSINESS

A. Recommendation on adoption of the Draft Charter Township of Chocolay 2014 - 2018 Recreation and Natural Resource Conservation Plan

Woodward presented an idea from the U.P. Disc Golf Association to turn the Kawbawgam Ski Trail into a multi-use system for miniature golf in the summer and ski / snowshoe trail in the winter. They'd like to be involved in the redesign of the system before replanting to accommodate this. This could be added to the Recreation Plan in the general action plan as a collaborative effort on State property.

There was a correction to a parcel number for the Beaver Grove Recreation Area. The title was changed to the 2014 - 2018 Recreation and Natural Resource Conservation Plan.

Sikkema asked about the Township role on the Kawbawgam Ski trail on State property. It is a DNR trail that the Township grooms. Sikkema suggested the disc golf group could deal directly with the DNR and the Township wouldn't have to be involved. Throenle said the Township would have to adjust their grooming to accommodate the uses.

Ventura inquired about the extent of the cutting of timber and whether they will go all the way to the lake. He is concerned about the steep slopes. Woodward said the area of the trails will be impacted, but she doesn't think the steep slopes and area near the lake will be impacted. The Township has a map, which they will make available to Ventura.

Throenle said it's relevant to the recreation plan in that the DNR would look for Township input on the use of the land. He said it would be a good addition to the plan for potential collaborations.

Bohjanen said that since we have other State properties listed in the plan, it wouldn't be a problem to list this potential project. Throenle said the project would be listed in the Action Plan under "General", last item page 64. It could be in either year 2014 or 2015, but if it was put in 2014 the group could get involved in redesign.

Ventura said it was appropriate since collaborations with other agencies and jurisdictions are included. Smith asked about the wording, and was referred to the memo. It references "working with" the group on the project, but doesn't mean the Township would do it. Throenle said the Township may get involved in the design and layout, but would not manage the disc golf trail. He said this could involve relinking the trail back to the Kawbawgam Pocket Park where it was originally. Woodward said a redesign would involve keeping some areas free of trees, and year round use would be beneficial. Ventura said it's similar to the dual-purposing proposed at Lion's Field.

Bohjanen suggested changing the words "work with" to "cooperate with".

Ventura moved, Bohjanen seconded, that after conducting a duly noticed public hearing, the Planning Commission hereby approves adoption of the Draft Charter Township of Chocolay 2014 – 2018 Recreation and Natural Resource Conservation Plan as changed by way of adopting the attached Resolution which also recommends adoption of the Plan by the Chocolay Township Board of

Trustees, with the addition of the correction of a parcel number for the Beaver Grove Recreation Area, and the addition of the disc golf proposal into the Action Plan as item 20 for 2014 to read "Cooperate with the DNR, U.P. Disc Golf Association and other interested trail stakeholder to design and redevelop (after forest management activities) the Kawbawgam Ski Trail as a dual-purpose trail accommodating an 18-hole disc golf course in the summer and ski / snowshoe / snowbike trail in the winter.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Consideration of processing the Silver Creek Church use proposal

Woodward said this permit would ultimately be processed by the Planning Commission, so she proposes that the Planning Commission give this a preliminary review to determine their preferred method for processing the request. Three means are suggested as follows:

1. Consider this activity as a customary accessory use to the Church, and process the request through a modification of the original conditional use permit. Under this option, the Planning Commission would be evaluating this particular plan in association with this particular facility and situation in accordance with the Conditional Use standards.
2. Process through Site Plan Review and a rezoning to Planning Unit Development District. This would make the Church a nonconforming use that would require ZBA approval for expansion unless civic uses are added as uses in the PUD district. Civic uses seem reasonable in the PUD district since they are typically less disruptive to neighborhoods than manufacturing or commercial uses which are allowed in PUD districts. This would require action by both the Planning Commission and the Township Board.
3. Zoning ordinance amendment to accommodate mixed-use as a conditional use, then process this as an amendment to the original conditional use. This would require action by both the Planning Commission and the Township Board.

Woodward said the ZBA could be consulted for an interpretation of whether this type of activity is always to be considered a customary accessory use, and that decision would then be annotated in the ordinance and set precedent for all other cases. She wasn't convinced that every situation would be the same, and thought method #1 would allow each situation to be judged on its own merit. Woodward supplied a flow chart graphic with these three options.

Smith asked Woodward her opinion on the accessory use question. She said the applicant has supplied convincing evidence of other churches who do include thrift stores in their on-site ministries, and based on the project description, it is evident the activities would be incidental to the principal activities of the Church. Taylor spoke to this issue, giving background on the Church's activities in this type of ministry in the Silver Creek Church Block Party. He said offering the items for sale at a reasonable price preserves the dignity for some people who are in need but find it hard to accept donations. This will allow the Church to connect with people in a new way.

Mahaney asked if the group foresees selling hard goods. Taylor said he expects people to donate things like that, although it's not their objective and a bit outside their scope. They would try to set limits for large items and stick to essentials. It's a donation driven ministry, however they could give people some direction.

Sikkema asked about planned hours. Prus said expected hours are Monday through Friday 11 to 6 and Saturday 10 to 3. Closed on Sunday.

The Commission discussed the dimensions of the store, which would be 60 feet by 70 feet, with additional private storage areas.

Milton asked about fire marshall review. Taylor said it's too preliminary, but their Board has discussed these things. The Church needs to approve it first.

Meister asked about opening date. Prus said October 1 is a preliminary estimate.

Ventura said it's a good proposal for that facility, and would serve the needs of the community. St. Vincent De Paul has more donations than they can get on the floor, so another outlet would be beneficial. He asked about a structural element as he was concerned about removing the center wall. Taylor said they didn't plan to remove the center supports.

Bohjanen addressed the customary accessory use idea, saying it's not very different except for the hours of operation from any other church bazaar, rummage sale, or chicken barbecue. He thinks the traffic impact would be less than the bazaar or rummage sale which might have 200 people in one day.

Sikkema said a garage sale is a commercial activity in a residential area, and the neighbors accept it because it's for a limited time period. But they might object if it was every weekend. He thinks it is a good thing for the community. But if you take it to the nth degree, a church that has an occasional barbecue might decide to open a restaurant, or start making furniture. So you have to be careful what you allow as an accessory use versus an intermittent activity. All the options require a public hearing and neighborhood input.

Mahaney said it's like a retail store. Prus said they believe most of the traffic won't enter the residential neighborhood, but will occur between the highway and the Church location. Ventura said there would be more vehicle traffic for the sporting events at the recreation area at one time than for the retail store that might have a few cars at any one time.

Meister said the conditional use would not make this acceptable for every church – each would be evaluated separately. He said this property would be appropriate for mixed-use zoning in the future, especially since it's buffered all around, which may not be the case at every property.

Sikkema said you have to be careful because you can't do for one what you can't do for all. You want to make sure it's fair.

Mahaney said the straightforward option is #1.

Smith asked if the Township attorney could be asked for an opinion. Woodward said that if the Commission wants an interpretation of the Zoning Ordinance that would apply to every situation, then it should go before the ZBA. The interpreter of the Zoning Ordinance is the ZBA, not the attorney. Smith asked if the ZBA

would consult with the attorney. Woodward said he gives input on legal implications of the Ordinance.

Meister thinks the conditional use approach does not create precedent. Ventura said that other accessory uses allow for retail sales, such as market stands. Sikkema said we would be saying that a retail use is an accessory use to a church.

Taylor asked for a clarification of whether the Church's non-profit status impacts that idea of what can be accessory.

Smith asked what if a church started making and selling Amish furniture – is that an accessory activity? Regardless of the use of the funds, is it an accessory activity? Sikkema asked if selling thrift items at a garage sale make that an accessory use to the home?

Throenle pointed out that not every facility could accommodate a use such as a restaurant in a church. This operation is meant to support community, and bring visitors to the Township where they will spend money. It will also draw people to the recreation area. He said it's a big leap to think a church in this area would open a restaurant or make furniture. They don't have the proper facilities. No exterior change is required in this facility to accommodate the accessory use.

Sikkema said that people may create a wood shop business at their home which is an accessory use. Woodward said that's a good point – that we do allow home occupations as an accessory use in the R-1 district. Sikkema said the amount of space is limited, and they have to meet other standards. Woodward said if you hold this proposal up to those standards, they probably meet them.

Smith thinks this is a great idea, but is just worried about churches starting businesses. It's a good location for traffic and people.

Bohjanen said the property was rezoned to R-1 and was then granted a conditional use permit – but according to your definition that building is a home because it's in R-1. He said you're worried about creating a precedent, but all conditional uses would have to come before the Planning Commission anyway. Meister said he is in agreement, that's how you limit the conditions under which they are approved and handle each situation individually.

Gary Walker said doing this as a conditional use gives the Planning Commission more control rather than less control, and he would not be bothered if the thrift store is approved, and then a furniture operation in another church was denied. The ability to issue a conditional use is based on the entire circumstance, such as buffering, footprint, etc. The Commission can say no based on a lack of fit with neighborhood character. It doesn't mean saying yes to all like requests.

Meister moved, Mahaney seconded, that based on the presentation and proposal as submitted, the Planning Commission finds that the Silver Creek Church Thrift Store Ministry meets with the definition of a church which includes "accessory activities as are customarily associated therewith", and therefore recommends that the proposal is processed as a modification to the original conditional use permit.

Discussion: Woodward clarified that motion #1 means that *this* proposal seems to be a customary accessory use to *this* Church in *this* building, and should be

processed as a conditional use. Mahaney said it's not setting precedent, it's taking each on a case by case basis. Sikkema said it is setting precedent because now retail sales would be an acceptable accessory activity in a church. Meister said they're already doing it, it's just a question of scale.

Vote: Ayes: 6 Nays: 1 (Sikkema) MOTION CARRIED

B. Recreation rankings for Master Plan

Woodward pulled all the capital projects from the approved Recreation Plan draft and compared them to the priority decision criteria that had been approved for the draft Master Plan. She assigned a possible number of points from zero to 3 for each project or group of projects for each criteria. This resulted in a priority ranking for all capital projects. This is up for discussion so that the Board will have clear direction on the priority of projects.

The top priorities according to this ranking include the collaboration with the Chocoy Community Farm Collaborative for the project at the Beaver Grove Agriculture Area, the Lion's Field projects that include support from the Iron Ore Heritage Trail Recreation Authority, and the Silver Creek Disc Golf expansion project that has been facilitated by the U.P. Disc Golf Association. Woodward explained the method for evaluating the project at the Beaver Grove Agriculture Area.

Meister said there should be criteria related to percentage of residents expected to use a facility. Woodward said the closest criteria relates to user diversity, with greater diversity receiving more points. It could also be related to frequency of use or seasonality. Sikkema asked if Meister sees this as a weight applied to the final score.

Mahaney would like to revisit this now that he understands the method. Woodward said the only urgency is to make a decision on a project for a 2014 grant application. The rankings are for the recreation plan. Smith likes the idea of including number of users in the criteria.

Throenle explained his reasoning in ranking projects for the recreation plan.

Meister inquired about cost for signage, because for that item, it seems a priority for all parks, not just within the context of one park. Woodward said that's another way to look at it – should you look at one type of improvement in several locations or a particular project in a particular location? It could depend on the funding source for the project. DNR grants apply to one location. Meister said temporary signage could be put up that is less expensive until another option is funded.

Smith asked about the size of the annual budget for new capital recreation improvements. It is around \$50,000.

The Commission asked staff opinion on the weighting question. Woodward asked if the intent is to override all other criteria with this weight given to one criteria?

The Commission said they're good with the rankings as presented.

C. Recreation Grant application 2014

Throenle introduced the anticipated amenities associated with this project that is supported by matching funds from the Iron Ore Heritage Trail Recreation Authority. This project is to create a trailhead at Lion's field. New restroom facilities were already planned at that location.

Staff evaluated the options and thinks this is a priority grant opportunity for this year. Sikkema said it requires 25% match of the project cost, not the grant amount. The cost of the project has not yet been estimated. It would include restrooms and warming shelter, parking, signage, and trails. Mahaney said it's a heavily used facility and it makes sense to apply for a grant.

Milton moved, Ventura seconded, to recommend that the Township Board pursue a collaborative 2014 recreation grant application with the Iron Ore Heritage Trail Recreation Authority to establish Lion's Field as a trailhead for the Iron Ore Heritage trail with appropriate amenities such as restrooms / warming shelter, improved parking, and signage.

Discussion: Ventura asked if this was anticipated to be a Trust Fund application. Woodward said probably yes. He said it would need to be a competitive request. Woodward said they talked about hiring a consultant. Ventura said collaboration gets a higher score, so partnering with the Heritage Trail is beneficial. Ventura said this also has multiple recreation opportunities with the trail, skating, and ball field, so that will also increase the score. Sikkema said it also supports a DNR facility.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

D. Planning Commission priorities for 2014

Woodward created some suggested priorities for the year. Sikkema said they might get through priority 1 although it will be easier with fewer amendments. Smith asked about the firearms ordinance review. This was necessitated by changes in the zoning districts, for one thing.

Priority 1 items include the 2014 Recreation Grant application, master plan update, finish proposed amendments, reconsider "Accessory Homesteading Activities" regulations, junk car and blight ordinances, asset management plan for Township roadways, burn regulations, and updates to land division and lot split ordinances.

The Commission accepted the priorities as written.

E. Discussion of property at 208 Timberlane

Meister asked if people can take a canoe along that section. It is navigable. It is available to any prospective purchaser. Bohjanen asked if it is offered to the Township would it end up in a bidding war? Stephens said each offer is considered one on one.

Sikkema asked if staff has an opinion. Throenle asked if the owner would be willing to have an easement assigned to the Township. Stephens said she would have to inquire, but they wouldn't likely do anything that would diminish the value of the property. Throenle said the property would contribute to a water trail from Kawbawgam Road to the mouth of the Chocolate by creating another access

point to the river.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Woodward reminded the Commissioners to offer comments on the Marquette Township Recreation plan during this time. There were no comments from Commissioners.

XI. DIRECTOR'S REPORT

The Commissioners will receive the Annual Report in March. The Choccolay Community Farm Collaborative will make a presentation to the Board on February 17. The management team members were discussed. Almost all are Township residents.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News – January 2014

Charter Township of Choccolay 2013 Annual Report

Marquette Charter Township 2014 – 2018 Recreation Plan

ADJOURNMENT

Sikkema adjourned the meeting at 9:36 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 3, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Tom Mahaney

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

February 10, 2014

Motion by Ventura, seconded by Smith, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Bohjanen, to approve the agenda with the addition of Item VIII.D – Discussion of multi-family development options.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Cathy Peterson, 6339 U.S. 41 S, requested a correction to the February 10 minutes to reflect her public comment which she said was omitted. Woodward said Peterson's comments were included under the public hearing in Agenda item V.A.

Dick Arnold, 312 W. Branch Rd., wants to reserve comment on item VIII.C pertaining to junk.

Upon no further comments, public comment was closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

DNR – Jim Ferris to discuss the Lake LeVasseur timber sale

Ferris gave the Commission a handout which is a map of the boundary of the timber sale at Lake LeVasseur (shown in green) overlaid with a map of the ski trail (shown in yellow). He said everything north of the lake will be harvested. The stand was last inventoried in 2007. At that time, a cut was not recommended. However, a neighbor reported a lot of dying timber. They reinspected and found the stand was in poor condition with blow down and standing dead trees. This is an area of dune soils with low moisture and nutrient status. This is not a desirable harvest situation, but the DNR feels it can harvest or watch it die and fall down. The harvest follows the line of the jack pine.

On the map, the three red ovals indicate areas in which the cut boundary may be too

close to a necessary buffer such as water resources or slopes. Ferris said some adjustments could be made to the cut boundary in these three areas. For example, in the circle on the left, a 100 foot buffer needs to be maintained to the swale. In the location of the other two circles, they may stop the cut further down on the dune.

Ferris said every jack pine left behind is a dead tree in the not-to-distant future, and they would rather utilize them than see them die. However, they replant with mechanical skidders which are hard to use and unstable on slopes. It's a trade off – if trees are left standing, they will blow down and be a potential a maintenance problem for the trails in the future, but the dunes would not be impacted.

Ferris said the extra posts installed by the Township will allow them to locate the ski trail again so it can be renewed after the harvest, but the area will be clearcut. The young jack pine stand won't look like a mature forest again for 30 to 40 years.

Ferris said the DNR has few options. The red pine is a longer lived tree, and more aesthetically pleasing, but it won't grow there. This land is the bottom of the scale of acceptable soils even for jack pine. It may need multiple plantings to ensure tree survival.

Bohjanen asked if they will leave the red pines? Ferris said yes, but there are not many. Only a few on the south edge. They will only take the jack pine – no other trees.

Ventura asked if the DNR will plant rye grass or something to help stabilize the soils. Ferris said "no", but they will plant tree seedlings right away. Seed would be slower and it's too dry for seed. However, the jack pine planting furrows will be 8 feet apart and native vegetation will grow up between them, such as blueberries, moss, and grass.

Ventura asked Ferris's opinion on the compatibility of a disc golf course. Ferris says he feels it is compatible. The State likes recreational use of the State forest, and if they also want to utilize the ski trail, it is already there.

Tim Kopacz of the U.P. Disc Golf Association said the long-term vision is to create a disc golf course which is not your typical 12 foot wide walking/ski trail. It would be in addition to that. If you use a ski trail for a disc golf course, you would lose some of the closed-in feel of the ski trail because you won't have the anchor boundary of large trees. In constructing a disc golf trail, scrub trees and brush would be cleared in the "airway". So for example, for a 400 foot long hole, there might be a 40 foot wide airway that is not clear of trees, but is strategically cleared of brush and low hanging limbs. It would curve and meander, with the trees strategically planted. So he envisions there would be much coordination needed – this design idea would substantially impact the mechanical planting. Ferris said he would need to see a drawing to respond. Ferris said they could plant the trees by standards methods and then the disc golf group could remove some of them later to carve out a golf course. They would have to agree on how many trees need to go, but can work on this together.

Kopacz said he would put together a plan after he sees the cut so he can work with the land. For example, they can use an area that does not regrow. They will raise funds to build the course. Ferris said the group would need to go through the DNR land use process.

Kopacz asked if any proceeds from the timber sale will go into redeveloping the land? Ferris said not directly, it goes into a general fund, and the fund pays for replanting costs. Ferris is with the forestry unit, and the disc golf group would need to work with the

park and recreation division to propose a new trail. A State recreation grant may be possible.

Ventura asked about the dollar value of the timber sale. Ferris said they have set a minimum bid of \$130,000 for the 90 acres. This is not considered a high volume high value sale. In good timber, it would be double this for that area.

Meister asked how much of a buffer will be retained by the lake. Ferris said at least a 100 foot buffer would be retained from the swale/wetland area. They will also try to stay off the ridge of the dune and are mostly well over 100 feet from the water.

Smith asked if they are open to redesigning the ski trail? Ferris said it's a flexible landscape and the trail can go anywhere. Kopacz said it makes sense to stay out of the drift areas for maintenance purposes.

Woodward asked if they would be open to public input and ideas? Ferris said yes, and if trail redesign is desired, someone from DNR recreation could help with the design. Ventura said someone from the Noquamenon Trail Network could also advise. The DNR used to groom the trail 15 years ago before the Township took over. The disc golf association also helps with trail maintenance. Summer use will make it easier to maintain in the winter.

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Discussion of Lake LeVasseur timber sale and replanting with guest Jim Ferris of the DNR and Tim Kopacz of the U.P. Disc Golf Association

Milton asked how much area would be taken up by a disc golf course. Kopacz said it depends on the land. In general it takes 1 to 3 acres per hole, so a 54 acre site could accommodate an 18 hole course. However, this does not mean the 1 to 3 acres would be cleared – maybe only 20 percent is clear and brush and limbs are selectively managed in the rest. The disc golf group wants a flat, open course with longer drives. It would meander through much of the 90 acres of land but you wouldn't see from one hole to the next. You would walk from one hole to the next. There might be multiple loops off a mound.

Ventura said his concern is that only the jack pine will be there. There are not many majestic trees. Kopacz said he would have to wait and see what is left in the landscape as anchor points. Ventura suggested looking at the 40 acres next to this property to the east to see what it will look like after harvesting (Holly property). Ferris said the property east of the Holly piece which is owned by the State is comparable with 5-6 year old growth. Discussion occurred between Ferris and Kopacz.

The Township has added the project to the recreation plan. Beyond that, Kopacz will coordinate with the DNR and Township to move forward. Kopacz said he will also coordinate with the cross-country trail people.

Kathy Peterson asked if there is a charge to play disc golf. Kopacz said no –

they are a non-profit and the club sells hole sponsorships and maintains the land as volunteers.

Kopacz said 10,000 rounds have been played at the new Powder Mill course in Marquette since June 2013. The new course at Silver Creek Recreation Area opened last October with no advertising and people have been playing this winter.

B. Work Session on Master Plan Chapter 5

Woodward said Chapter 5 is about resilience from the perspective of the private sector. It is meant to be educational, but also explores the public sector's role in improving resilience in the private sector.

Page 79, Bohjanen is still skeptical about the accuracy of the Census Data LEHD Origin-Destination Employment Statistics. The data is an average of estimates from years 2002 to 2011. There is a chart in the Appendix that breaks the data down by industry.

Sikkema asked if it is the intent for the Township to work on the opportunities for private transportation, such as flexible work options and rail transportation. Woodward said that to an extent the Township could have an influence, those items would be in the strategic plan, otherwise they would be included as public education material.

Page 81, Ventura is skeptical about whether a public car share option would work in a small community. Not to say it isn't a good idea, but it has to make money somehow to pay for the vehicles. He also said light rail proposals keep getting shot down in large urban areas and he hasn't seen any proposals here. It's a wonderful idea but is it appropriate for a Master Plan? Woodward said the plan suggests if it were to happen, we would be expressing public support. She said a car share arrangement wouldn't have to be a public entity – it could be an informal arrangement between families. This was just to put the idea out as an option. Ventura said that might be more feasible, and some communities have a hot line for people to coordinate arrangements. This is not the same as a private company having cars they rent out to people, which is what the wording suggests.

Ventura asked about Marq-Tran ridership in the community. He doesn't think public transportation is well utilized and said we might need more transfer stations. Woodward said she thinks there is a need for a stop on the west side of US-41 because people are frequently seen crossing the highway to get to the bus stop by Krist Oil. Ventura said he doesn't see the bus stop at the car pool lot by Jack's. Sikkema said the car pool lot was built for people riding the Altran bus to Munising from the prison and schools. The Township explored an option to put a station there, but Marq-Tran did not support the project at the time. Sikkema said putting up more shelters to make it more convenient and comfortable would help encourage the use of public transit more than education. A more moderate structure might have worked at the car pool location. The question was who would pay to operate and maintain it. Sikkema said that in the plan we could address the kinds of shelters that are needed, and how Marq-Tran could change their routes. It takes a great deal of effort to let people know it's

available and get them to change their habits and consider public transit as a viable option. Make it easier for people to access it. Sikkema said there may be programs to help improve ridership.

Bohjanen said that private enterprises also run buses out of the Munising transit station, but the municipality doesn't influence that.

Page 84, Ventura, remove the numbers on the passive solar homes discussion because they don't reflect reality here because the Michigan energy code requires at least 6" insulation for R-24 in the walls. Keep the concept but remove the numbers.

Page 85, Ventura is not sure that passive strategies provide the highest level of resilience for private homes because non-passive methods can provide just as much resilience. He wouldn't limit it to just passive strategies.

Page 86, Ventura regarding methane digesters, the larger use of biogas is in fixed installations, such as power plants or pumping stations with large engines, but it's hard to capture and package methane for transit uses.

C. Discussion on junk, blight, and nuisance ordinances

Sikkema asked for public comment on this issue. Dick Arnold spoke about junk cars in the Township, and cited an example of a neighbor with 13 cars and 12 trailers, including 3 large camper trailers belonging to someone else. His other neighbor has logs cut up and stored as lumber for 5 years. He thinks it hurts property sales. He also mentioned an outhouse. He said there's no enforcement. He also mentioned a 30 ton crane and front end loader along the snowmobile trail at a property on Bayou St.

He said there is no limit to the number or size or ownership of trailers. You can have an unlimited number of non-commercial semi-trailers and they don't have to belong to you. He also mentioned a commercial contractor trailer with big signs on it that is for a plumbing shop in Marquette, owned by someone who lives in Sands Township, stored at a property on US-41 in Chocolay Township.

He would like the Planning Commission to form a subcommittee. He said in 2005 he got 100 signatures of people opposed to junk cars. He said 1,500 people replied to a Township survey and 70 percent were against junk cars.

He said Chocolay is dying, there is only one restaurant and it's combined with a bar. There are few new houses. Someone could start a junk yard next to you.

Smith said the current ordinance controls the number of trailers. Arnold said you can have up to three cars but they can be parked anywhere like the front yard and you can throw a tarp over them so they are concealed. He doesn't like people parking semi-trailers in the driveway and obstructing the view of the neighbor to look down the street.

Smith said the junk vehicles regulations do not vary per zoning district – it is the same in every district. Woodward said this is controlled by the vehicle parking ordinance, not the zoning ordinance. Arnold said there is no time limit on how long you can keep the cars there.

Peterson said she sympathizes with Arnold, but doesn't want the Township to micromanage everything and take away property rights. For example, don't send

someone a ticket just because they have a love seat in their yard. That's not a junk yard, so don't put that in the ordinance.

The Commissioners began their discussion. This issue came up because of public comment. Sikkema asked who enforces these ordinances. Woodward said she enforces the zoning, junk vehicle, and nuisance ordinances.

Ventura asked if the ordinances are enforced by citation or misdemeanor. Woodward said that first letters are sent, and if the issue is not addressed, contact is made with the Attorney before moving forward with the municipal civil infraction citation.

Sikkema asked about how many complaints are typically received in a year. Meister asked about enforcement issues. Woodward said there is difficulty in that she can't trespass to determine compliance on license plates, and it's sometimes difficult to determine if something is operable or not without cooperation of the owner. Woodward wants to know what is important. Where the vehicles are stored? The number of vehicles or other items stored? How it's screened? How far the storage areas are set back from property lines? If there are complaints, and a neighbor allows the enforcement officer on their property, sometimes violations can be confirmed this way.

Meister asked if it's true people are only allowed three vehicles. Woodward said they are only allowed three inoperable vehicles provided they are screened from view, but if the vehicles are licensed and duly operable there is no limit to the number. Plus you can have one other temporarily inoperable for 14 days, one operable modified vehicle, one inoperable hobby vehicle, one for sale for 30 days, etc.

Ventura said it's hard to enforce relative to trailers because the State issues permanent licenses for trailers.

Bohjanen said he spent 14 years on the Board and everyone who knew him would say he was fighting ordinances. Complaints between neighbors are what led to writing these ordinances. He thinks it is inappropriate to write an ordinance to solve a dispute between neighbors. He tried to make sure that all the ordinances that were written applied to everyone equally and were enforceable, and objective vs. subjective. The ordinances we have were plagiarized from more experienced groups.

Bohjanen doesn't know how many times he was in violation of the vehicle ordinance when he had kids. If their car broke down in the winter, he might not fix it until the spring. Rather than having an ordinance to solve his problem, you have to have an ordinance that will solve everyone's problem. He doesn't know if you have to have an enforcement officer go look for things or if it's fair to enforce just based on complaints. One person might live next to someone with 13 cars and offer to help repair, and others might be totally annoyed by it. Citizen complaints aren't the ideal thing for enforcing ordinances. If the ordinance enforcement officer can't find a violation by ordinary means without trespassing, then it that a nuisance or blight? He thinks we need ordinances, but we have to have good, functional, working ordinances that apply to all people.

Sikkema said even an ordinance that was good in 1979 might become out-of-date due to outside influences, such as trailer licensing. Some things might need to be updated. We don't necessarily need to modify ordinances if it's just about how we identify violations.

Milton asked if there was a problem with enforcement. Woodward said when she gets a complaint, she doesn't just go investigate that one complaint – she also inspects the surrounding area at the same time so it isn't selective enforcement. She agrees you can't just enforce ordinances by complaint. Woodward asked if the Commissioners think the goals for enforcement for junk or blight should vary per zoning district or if they should be the same for all zoning districts.

Arnold said there's a limit in the size of trucks that can be stored – why not trailers? He thinks someone who doesn't live here should not be able to park their trailer here. Woodward said there is sometimes an issue with people owning vacant land in the country and storing boats, vehicles, and junk appliances on them.

Peterson suggested the Commission should think about this for awhile. One man's junk is another man's treasure. Maybe people should hide junk behind trees or put it in a building. She believes people should be able to do what they want with their land if it doesn't hurt anyone else. She doesn't think they should discriminate by zoning district.

Bohjanen doesn't think you can do it for all zones. He said you have to control the accumulation of junk cars that can drain fluid into the water table.

Ventura addressed blight in buildings. The issue is public safety. If a building is in danger of collapsing, or has no doors on it, it's an open invitation for kids to go in and get hurt or have a building collapse on them. When blight becomes a public safety issue, or an economic issue of protecting property values, it's the business of the Township.

Smith asked if we have blight provisions. Woodward said the only thing that addresses blight is a paragraph in the nuisance ordinance that talks about damaged or deteriorated structures in Section 37.4.B.

Sikkema asked if there has been a dilapidated structure that wouldn't be covered by this. Woodward said she has only dealt with one dilapidated structure on Sand River Road and that was taken to Court to order mitigation. It was covered by the ordinance because the structure had already fallen down. He said the ordinance doesn't cover something that is abandoned and secured and not falling down. Woodward said that is correct – we don't have a property maintenance code, just a dangerous building provision related to safety. Sikkema asked if there have been complaints about these types of abandoned, but secured buildings. Woodward said she doesn't get many of those types of complaints. She has an occasional complaint about tall grass or brush. Sikkema asked if there are specific areas from which these complaints arise. Woodward said no. Meister said some people do native landscaping and he doesn't know how you could regulate that. Sikkema said the neighbor might decide not to mow the grass but you have woods behind your house. He said there is a lot of variation in landscaping even along Lakewood Lane. Woodward mentioned that Firewise zoning standards would call for a park-like setting with no undergrowth,

brush or natural flammable materials near the house. She said the jack pine area along M-28 has been identified as a high risk for wildfires related to down dead trees and accumulating wood materials.

Sikkema wanted to figure out whether people are asking for us to enforce things that aren't in the ordinance, or if things are in the ordinance but need greater enforcement. Is there something missing? Does it work, or doesn't it? Can we just not get to everything, or do we need to fix something?

Smith said the trailers need to be addressed. Woodward said setbacks for outdoor storage are not addressed.

Meister said we don't need a plan for everything that could bother someone. Smith asked what is being done about camping trailers. Woodward said the Township doesn't really address recreational vehicle parking, except that people can't have two dwellings on the same parcel, so they can't live in them permanently. If a non-resident wants to store their camper on a resident's property, and it's a licensed trailer, it's allowed. Smith said he has seen multiple camping trailers stored on properties in the Township.

Bohjanen said there might not be a problem if a person has a 40 acre stand of red pines hiding 3 trailers, but those 3 trailers might be a problem on a 50' lot in town. He thinks the zoning district might have a role to play. Smith said if someone parks multiple trailers out-of-sight, out-of-mind that's ok because it's not devaluing neighboring properties. Sikkema said it then gets complicated when you start trying to think of every situation and regulate it. Meister said it's kind of the same idea as the form-based code where you try to control the appearance of the public space. The problem is you don't want to see you neighbor's junk. As long as it's not leaking oil, if you can't see it, then it's not a problem. Smith said the Township went to court with LaJeunesse who had 40 acres and was parking his equipment out of sight. He hopes the ordinance would let someone run their business when they're not devaluing property.

Sikkema asked if the Commission wants to amend, revise, or write new ordinances, or keep the status quo? Milton thinks enforcement has been variable. Sikkema said it has to be fair and equitable to everyone, and if there's not adequate time for that throughout the Township, it's hard to deal with one complaint knowing that same activity is going on somewhere else in the Township. He said Woodward is doing the best she can to also investigate the surrounding area, but that may not cover something similar in another area. Bohjanen suggested forming a team to go help inventory current violations and see if there's enough of a problem to make it worthwhile to change the ordinance, or just enforce current provisions.

Smith said the trailer parking issue needs to be addressed in the ordinance. The Commission reviewed the vehicle parking ordinance. Arnold said he'd be happier if trailers were parked to the side of the house and not the front. Bohjanen suggested eliminating commercial trailer parking in the R-1 district. Meister agreed the number of trailers and vehicles allowed is a problem. Since we already control commercial vehicle parking in residential neighborhoods via the zoning ordinance, maybe we should control commercial trailers as well. It would not be the same in all Districts. But what if it's a residential neighborhood and the trailers are out of sight? Now it gets complicated.

The Commission asked Woodward to send a log of complaints to them at her earliest convenience. The topic was tabled for more discussion.

D. Discussion on multi-family housing options

Woodward described a potential development involving cumbersome steps for approval. Someone wants to build a few duplexes for senior housing on 3 acres of land located in the R-1 district between the industrial district and a subdivision. The Zoning Ordinance only allows for duplexes in the multi-family district. We have no undeveloped parcels in the multi-family district. To do this development the applicant would have to do one of the following:

- Strategy: rezone from R-1 to multi-family residential and go through site plan review, involving Planning Commission and Township Board approval. But before that, a variance would be needed from the Zoning Board of Appeals from the 20 acre minimum lot size for multi-family residential.
- Strategy: rezone from R-1 to PUD and go through site plan review, involving Planning Commission and Township Board approval. But before that, a variance would be needed from the Zoning Board of Appeals from the 5 acre minimum lot size for multi-family residential.
- Strategy: Develop as a Rural Cluster Development Subdivision, which requires a Conditional Use Permit and site plan review from the Planning Commission. However, this would only allow single-family residential unless the zoning ordinance was amended to add duplexes or townhouses as a permitted use in the R-1 district.
- Strategy: Develop as a site condominium requiring Planning Commission and Board approval. However, it would probably first require a rezoning to multi-family and a variance from the 20 acre minimum to allow duplexes.
- Strategy: Land division into separate parcels. However, this would only allow single-family residential unless the zoning ordinance was amended to add duplexes or townhouses as a permitted use in the R-1 district.

Woodward suggested an easy fix would be to do what most communities do and allow duplexes in residential districts. Otherwise transitional areas could be identified in the Township which could be zoned for multi-family development. Sikkema said the person might also have to deal with health department issues. Woodward said she always people to get an evaluation from the health department first. Milton doesn't think residential should be adjacent to industrial. Smith said you also need to protect the industrial. Bohjanen said we should look at amending the PUD to include lots less than 5 acres because buffer zones become an issue. The PUD allows site planning, public hearing, flexibility, etc. Sikkema said the PUD doesn't exempt you from zoning district requirements. If you want to do something outside of zoning, then you have to get a variance. Woodward said if it's always ok to get a variance from the minimum lot size requirement, then the requirement should just be reduced so the variance isn't needed.

IX. PUBLIC COMMENT

Peterson said she sold her property to the Township for park, and the Township told them they had to take down the barn because kids might trespass and get hurt. She could see that and took down the barn. But she doesn't think the lack of paint makes something blighted. Neither does old windows. She has a vacant home which she uses for storage and doesn't want it to be considered blight. She would board it up before replacing the windows. Don't get too crazy with the blight ordinance.

Arnold thanked the Commissioners for letting him run his mouth. He asked them to consider storage containers – people take the wheels off a semi and use for storage.

X. COMMISSIONER'S COMMENT

Ventura said it was a good discussion on the junk and blight ordinances that will be more productive once they get more information from the zoning administrator. Sikkema asked Woodward to supply the same materials next month on this topic.

XI. DIRECTOR'S REPORT

Woodward said the Commissioners received the 2013 Annual Report, updated Zoning Ordinance, and the approved recreation plan. A citizen wishes to install a wood boiler but cannot meet the setback requirements, so they are seeking a variance. She thanked the Commission for the discussion with the DNR and disc golf group.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Charter Township of Chocoday 2013 Annual Report
Chocoday Township Zoning Ordinance
Charter Township of Chocoday 2014 – 2014 Recreation and Natural Resource
Conservation Plan

ADJOURNMENT

Sikkema adjourned the meeting at 9:35 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 7, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:36 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Eric Meister (Secretary) and Tom Mahaney (both excused)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

March 3, 2014

Motion by Bohjanen, seconded by Ventura, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Milton, to approve the agenda as amended – Item VII.E – Postpone discussion of Master Plan Chapter 6.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

No comment - public comment was closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Conditional Use Permit #14-01 – Silver Creek Church, parcel #106-040-00.

Woodward introduced the Silver Creek Church application. This is a request to convert a portion of the existing space inside the current church facility to a thrift store to support the ministry of the church. This is being processed as an amendment to the original Conditional Use Permit #73. This is an 11-acre site in the R-1 zoning district with no known nonconformities. 71 spaces of parking are indicated per the site plan. Zoning History – In 2002 this property was rezoned from Residential 3 (R-3) to Public Lands (PL) due to the Township purchase of the property and conversion to a Community Center. In 2005, it was rezoned from Public Lands (PL) to Residential 3 (R-3) because of the transfer from public

to private ownership and change of use from Community Center to the Silver Creek Church and School. During the 2008 Zoning Ordinance amendment, the property was rezoned to Residential 1 (R-1). In 2005 a Conditional Use Permit was issued for the church, school, and day care center. Stated conditions of that permit are listed on page 2 of the staff memo.

Woodward stated that her memo outlines specific zoning ordinance standards that should be used in reviewing this proposal.

Public Hearing

Woodward submitted letters of comment to the Planning Commission before the meeting, including letters from Wayne Dees, Larry Klaus of the Chocoday Township Lion's Club, Mary DeMarse and grandsons, Dan Freberg of the Marquette Community Federal Credit Union, Amy Mattson of the Retired and Senior Volunteer Program, and Tanya Johnson of McDonald's Corporation. These letters were all submitted past the 3 p.m. deadline, but the Commission took the time to read them before the meeting.

Kevin Taylor, 209 Oakridge Drive, Marquette, MI – Pastor at Silver Creek Church. Taylor expresses the desire of Silver Creek Church to impact the community in a very positive way with this venture. Taylor said in addition to his presentation a couple months ago, there are other friends that would like to share their hearts – some are part of the church and part of the township, as well.

Maria Jensen, 319 South 3rd Street, Ishpeming, MI – Jensen attends Silver Creek Church and really thinks their mission with the thrift store is to reach out to the Harvey community with no expectations and no conditions, just to show Christ's love. Silver Creek has a reputation for doing that regularly with their outreach programs, such as the Block Party. Jensen herself benefitted from the backpack program for back to school kids. She also likes the Halloween Harvest Party that gives children a safe place to go. These activities are an effective outreach, and she hopes that the thrift store will do the same.

Don and Dorothy Schlientz, 2044 M-28 East, Marquette, MI – They believe they have lived here longer than anyone in Chocoday – 41 years. Their kids went to school at Silver Creek, and they are very familiar with the neighborhood and are members of Silver Creek Church. They feel this is a good forward move for Silver Creek in reaching that community – there are a lot of transient people and a lot of single parents with children and transportation issues. They feel that with the thrift store they can reach out and help people. They also wanted to thank everyone – they always come to these meetings and a lot of people come and complain. They are just saying “we're with you” in working together. Eight years ago the Church said their vision is to be good neighbors and that's why everyone is here – they're passionate about being good neighbors. In meetings, Church members have actually discussed how to be better neighbors in Chocoday Township, and people come up with ideas. But they can't do everything, and they are waiting for the Planning Commission to suggest how to be better partners. They have watched different people on the boards and everyone has been kind – when they call the office, they always get cooperative people. The Planning Commission and entire Board need to be commended.

Deb England, 1431 M-28 East, Marquette, MI – England has lived in Chocolay for 20 some years and is a recipient of the Silver Creek Church outreach. They reached into the lives of her children and helped to make a healthy life for them – loving them, embracing them, and being beside them when they had no dad. She appreciates their outreach into single parent homes. England has been a member of Silver Creek Church for several years, and sees the need in the community. It is nice to see that there are healthy resources in the community to reach into the lives of these families, and she'd like to see that continue.

Katrina Williams, 207 East Michigan, Marquette, MI – Williams is a single mom, with a daughter that has several learning disabilities. She was first invited to Silver Creek Church several years ago, and ever since they first walked in, they were welcomed and have been treated like family. Williams has benefited in many ways during rough times, as well as providing them with food vouchers and use of the pantry when they needed it, backpacks, needed school supplies for her daughter and herself (Williams attends NMU), and clothes. Williams and her daughter have been very lucky with the kindness they have received, and she sees Silver Creek Church's kindness in other families as well. Williams and her daughter have volunteered during the back to school parties over the past 3 years, so she has seen both sides of this church program. Williams feels this venture would benefit the community.

John Pritchett, 945 Silver Creek Road, Marquette, MI – (Sands Township) Pritchett's son went to Silver Creek School and he also believes in the programs that Silver Creek Church does. Pritchett feels that anything that Silver Creek Church does is a benefit to the community.

Cheryl Liubakka, 504 Woodvale, Marquette, MI – Liubakka has been a part of Silver Creek Church since its inception – she has lived 28 years in Chocolay. She believes in the programs that the church has – she feels they are very giving body and very interested in helping those in the community. The Block Party originally started as backpacks and school supplies, and it was somebody's vision to start including clothing giveaways for people that needed it. There is a real need for the thrift store and it would be a benefit to the community.

Gary Walker, 765 Lakewood Lane, Marquette, MI – Walker is the Supervisor at Chocolay Township. He spent 38 years doing another job, and finds that this job is somewhat more rewarding. Walker just wanted to say "Thank You" to the Silver Creek Church congregation, and that we really enjoy having them as neighbors. Walker personally feels that Chocolay Township is a better place with Silver Creek Church in it. Walker wished them God's speed in continuance of their ministry. Everyone needs to understand what they do in terms of relation to the community, helping others – that's what it is about. If there is anything we can do we're only a phone call away – or even better, walk into the Township Hall.

Jennifer Prus, 204 Candace Drive, Marquette, MI – Prus works with the Silver Creek Church Board and with Pastor Kevin. Commented that there was a great turnout of people from the Church – lots of compassionate people that want to help others and to bring Christ's love into the community. Prus is asking that the Planning Commission help Silver Creek Church to bring this about.

No further comments – Public Hearing closed by Sikkema.

Commissioner/Applicant Discussion

Sikkema asked if there were any questions for the applicant.

Ventura was concerned about plans for things that get dropped off when no one is there. Will there be a receptacle that is protected from weather or will that circumstance be avoided? Taylor said their goal would be that would not happen, but they realize it might and they would have to have some sort of process for that. Taylor states they have not fully worked out the details, but the goal would be to communicate to the public when they are open and when they can accept donations, and have some type of signage discouraging people from leaving anything when no one is there. Taylor says he cannot handle a bunch of junk (would probably go crazy) so a process is needed. Prus mentioned that the items would be dropped off behind the building so it wouldn't be visible from the road. They would make sure that there was a canopy to cover furniture and such until they open. Woodward stated the canopy is part of the proposal, and Prus confirmed that it is.

Sikkema asked for any discussion on accessory use. Bohjanen stated that he felt this was a good project and failed to see the downside of it, and he would be happy to make a motion to proceed.

Bohjanen moved, Smith seconded, that after consideration of Conditional Use application #CU14-01 and staff review/analysis, and the understanding that the specific configuration and design for this proposed use is found to be an accessory use customarily found in connection with the Silver Creek Church, and subsequently finding compliance with all terms of Section 16.2 Conditional Use Permits Basis of Determination and General Standards and intent of the Zoning Ordinance, the Planning Commission approves Conditional Use request #CU14-01 which is an amendment to Conditional Use #73 with the following conditions:

- 1. Before construction, the applicant will provide proof of compliance with all other applicable statutes, regulations, and ordinances and proof that they have obtained all other necessary licenses or permits to the Zoning Administrator.*
- 2. The hours of operation for the Thrift Store and full Church services shall not coincide.*

Discussion

Ventura went back to his original question to the Pastor, he was wondering if they could put another condition to either prohibit outdoor storage of items, or to require an enclosed and covered area for receiving things when it is outside of store hours. Bohjanen accepted this amendment to the motion. Sikkema confirmed Smith's acceptance of the amended motion.

Sikkema indicated it's hard for him to accept a retail operation as an accessory use. Even though he believes that it's a good thing, he doesn't believe that it's an accessory use to a church, so he doesn't know that he can support the motion.

Vote: Ayes: 4 Nays: 1 MOTION CARRIED

B. PUD amendment #14-01 – Z & P Properties, parcel #253-017-00

Woodward introduced the Amendment to the PUD which was originally called Rezoning 145 for the Corning Apartments. This is an almost 2 acre parcel. Past use is residential (5 apartments on top) and commercial (document storage in the basement). Adjacent current uses are single family homes and commercial. Some of the homes are zoned commercial so may be converted in the future. In 2010, a dimensional variance was granted to develop a PUD on a lot less than 5 acres. The property was rezoned to PUD and a zoning compliance permit was issued in 2011. Woodward also pointed out the applicable zoning standards. The setback and height limits are determined by the original zoning district before the PUD, which is the R-2 zoning district. However, they are not changing any setbacks, they just want to refinish the basement to be apartments. All apartments meet minimum floor area in Section 6.3 of the Zoning Ordinance, and they meet parking requirements.

Woodward a condition she had suggested, that the applicant be required to provide specifications on the lighting with the Zoning Compliance permit application. This was already discussed with Z & P.

Public Hearing

Steve Zarkowski, applicant and owner of Corning Apartments – Zarkowski stated that the apartments will be nice. There are 8.5 foot high ceilings so it won't feel like a basement, and air exchangers will allow fresh air down there. Egress windows are 5' wide and 4' tall. Zarkowski already has interested tenants. There will be eight apartments and plenty of parking (27 spots). There are only 5 people living in the 5 apartments right now, so there is not a lot of congestion. There is commercial all around, so the apartments are a fantastic buffer for the residential behind them. If you've been by the apartments, you know that they are well maintained, and have never had the police out there.

Woodward gave the Commissioners a letter from an adjacent resident, Darrel Adair, 141 Terrace Street. Adair had brought in a sample of a well filter and residue from the filter, and Woodward showed this to the Commission. Adair has concerns about his water because of how the filter looks. Woodward had talked to Steve Lawry, Township Manager, whose is an engineer and had a career in public works. He said it looks like a corroded screen in the well and that is iron residue from the screen. Iron residue is also in the pipes. Lawry did not think it would have anything to do with the drawdown of the water from adjacent properties. He thinks it's a well issue.

Sikkema asked if this is the only person that had raised this issue – Woodward said yes. He asked if the resident expressed concern with the lack of water. Woodward said he hasn't experienced a lack of water, but an increase in residue.

No further comment, public hearing closed by Sikkema.

Commissioner/Applicant Discussion

Zarkowski said last year the power company came out there, and they did something with the wires and reversed the phases – there was a 3-phase going into the building – and they ruined the pump. This is a 15 hp, 3-phase well pump and is very expensive. They had to replace it, so it is a brand new pump.

Sikkema clarified that Zarkowski is talking about the Corning Apartment well. Ventura asked if it is a drilled well as opposed to a shallow well. Zarkowski replied that it is a 100 foot well, with an 8 inch casing that puts out 250 gallons per minute and could be used as a community well. Sikkema asked if this is the well that was there when Zarkowski purchased the property and he said yes.

Milton asked if Bell moved out of the basement? Zarkowski said yes, the medical record storage moved out of the basement – there is now 3,600 feet not being used. This will utilize that with very little exterior change.

Sikkema asked if there were any other comments from the surrounding neighbors. Zarkowski said he had none at all. The Commission asked about the location of the Adair property in relation to the apartments. Woodward stated she did not have the parcel number immediately available – only the address. Bohjanen asked if Woodward knew if Adair's well is shallow or drilled. Woodward did not know.

Smith wondered if there will be additional parking lights, or will they be adjusted? Zarkowski indicated they will be adjusted so they are flat and there will be back light deflectors on the fixture in close proximity to Wright Street.

Sikkema said that when the PUD was approved, the possibility of additional units was discussed, so this was before them to approve the additional units. Woodward stated they are getting rid of the commercial use and converting to another principle use, so the change in use must be approved.

Ventura said it was a good reuse of the building, and that it addresses one of the items that is in our 5 year plan to increase density where it's appropriate, and this is an appropriate area. Ventura asked if it was served by public sewer – Woodward responded yes.

Sikkema asked Zarkowski about the current demographic of tenants – a salesman that is there 3-4 days/week, rather than renting a hotel room, an environmental engineer, a retired lady, a retail clerk, and a military guy from the reserve base here. Sikkema stated it was kind of a cross section. Sikkema said the Commission has been working on getting higher density for people that don't necessarily want a single family home.

Ventura moved, Bohjanen seconded, that after consideration of application PD14-01 and staff review/analysis, and subsequently finding compliance with all applicable terms and intent of the Ordinance, and in particular Section 10.3 Planned Unit Development Standards for decision, the Planning Commission approves application PD14-01 which is an amendment to a Planned Unit Development called "Rezoning 145" with the following conditions:

- 1. Before construction, the applicant will provide proof of compliance with all other applicable statutes, regulations, and ordinances and proof that they have obtained all other necessary licenses or permits to the Zoning Administrator.*
- 2. Applicant will provide specifications showing that all exterior lighting is in conformance with the Ordinance along with the application for a Zoning Compliance Permit.*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

C. Conditional Use Permit #14-02 – Bertram residence, parcel #009-018-50

Woodward introduced the Conditional Use Permit for the Bertram Residence for dune modification in the Lake Superior Shoreline/Dune Protection Overlay District. They would like to construct a single family home with basement, attached garage and deck. They plan to remove only the trees necessary for the excavation, but they will be making earth changes in the dune, which is why they are here for the Conditional Use Permit. It's a 1.748 acre lot in the WFR district. Woodward mentioned that Gene Bertram would be showing some photos of the site. Woodward provided aerials to compare to the survey specifications, and also some best practices for dune development. Woodward asked the Commission to consider that the lot is 105' wide, and with the proposed width of the house being 66' wide, this leaves only 39' to be allocated to side setbacks. This meets required setbacks, but it will not meet the 20' undisturbed buffer on the sides due to the excavation process. The basement will encroach on the 20' buffer on one side where a 15' setback is planned.

Sikkema asked if this can be addressed without going to the Zoning Board of Appeals. Woodward stated that if they think that it can be addressed through mitigation, then it can be addressed by the Planning Commission. Or it could be approved conditional upon the ZBA approval.

Milton stated that it is a minimal dune, only about a 7% slope. He doesn't think the development has much impact on the dune. Woodward stated that the development is planned for a wooded area which is more stable. Woodward said that the Planning Commission can address this without it going to the ZBA if they feel that the intent of the standards are being met and the development won't harm adjacent properties.

Smith asked Woodward about the disturbance of the dune – is the disturbance just related to the building of the house, and once the house is done the existing contours will be restored? Woodward deferred to the designer.

Public Hearing

Mike Pond, 1500 West Avenue, Marquette, MI – Mr. Pond is an architect for Aecom in Marquette and represents Gene Bertram (Gene is his brother-in-law), and is working with Mr. Bertram to come up with a site plan to establish placement on lot. Pond has acquired the services of Bob Cambensie to do a survey of the land and to establish existing contours on the site. He discussed the original site plan with Woodward. They have moved the home back 10' from the initial placement – it is now 136' from the water line and several hundred feet from the road, so the front and back setbacks far exceed the requirements. The home is placed on the backside of the dune, with substantial fill to be hauled in. The elevation of the garage will require between 10' and 12' of fill at minimum. They will haul in approximately 1,000 cubic yards of dirt to place the home on this site so they can have a view of Lake Superior. Mostly they will fill the dune – only a small portion will be dug for the basement. There will be some excavation along the front and sides to place the footings. This will be the only excavation that takes place. On both sides there will be a minimal amount of fill, but there will be more on the east side because there are two egress windows in basement

bedrooms. From ground level to the peak of the roof will be 20' to 25' high. They do not plan to cut any more trees than absolutely necessary.

Don Casteel, Gladstone, MI – Casteel has the lot next door to Bertram. Casteel is concerned when they haul in the fill it might come down on them. They say it is a minor fill on the west side but his cottage is right next to it.

Gene Bertram, 137 Aspen Drive, Marquette, MI – Bertrams sold their house and are temporarily living at this address. They have wanted to retire to this site for 30 years now. Bertram does not want to cut any trees, but needs to cut some. He wants to save as many large pines as he possibly can – he is a naturalist and wants to make the surrounding area as wild as it is now. His footprint, as planned, will be cut into the bank in the woods. The fill will be built up right where the house is, and all the dirt will go south. Bertram plans on planting grass and trees to hold the soil. This will basically be his studio – he is an artist – which is the main reason for purchasing this property. He plans to make his art there, and enjoy the north light and serenity it provides.

No further comments, public comment closed by Sikkema.

Commissioner/Applicant Discussion

Sikkema asked Mike Pond where the fill is going to go. Sikkema invited all parties (Pond, Bertram, and Casteel) to the front table to look over the site plans. At this point, there was discussion between the three parties and the Planning Commission over the maps.

They will bring in 10' of fill to bring the garage to the 618' elevation. The fill will recede to the property line. Sikkema asked what the applicant can do to ensure the fill doesn't encroach on the adjacent property. Pond stated they could build a dirt berm along the side. Sikkema asked about using a silt fence. Pond indicated the silt fence on their plan. Casteel responded that a silt fence doesn't look good – others replied it's just temporary. Sikkema asked Smith if a silt fence will be enough to protect Casteel's property – Smith replied they will also restore the area with permanent vegetation, and the silt fence will protect it while the vegetation is restored.

Bertram mentioned he had planted trees along the property line years ago, which would not be disturbed. Ventura mentioned the 10' of fill combined with 15' distance to the property line will result in a steep 2:3 slope. The ordinance says dune cuts cannot exceed 1:3 slope. Pond explained that it is not a cut, it's a fill. Ventura said it's the same result. Pond responded that the garage has to be that elevation because Mrs. Bertram has some ambulatory issues and can't use stairs, so the garage cannot go lower. It's designed so you can walk right into the house from the garage. Bertram stated that's why they have one story instead of two. Pond said the garage is at 618.5' and the house is at 620', so there are two steps into the house. Casteel asked for a copy of the site plan.

Pond said if Casteel is worried about water runoff, they could build a berm. Pond indicated that the design will cause most of the water will flow north and south, and only the runoff from half the garage will shed to the west. Sikkema suggested that the conditions include retaining the trees on the property line and installing silt fence. Bertram agreed, and Pond indicated that is already shown as part of the Soil Sedimentation and Erosion Control Permit which they have

already obtained. Smith stressed the permanent vegetation to control erosion, although they have minimized erosion potential with the design.

Casteel asked about the location of the development in relation to his house. Bertram showed pictures of the property and locations were discussed per the aerial photo and Bertram's photos.

Woodward asked about the nature of the trees Bertram planted – Bertram responded they are now 6' tall pine trees.

Responding to Sikkema's inquiry, Pond indicated the fill would be within 5' of the property line. Casteel is still concerned with the fill which will be above everything existing. Sikkema asked if Casteel was concerned about appearance or water runoff. Casteel answered that he is concerned about both. Sikkema asked if the re-vegetation would be naturalized or manicured. Bertram stated that he does not want to change the look of anything – he doesn't really want a lawn, but if he must do it to hold the soil down he will. He wants it to be natural and will do whatever he has to do to preserve it.

Milton asked if there is a choice of basements – it looks like there are two footprints for the foundation – this was just a mistake in the submittals.

Sikkema confirmed that no excavation is needed to install the egress windows on the east. Pond indicated that area is basically fill. The existing elevation was discussed. The house is sited 2' lower than the top of the dune.

The stairway goes down into the basement from the garage. You have to have a raised elevation in the garage of 4"- 8" before you go down the steps.

Erosion control measures were again discussed. Sikkema stated Smith's question to the developer is the potential to put in a retaining wall of some type to control the fill. This will be quite a drop-off which could be difficult to hold together, even by the raised driveway. Pond indicated they would be putting gutter up on that side of the garage, so the only runoff results from water falling from the air. Pond indicated that the driveway access will be graded and sloped away from the house and not toward the adjacent property. Sikkema said that they would need to have a big enough area at the drive for snow removal and to get in and out of vehicles. With the slope, the area will be wider than the driveway – to get that room it might be necessary to add a structure to hold that slope. Pond said in the site plan there is an area to back out of their garage and turn around, but it pulls to the east, not to the west. Sikkema stated it was just a thought to try to mitigate the impact to the adjacent property and be able to maintain that 4 or 5 foot buffer. Pond indicated they would put the silt fence in, and make sure there is no impact.

Smith asked Milton about previous Commission discussions about how far a driveway and the associated grading and fill should be from the property line. Their discussion involved natural slopes to property lines.

Woodward stated that a lot of people have told her that any fill in that area will just filter down into the sand over time. That's why the Ordinance requires natural landscaping, with the dune grass and other vegetation that survives in those habitats. It is required that the area be replanted with a prescribed amount of plugs and beach grass – one per one square foot of disturbed area. Sikkema

stated that the area getting disturbed is more the tree area than dune area.

Bohjanen stated that by looking at the provisions, there needs to be a 20' undisturbed buffer. As a condition, that would have to be fulfilled. Sikkema indicated that it does say "20' undisturbed buffer", and it's obvious that it will be disturbed, so it's reasonable to ask how that supposedly undisturbed buffer will be restored. The resident on the west side has a concern with the appearance and the stability of the slope not encroaching upon his property. Sikkema asked if the buffers were put in there to maintain the appearance between the properties. Woodward stated buffers were to maintain the stability of the dune. Bohjanen stated that he was looking for the undisturbed buffer definition, but he thinks the proposal will not have a negative impact on the dune, it will probably have a stabilizing effect. So the buffer is simply a setback.

Casteel said there would be no impact to the dune. Smith said he has known Pond for a long time, and thinks he has reassured the Planning Commission that he will keep the drainage and the slope on the Bertram property. But he wants to add it as a condition.

Sikkema stated that the Township doesn't enforce soil erosion - the County addresses the issue of soil erosion. If the soil does leave and encroaches on Casteel's property, the County Soil Erosion will deal with that. They say that they are going to have a soil erosion silt fence, which would be common.

Smith stated that everything meets or exceeds Zoning Ordinance requirements. The biggest thing that came up is because of the berm, and the berm is not taking away - it's adding to.

Bohjanen wants to see that the applicant will apply for appropriate soil erosion permits as part of the motion. Pond said the permit has already been obtained. Add: ***"Applicant shall provide for and obtain appropriate soil erosion control permits."***

Pond stated if it was the wish of the Planning Commission to require them to meet with the adjacent property owner and go over the placement of the silt fence and resolve any issues with that placement, they would be happy to do that. Pond stated he would like to make Casteel an active part of the process - not be reactive. Casteel said he would like that very much. Sikkema asked about the property owner on the east side.

Ventura asked how much higher the roofline or floor level of this new house will be relative to the neighboring houses and those along the shoreline. Pond stated that floor to ceiling is 10ft - it's a single story building with a basement. The basement on the east side will be exposed about half way. On west side, the walls will stand in place without any fill up against them, but the fill may not cover the entire wall. Ventura asked the question in a different manner - what is this house going to look like from the outside relative to the other houses along the shore - is it going to stick up much higher, or approximately the same height. Pond indicated it will be significantly higher than the house on the west - doesn't know about the elevation on the east.

Sikkema restated conditions added to the motion - 7 relating to obtaining the soil erosion control permit, and 8 applicant meeting with adjacent property owner.

This has mitigated the need for ZBA involvement – there will be no cut into the dune on the 20 foot side buffer, so ZBA variance is not needed.

*Smith moved, and Ventura seconded, that after conducting a duly noticed public hearing, and upon finding that the proposed use **complies** with the Conditional Use Standards of the Chocolay Township Zoning Ordinance as noted in the staff report dated April 2, 2014, the Conditional Use request for parcel #52-02-009-018-50 located at 2433 M-28 East to perform construction within the Lake Superior Shoreline/Dune Protection Overlay District is hereby **approved** subject to the following conditions:*

- 1. They shall follow the suggested control measures to minimize disturbance within the 20' buffer.*
- 2. Disturbed areas will be minimized, and the applicant will utilize all applicable temporary slope stabilization measures during construction.*
- 3. Slopes for dune cuts shall not exceed 1 foot vertical to 3 feet horizontal.*
- 4. The limits of clearing, grading, and vegetation removal will be clearly indicated on the site to avoid accidental damage to slopes and vegetative roots that support slopes, and discourage materials being stored outside the planned impact area.*
- 5. The applicant will minimize tree and vegetation removal. If removing trees, stumps and roots will left in place to stabilize soils and slopes unless they would interfere with the building foundation.*
- 6. The development area will be re-vegetated in stages immediately as portions of the site are complete utilizing native vegetation. Disturbed areas of the dune will be rehabilitated with dune grass plantings at a rate of 1 culm (clump) per square foot of disturbed area (can also include other native vegetation).*
- 7. Applicant shall obtain appropriate soil erosion control permits.*
- 8. Applicant shall meet with the adjacent western property owner on site prior to construction.*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

D. Site Plan Review – Ace Storage Units

Woodward introduced the Site Plan review for Ace Storage Units. Site Plan review is required for all commercial development. In 2008, they were given a permit to build three storage buildings within three years –only two were built as shown on the new site plan. The proposal is to build two more storage units. There are two things that need to be addressed that don't meet the requirements – on the western property boundary the proposed building does not meet the required 30' setback – it's only 25'. The screening buffer that is required between commercial and the R-1 zoning district isn't exactly in the right location and does not meet spacing requirements. Otherwise it looks like it meets the requirements.

Sikkema indicated it was R-1 to the west and R-2 to the South. Smith asked if the trees are not planned close enough together? Woodward stated that the spacing that is on the proposed site plan per scale looks about 20 – 25' apart and they are only supposed to be 5' apart. Woodward does not know if there are existing trees, but the driveway/travel lane is indicated near the property line, indicating no space for trees. She feels that the buildings need to be moved

further from the property line and a buffer needs to be placed there if there is not a natural buffer. This would be on the west. Smith indicated that on the west side, the terrain is almost straight up and down with the houses around 100' above the proposed development. Woodward stated that the elevation change was not shown on the site plan, but if there is a sufficient terrain difference then screening might not be needed.

Sikkema said there are two things – one is the setback should be 30' and is only 25', and the other is the planting location. Woodward said that one of the existing units is indicated on the permit as hundreds of feet away from the property line, but is only 25' from the property line, so that building is non-conforming.

Smith thinks there is enough slope that you don't need to worry about the west side screening. Milton doesn't see the access for that residential – Woodward indicated that she thinks they get there from the Sands Township side. Woodward indicated that there is already a buffer to the south, so it doesn't matter about the spacing.

Bohjanen asked about driveway access being on property line – is that permitted? Sikkema indicated you can't have building within the setback, but it doesn't say anything about a driveway. Woodward stated that we don't count paving as structures.

Ventura asked if 25' at the end of the building is enough to get a truck back there to get to the end bays. He assumed that there are going to be end bays like the other two buildings have. Smith stated that it would have to be 30', that the Planning Commission does not have the authority to grant it at 25'. Woodward stated he has to meet requirements or he won't get approved.

Ventura said that looking at the aerial photo, it looks like the two existing buildings have quite a bit more than 25' at the ends where vehicles can back into those overhead doors, so getting 30' here serves two purposes – it meets the Zoning Ordinance requirements and also makes the vehicle ingress a little handier. The site plan drawing shows all existing bays as being accessed by side of building, but he knows there are doors at the end of the existing building, and vehicles could conceivably be backing into those. Woodward had not gotten any pictures of the buildings, just the site plan.

It was decided that #2 on the suggested motion can be omitted.

Moved by Smith, seconded by Bohjanen, that after review of Application SP14-01, a site plan review for Chocoley Ace Hardware/Northshore Development Company for parcel #52-02-106-011-00; and staff report dated 04/02/14; the site plan dated 03/21/14 be approved having met all requirements of the Ordinance with the following conditions:

- 1. Buildings shall be setback from the west property line a minimum of 30' to the drip line.*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Ventura asked if approving the site plan takes care of whatever is needed from the Planning Commission. Woodward stated yes, Site Plan will be included when he gets his Zoning Compliance Permit

IX. PUBLIC COMMENT

No Public Comment

X. COMMISSIONER'S COMMENT

No Commissioner's comments.

XI. DIRECTOR'S REPORT

Woodward stated that there is a requirement for the Planning Commission to have a yearly joint meeting with the Township Board. She asked the Commissioners when they might want to do it, and what topics should be discussed. She indicated that Mark Maki (Township Board Trustee) had asked about the capital improvement projects that had come out in the Recreation Plan and how those would be funded and what the priorities were. Possibly could use the time to discuss the Master Plan. Sikkema indicated he would like to know what the Township Board priorities for the Planning Commission for the next year. Sikkema would also like feedback on what they have worked on so far. It was decided it would probably be better to have a special meeting – maybe a Monday night in either May or June. Suggested dates were May 12 or June 9. This will give the Township Board a couple options, and they can decide on date.

Woodward indicated she would give them the Grant Application materials next time.

Woodward mentioned that there is Michigan Association of Planning training coming up – Planning and Zoning Essentials. It's about a 4 or 5 hour class. She will send an email to the Planning Commission with information on this training.

Junk car issue – still needs to be compiled. It was suggested that the next time we put out a Township newsletter that something about how zoning enforcement is done – what should a person do if they have a concern. People may not know what the appropriate action would be. The Commission was happy with the layout of their packet compiled by Suzanne Sundell.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Wayne T. Dees Correspondence of March 2, 2014

Planning and Zoning News

MI Association of Planning training in Planning and Zoning Essentials

Lion's Field Recreation Grant application materials

ADJOURNMENT

Sikkema adjourned the meeting at 9:26 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 5, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura, Tom Mahaney

Members Absent: None

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

April 7, 2014

Motion by Bohjanen, seconded by Meister, to approve the minutes as corrected – Page 9 of 13 – 6th paragraph “... You have to have a raised elevation in the garage of 4” – 8” before you go down the steps.”

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Milton, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Woodward summarized a letter or public comment submitted by Wayne Dees on the Holiday Site Plan Review. Woodward said that Mr. Dees has a concern for public safety. He feels that north Holiday driveway should remain open and the south driveway closed. Mr. Dees also feels that the Credit Union driveway on the west side of the highway should also be closed.

Sikkema questioned as to whether this letter will go into the record as written. Woodward stated it was up to Sikkema if he wanted to read it for the public – we don't usually make a transcript of the whole meeting. Sikkema read the letter from Mr. Dees to the public. Sikkema stated it should be paraphrased and put into minutes.

Other notes from the letter include: Mr. Dees wants all written comments included as part of the meeting minutes and also to be available online. He wondered if the designer considered accident reports, and if there was police department review. He feels there is a traffic conflict between people traveling southbound and turning east on M-28 and people traveling southbound and intending to turn into Holiday. He also sees a conflict due to insufficient line of sight between people turning from Cherry Creek onto US-41 northbound and traffic moving to and from the Holiday Station.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Site Plan Review #14-02 – Holiday, parcel #107-020-00

Woodward introduced the Holiday Site Plan Review. This is a request for improvements to existing facilities and consolidation of access points on US-41/M-28 to improve aesthetics, functionality, efficiency, and safety. The proposal was extensively evaluated to all the Access Management Overlay District standards and also to the Site Plan Review standards and all the other applicable standards of the zoning ordinance.

Bill Finkbeiner, District Manager of the Holiday Station Stores in the Marquette area, was present to answer questions and he supplied large copies of the site plan.

Sikkema asked about replacing the plantings. Finkbeiner responded that on the original site plan it showed the trees being removed because of grading to be done. However, now the plan is to remove and replant them after the work is complete – they would be put in the same general vicinity. Woodward stated that the trees need to remain in the public right-of-way because they were part of a grant that the Township received through MDOT in 2010. Sikkema indicated that there was some concern at the Corridor Meeting that the lights of cars coming from Togo's would be shielded by the trees and shrubs. Finkbeiner responded that was the intent.

Smith questioned whether the Site Plan took into consideration the reconstruction of the new bike path this year. Finkbeiner responded yes, and although it's not on the site plan, they had discussed putting in handicap stripes at the intersections. Sikkema indicated he didn't think they had to put in the detectible markings – but had to meet the grade. Sikkema asked Woodward to verify the requirements at private driveways with Jeff at MDOT.

Mahaney asked if there would be any signage alerting the motorists to the bike path. Mahaney felt that this will become a busy egress entry point, and lots of people will be using the bike path. Sikkema asked that Woodward check with Jeff at MDOT on this matter also. He would be able to suggest a standard sign. Wintergreen Trail has some signs, but Sikkema indicated that was more because the bike trail looked like an actual road, so there needed to be some indication.

Meister asked if there was a reason why there are no deceleration lanes when coming from the south. Sikkema indicated that this was usually based on traffic flow and volumes of the road. The outside lane of a multi-lane road is supposed to provide for through traffic. He said it probably wouldn't hurt to do it here

because of the volume of people pulling into the Holiday Station.

Ventura stated that in studying that intersection over the last four years, and making left turns onto M-28, there are a lot of people that stop in the left turn lane at both the north and south driveways to turn into the Holiday station. There are also people that are southbound on US 41 trying to turn east on M-28 who get behind the people trying to get into Holiday and then realize that they are stuck – they then try to get back into the passing lane, sometimes without looking. He agrees with Dees that the driveway to be closed should be the south driveway, not the north driveway, and suggested that Holiday move the pump extension to the other side of the island. This would maintain the same customer service level and would not impact the other public benefits such as the rear travel areas. He attended MDOT access management classes, and one of the main goals was to locate driveways as far away from intersections as possible, especially intersections of two major highways. He thinks the driveway for the Credit Union is basically a non-issue because there is so little traffic and thus it does not cause vehicular conflicts with Holiday customers. Ventura cannot support this the way that the plan is drawn.

Mahaney questioned whether there had been any thought given to having separate entry/exit driveways. Finkbeiner indicated no. Mahaney turns left traveling eastbound from Cherry Creek Road onto northbound US 41, and he has waited behind people who sit at the intersection until the westbound traffic from M-28 traveling northbound onto US 41 has subsided, so they are able to get across both lanes to turn into the station. This creates a backup on Cherry Creek Road.

Ventura indicated that moving the Holiday driveway as far north as possible may help. Typically people turning north from M-28 to US 41 utilize the driving lane, and people turning north from Cherry Creek to US 41 first utilize the passing lane, but immediately change into the driving lane to get into the Holiday Station. He thinks you can't eliminate this from happening, but having a little more space before turning into the driveway would help.

Meister asked how far apart the existing driveways were. After further looking at the blueprints, Sikkema indicated it was probably 170 feet – center line to center line.

Smith asked if the Site Plan had been accepted by MDOT. Sikkema indicated that it went through MDOT's plan review at the Corridor Meeting. Comments from advisory group are in packet. They have not yet applied for an MDOT permit. Included in the Corridor Advisory Committee's comments was squaring up the south driveway to more resemble a 90° angle. The plans indicate the driveway will be improved with perhaps an additional 5 – 10 feet between the intersection and the driveway. Sikkema indicated that the two significant accidents that have occurred happened at the north driveway into Holiday.

There are not a high number of crashes in this area. It is primarily the people that are trying to turn left that contribute to crashes. Sikkema thinks that most people currently turning left into Holiday utilize the north driveway. So since the new north driveway for Holiday (shared use driveway at Snyder's) would be located further away from the intersection, it should reduce problems. Mahaney said people might use the south driveway instead because it's a shorter distance. Sikkema said that if you eliminate the south driveway, and people have to utilize the existing north driveway, that is where the previous crashes have occurred.

Other things to be considered – a request could be made that the center lane be double striped, which would indicate that people north of the south driveway should wait to go into the center lane to turn at the intersection until after the striping – this would make it a dedicated left turn lane. Typically you only do this when there is opposing traffic trying to make a left in the other direction. This is not the situation here.

Ventura indicated that we do have the conflict though of people wanting to make left hand turns at two different places, and trying to use the same lane. The striping probably has merit. Sikkema stated that it would not prevent people from pulling into the turn lane too early.

Bohjanen stated that his thoughts on the matter are probably not practical, but if you close the south and the north drive entirely, and put an access onto M-28 with no left turn (right turn only - which probably creates problems with property ownership and MDOT requirements), it would improve flow and take some of the traffic off US 41 close to the intersection. Cars coming off Cherry Creek would have to use the north entrance into the gas station.

Sikkema indicated that his experience in working with these types of things is that you make incremental improvements where you can. This is an incremental improvement – he feels it helps Holiday and some of their circulation problems. Holiday has a right to have access, and right now they have a right to the two existing driveways. He feels that Holiday is making a step in the right direction by trying to provide something that the Township wants, which is connectivity between these businesses. This investment will be a benefit – it doesn't solve everything, but it provides the connectivity they've been trying to get for years.

Bohjanen asked about the status of the road that goes from the Holiday Station to Togo's. Sikkema indicated it is a private driveway which is partially in the right-of-way. Bohjanen said that access is beneficial.

Sikkema wondered if Holiday would consider moving the south driveway as far north as possible – maybe 10-15 feet. Finkbeiner said that would probably work.

Smith indicated that he thought having access around the building will be helpful. Ventura stated that taking one driveway away would make it somewhat safer, and he understands the value of incremental improvement. He asked Finkbeiner

if he had discussions with Snyder regarding the plan. Finkbeiner stated that there had been discussions, and it's going through the attorneys to finalize. Finkbeiner stated that the project is not slated to start until after July 4th.

Sikkema indicated that it does tend to feel cluttered at Holiday when it becomes busy – hopefully people will readjust to use the northern-most driveway. Sikkema also indicated that you see people staging in the approaches, trying to figure out which driveway is going to work best. With the new plan, they won't have to do that anymore – they can get onto the access drive and do their staging from there. Sikkema thinks there are a lot of positives about this plan.

Sikkema stated that Holiday has been really good to work with – they always do quality work – and he sees this as a positive for the Township. Ventura stated that he liked the suggestions for the façade of the building, also.

Finkbeiner stated they are currently working to try to schedule large truck deliveries during the overnight hours between 10:00 PM and 4:00 AM. This helps with the congestion. They are trying to get the fuel deliveries on the overnight schedule.

Sikkema indicated that there had been some questions on snow storage and drainage. The snow storage looks like it has been taken care of. Woodward indicated that there is some evidence of drainage on top of the pavement in the south corner by Togo's – you can see where water has been standing. Sikkema asked if this could be graded to let the water out. Finkbeiner stated that would be addressed.

Bohjanen stated that people used to park along the curb between the pumps and highway causing circulation problems – this will be eliminated with the new access road.

Sikkema asked about truck movement, and he sees in the design that truck movement is addressed.

Sikkema asked Woodward about waivers and variances in the Access Management standards – Woodward indicated we have provisions for waivers or variances from standards for existing development and development supported by MDOT. For example, the plan does not meet the exact spacing requirements from driveways to intersections, but these are existing driveways.

Sikkema indicated that in the "Additional Comments" there was a suggestion to "Consider requiring Stop signs and possible Stop bars on the shared driveway where it intersects with access drives from US-41." He does not think this is needed.

Sikkema also asked about the comment "Inquire whether the benefits of having light standards near the multi-use path crossings on the access drives outweigh the dangers of having fixed objects in the ROW." Woodward indicated that this was a suggestion from the Township Manager – having some type of light at the

driveways where the bike path crosses. This would be to light the pedestrian crossings in driveways. Woodward asked about lower bollard lighting – Sikkema indicated MDOT does not do lighting.

Ventura questioned the size of handicapped spaces – they appear to be smaller than standard parking spaces (standard are 10' x 19', and the handicapped spaces are 8' x 19'). Sikkema indicated that you need to also consider the van access, which gives another 8', so the handicapped spaces would actually be 16' wide.

Sikkema and Woodward discussed the canopy lights – they will need to meet the standards at the zoning compliance permit stage and make sure that it is the minimum brightness necessary according to standards. Sikkema asked if this needs to be added in as a condition. Woodward stated that it is already included as #6 in the suggested motion. Sikkema asked about #7 on the motion about drainage – should this be included in the motion? Woodward indicated yes.

Mahaney had a question about stop signs – would there be a requirement for a stop sign at the end of the service road? Woodward indicated that Holiday has indicated these signs on Site Plan 1.1 before the Snyder driveway. There are others near where the bike path crosses the driveways. Sikkema said those locations are also lighted.

Moved by Milton, seconded by Bohjanen, that after review of Application #SP14-02, a site plan review for Holiday Stationstores, Inc. for parcel 52-02-107-020-00; and staff report dated 5/1/14; the site plan dated 1/13/14 be approved having met all requirements of the Ordinance with the following conditions:

- 1. Approval is conditioned upon MDOT approval;*
- 2. The shared access and maintenance agreement shall be presented to the Zoning Administrator and recorded with the Marquette County Register of Deeds; and*
- 3. All plantings associated with the 2010 MDOT grant and Adopt-a-Tree project shall be relocated to a Township/MDOT approved public right-of-way according to Township approved planting methods. The Beck family shall also be consulted regarding the Adopt-a-Tree marker relocation; and*
- 4. Driveway construction shall be coordinated with the MDOT/Chocolay Township project to rebuild the multi-use path paralleling the highway across this property frontage; and*
- 5. Owner shall install and maintain internal regulatory signing or pavement markings per current Michigan Manual of Uniform Traffic Control Devices standards for proper traffic flow/control; and*
- 6. The signage and lighting will meet all requirements of the Chocolay Township Zoning Ordinance, with additional information as needed being submitted to the Zoning Administrator; and*

7. *Applicant shall address site grading for positive drainage at the southeast corner of the parking area.*

Meister questioned the “coordinated with the MDOT/Chocolay Township project” (#4) of the motion – what does it mean? Sikkema indicated that he heard that the contractor is planning on starting the bike path project in late May. It should be in place before the Holiday plan is started. There will be revisions to the bike path.

Ventura asked about the reference to the Beck family in the motion. Sikkema indicated that there is a memorial by a tree for Andrew Beck who died in an accident there – it will go wherever the tree goes. Woodward indicated that it is a big concrete block, with a small engraved brick on top of it. The Boy Scouts installed it as part of the Adopt-a-Tree program.

Milton said it’s a good plan and it does everything that we encourage businesses to do. Ventura said it’s a step in the right direction.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Site Plan Review #14-03 – Lakewood Medical, parcel #107-020-00

Woodward introduced the Lakewood Medical Site Plan. This will expand the current Lakewood Medical Associates building from 3,760 square feet to 4,938 square feet (a 30% increase) and will involve interior remodeling at the request of Marquette General Hospital so that more services can be offered at this location. This will bring additional doctors here. All exterior changes will be on the back side of the building. It meets the parking standards and all ratios for floor area and ground coverage. The proposal doesn’t involve wetland or floodplain issues.

There were variances granted for setback of the front buildings in the initial development, but the back buildings meet setback requirements.

Sikkema pointed out a potential problem with parking standards. Based on methods of calculation, the 4 chair beauty parlor is required to have more parking than the doctor’s office, which is not logical since there are 14 patient rooms in the doctor’s office. Parking standards for doctor’s offices are currently based on the size of the waiting room. This should be reviewed at a later date.

Brian Anderson, general manager of IHS Building Co., introduced himself and stated he was representing the project and was here to answer questions.

Milton questioned why the Planning Commission was reviewing this – Woodward stated that every commercial development that is an expansion greater than 20% of area has to go through site plan review.

Ventura indicated that this is a pretty straight forward request.

Moved by Ventura, seconded by Meister, that after review of Application #SP14-03, a site plan review for Superior Development for parcel #52-02-107-003-40; and staff report dated 5/2/14; the site plan dated 4/20/14 be approved having met all requirements of the Ordinance with the following conditions:

1. *The signage and lighting will meet all requirements of the Chocolay*

Township Zoning Ordinance, with additional information as needed being submitted to the Zoning Administrator.

Meister questioned whether there was going to be a new sign, or will they use the existing sign. Woodward indicated they will leave the existing sign, or they could also apply for a sign permit if there is a change.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

C. Discussion of Master Plan Chapter 6

Woodward apologized for not completing Chapter 6 – she has a small section remaining concerning floodplains, wetlands, dunes, and other areas of particular concern, and will finish the section pertaining to productive resources such as forest lands and agriculture.

Bohjanen suggested a few changes. Page 90 – “Adaptation strategies address **symptoms** ... – *maybe it should be **systems?***” Woodward indicated that it actually should be **symptoms**, but for clarity the sentence was revised to read “Adaptation strategies, *such as water resource management, stormwater control, storm shelters, etc,* address symptoms.”

Page 91 add word in **bold** – “Impacts on plants, animals, and humans”, second bullet, “... but will the adaptation **occur** fast enough to compensate?”

Page 91, same bullet – Ventura indicated there should be commas separating the tree species, “... jack pine, black spruce, balsam fir, quaking aspen, eastern hemlock, tamarack, and ...”

Page 92 – header “Opportunities for Climate Change” – change to “Opportunities for Climate Change **Response**”.

Ventura, page 92 – first bullet – remove “***For example, the northerly migration of tornado zones may necessitate much needed improvement to buildings and infrastructure to make them stronger and more resilient. This will also spur the economy.***” Ventura noted our buildings are built to withstand a snow load which is more than any place in the country.

Ventura, page 93 – Fire Hazard Profile – first paragraph, last word – “***lightning***”, instead of “lightening”. Page 99 – questioned Engman Lake, Strawberry Lake, and Sporley Lake – not in Chocoley Township, but are part of the watershed. Left as is.

Meister questioned the idea of plant hardiness zones moving north – after this winter, there are many dead shrubs in the landscape. Maybe the zones are moving the other direction – laughter.

Woodward indicated that Chapter 7 will include detailed action strategies, land use plans, and the zoning plan.

VIII. UNFINISHED BUSINESS

None

IX. PUBLIC COMMENT

No Public Comment

X. COMMISSIONER'S COMMENT

Mahaney stated it was nice to see the improvements that Holiday Station is going to do. It will help with traffic flow. Meister indicated that it was nice to see the expansion of the medical facility, or any kind of expansion in Chocolay Township. Sikkema said there is a current project to remodel the bathrooms at the Welcome Center. Milton likes the design of the Holiday Station.

Ventura asked about some type of procedure to handle public comment letters received so that they don't have to read the whole thing publicly. Woodward indicated that she could not find any written policy or procedure. She also noted that it is not our practice to create a transcript of everything that is said in the meeting, so it doesn't seem reasonable to expect that we would include entire letters in the minutes, however the letters could still be read in their entirety. Ventura asked about including it as an attachment to the minutes – "Correspondence was received from ... See Attachment ...". Woodward stated that this would create lengthy documents in the official written record book. Sikkema reiterated that if someone came to the meeting and spoke at public comment, their entire comments would not be transcribed, only summarized. Ventura said his suggestion was not to make the minutes even more lengthy, because they already include more content than most places. Meister suggested passing along comments received to all members of the public in attendance, and paraphrasing them for the minutes, then the correspondence would not need to be read. Bohjanen suggested displaying it on the screen during public comment.

Sikkema asked if you can make public **comment** without attending the meetings. Woodward indicated that for public **hearings** we invite and accept written comment. She feels that we should at least indicate that correspondence was received during public comment, give a copy to the Commission, and summarize the main points that were written. If we had the communication before packets go out to the Commission, we would include it in the packets and on the website. However, packets are not usually available online until the Friday before the meeting, so it doesn't allow much time to respond. Woodward will check into suggestions for making public comment remotely and e-mail Sikkema.

XI. DIRECTOR'S REPORT

Woodward indicated the information for the Planning and Zoning Essentials in the packet. Milton indicated he had emailed an application to her at planner@chocolay.org. This is an out-of-date e-mail address. Smith and Bohjanen also indicated they would like to attend both workshops.

Woodward also indicated that the Lion's Field Recreation Grant application materials were included in this packet.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning and Zoning News

MI Association of Planning training in Planning and Zoning Essentials

Lion's Field Recreation Grant application materials

ADJOURNMENT

Sikkema adjourned the meeting at 9:26 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 2, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:32 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Kendell Milton, Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant.)

II. MINUTES

May 5, 2014

Motion by Bohjanen, seconded by Ventura, to approve the minutes as written. Ventura commented that they were very thorough and captured the essence of the meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Mahaney, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Gary Walker, 765 Lakewood Lane – he has had several people approach him about the opening burning ordinance. We do not have the opening burning section on our website, so our citizens may not be aware of them. The opening burning section deals with burning of brush and trash. He notes that the ordinance does not provide for any penalties if you violate. This will be showing up in the agenda next week for the Joint Meeting in response to some of the complaints that he has had on fires being unattended. His suggestion is that the language be removed from the Zoning Ordinance and be made part of a Public Safety Ordinance – enforced as a civil infraction with fines by the police so they can handle after hours issues. It is a safety issue – around 3-4 times a year Walker investigates fires down the beach from his property to make sure the fire is out. There was an incident about 4 or 5 years ago where someone burned about a half a mile of beach grass. The beach grass isn't that big of a deal, but if the fire ever gets back into the jack pine our Fire Department would have a hard time dealing with it. This is a heads up that there are some citizens who are concerned.

Woodward added that the current applicable penalties are those that apply to any violation of the zoning ordinance, which can include a municipal civil infraction. She agrees with the separate ordinance suggestion, and noted that this issue is on the list of Planning Commission priorities for this year.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Discussion of Master Plan Chapter 7 partial

Woodward said she went through the Master Plan and pulled out the opportunities that the Planning Commission had identified that relate to action steps. Woodward completed the sections on economy, energy, fiscal sustainability (both community and household), transportation (both community and household), water and wastewater. There are still more sections she needs to go through and pull out the strategies. She wanted feedback on format, vision statement, policy statements, and strategies. The strategies have been divided into administrative strategies, regulatory strategies, and capital improvement projects. This way, staff and officials would look under “administrative strategies” for their tasks, zoning changes would be identified in “regulatory strategies”, and capital projects would all be in one section.

Bohjanen, regarding Page 111, list of acronyms for topic areas – he would like the full description for the acronyms to be more readily available while reading the strategies. Woodward suggested that she put “**Economic Development**” above the first occurrence of the words “**Strategy ED-1**” and “**Energy Infrastructure**” above the first occurrence of the words “**Strategy EN-1**” and so on. This format was agreed upon, while leaving the master list and the descriptions in the text.

The Commission discussed the vision statement. Mahaney questioned what “**built environment**” refers to – Woodward and Commissioners indicated that it pertains to anything that people have built or caused to be created, such as roads, utilities, parks, subdivisions, anything manmade and anything other than natural. Woodward felt that it was important to stress the word “**collaborations**” because that is essential to achieving anything in the Township. Regarding “**active, informed citizenship**”, there are a lot of strategies that deal with educating and engaging the public. Woodward felt it was also importance to work for the benefit of the Township and also the region.

Ventura felt that it was a good statement – he questioned the word “**inspiring**” – and suggested “**inspired**” instead. Change to “**...promotes collaborations between inspired, responsive leadership...**”. Sikkema indicated that they do talk about business environment in the Master Plan. So he wondered if something should be added to the Vision Statement. Add in bold “**... natural places, the built environment, the economic climate, and the people ...**)”

Page 106, Policy 4: “look at public places in ~~the~~ a new way ...”

The Commission discussed Policy 6 which encourages a more diverse revenue stream that is not dependent on property taxes for the Township. Meister wondered about the type of taxes – he is not in favor of income taxes. Woodward stated that income taxes were not discussed in the Master Plan – other options include special assessments, Corridor Improvement Authority district, etc.

Policy 7 – **Bullet #2**, Ventura suggested “*Create a more walkable and bike-able community*”. **Bullet #8** – Bohjanen questioned the “avoid strip, leap-frog, or sprawl development patterns” – he feels that in a township with as much area as ours, having isolated islands of minor commercial is not a bad thing. Sikkema asked Woodward where the statement came from – Woodward indicated it was part of the “Smart Growth Principles”. Bohjanen’s argument was that you will never have a “walkable community” that includes such places as Shot Point and Downtown Harvey. Sikkema indicated that the Township has multiple cultures – Harvey (somewhat urban) to extremely rural. It’s not a real homogenous community, and not all statements apply to all areas. For example, you can’t be a 100 percent walkable or bike-able community. Ventura also indicated there is a difference between a development like Kassel’s Korner that serves the Beaver Grove community and a strip mall. Kassel’s is community based/oriented and the other is not – the shareholders probably live elsewhere and you could end up with a lot of infrastructure problems and little return. Sikkema thought that this could be clarified per area in the Strategy portion. **Bullet #9**, Bohjanen thought it may help to add additional wording to the end of the sentence “...*conserve energy, encourage affordability, and promote neighborhood-serving commercial services*”.

Policy 8: Priority Decision Criteria – 14 listed. Sikkema mentioned that **Criteria 7** and **Criteria 12** both mention collaboration, but neither mentions consolidation. Woodward asked for clarification on what he meant by consolidation. Sikkema indicated that on a State level they try to consolidate efforts, so multiple agencies are not trying to attain the same objectives. Ventura mentioned you can consolidate human resources, but still maintain diverse facilities. Change **Criteria 12** to read, “*To what extent will the project or activity improve and increase opportunities for partnership, or consolidation of efforts or infrastructure, with other jurisdictions...*”

Policy 9: Woodward stated that she had been talking with Steve Lawry, Township Manager, and one of the things that he mentioned was that you may have to look at funding something when the funds become available, even if that particular project is not high on your priority list. Another thing Lawry pointed out was risk mitigation – if it involves improving the safety of something that we have, it should become a higher priority. Woodward stated that Lawry sees these as being additional criteria for recreational decisions. Ventura stated that funding availability and safety should be an over-arching concern no matter the nature of the decision. Woodward mentioned that safety is indicated in Criteria 4 of the Priority Decision Criteria. Addition to the title of Criteria 4 – “Strengthen Critical Systems and Public Health **and Safety**”.

Sikkema also pointed out that funding should not become its own criteria, because project decisions should be based on need, and not be driven by availability of funding. You should only look for funding for the things that are in the plan. Sikkema stated that he believes the purpose of the criteria is that you have 10 projects, and then find out you can get funding for #10, so then it moves to the head of the line. He doesn't feel you should start adding things to the plan just because someone will give you money for it.

Bohjanen indicated that the Recreation Plan already lists projects by priority for the next 5 years, with associated criteria. Woodward stated that in the Recreation Plan, projects are listed by the year that we would plan on doing them, but they are not necessarily prioritized. The general consensus was that a project that received funding would obviously automatically get moved up in importance. It was decided that **Policy 9** should be changed to: *"In addition to the Priority Decision Criteria, the criteria of the Recreation Plan apply to recreation decisions."* **Criteria 1 and Criteria 2 will be deleted.**

Woodward mentioned that Policy 10 should also be in the Recreation Plan. She will further research this, and if so, will restate Policy 10 similar to Policy 9. Otherwise, she will leave as is. However, Woodward indicated she does not know if every land acquisition decision is related to recreation and would therefore be included in the recreation plan. Ventura thought that Policy 10 could stay because it addresses land acquisitions. It was decided to leave Policy 10 in place – Ventura stated it may be unlikely that the Township will acquire land, but if there is an opportunity, there would be criteria in place. This criteria deals with "open space/natural area acquisition".

Policy 11 – Ventura asked Sikkema and Smith to explain how this policy about road capital preventive maintenance makes sense. Sikkema indicated that most capital maintenance is based not on age, but upon existing conditions and problems. Bohjanen asked about road ratings. Sikkema said the rating relates to road condition, and you're trying to keep them in good condition. Sikkema wasn't sure about the statement **"two years after the structural improvement"**. It depends on what you see. The concept of capital preventive maintenance was discussed. Ventura compared it to painting his older house as opposed to painting the new garage – this seems to be saying to paint the newly constructed garage and let the house deteriorate because it's older. Ventura asked if there had been studies that this was the most economical way to do this. Sikkema said yes, if you have limited funding. He said it depends on expected remaining life of the roadway. You wouldn't reconstruct a roadway that has 5 more years expected life. Instead, you'd keep the other roads from needing reconstruction, then reconstruct that one after the 5 years. Sikkema asked that Woodward discuss this with the Road Commission for better wording of this policy, and then present to Planning Commission again.

Policy 12 - Sikkema indicated that he would add one more bullet – **"Remaining service life"**. These criteria should also be explained elsewhere.

Ventura pointed out that Policy 11 is talking about preventative maintenance, and Policy 12 is talking about reconstruction.

Chocolay Township Strategic Plan – Bohjanen wondered about the meaning of “**Community Fiscal Sustainability**”, and asked for an example. Woodward stated it relates to the section on Local Government Financing.

Sikkema asked about “**Household fiscal sustainability**” and how it relates to the Township. Woodward stated that comes from Chapter 5 – the first section is household resilience. Commissioners felt that it isn’t something over which the Township has any control under the current governmental system. Woodward stated we could do education and support. It was decided to delete “**Household fiscal sustainability (FH)**” as a strategy category.

Strategy ED-1 – Sikkema asked what is re-localization. Woodward stated it was about strengthening the local economy. Ventura asked what is reskilling and indicated there is no such word as reskilling. On **Strategy ED-1.3**, change “**reskilling**” to “**retraining**”.

Strategy ED-1.7 – Sikkema is not sure that a government agency should be involved in creating local currencies – Ventura stated that it’s promoting a barter system – the US government is the only legal currency in the U.S. Meister also questioned the legality of this. Woodward discussed the concept of a “time bank”. Sikkema stated that unless they are claiming it as income, it’s illegal. Bohjanen did not think we could encourage a quasi-legal or illegal activity. It was decided that **Strategy ED-1.7** be **deleted**.

Strategy ED-1.11 – Business welcome packets – good idea. Sikkema wondered if CABA already does this. Woodward stated that CABA is not active right now. Leave **Strategy ED-1.11** as is. It was then brought up that CABA is mentioned in **Strategy ED-1.14**.

Strategy ED-1.14 – Since CABA is not currently active, Woodward suggested that “*In association with Chocolay Area Business Association (CABA) ...*” be replaced with “***In association with area business groups ...***”

Strategy EN-1.1 – Fuel fund – Sikkema wondered about the State already doing this with heating assistance. Woodward stated that this was more of a buffer for Township fuel use.

Strategy EN-1.2 – Emergency fuel resource – Sikkema noted this goes beyond governmental needs. Bohjanen noted the Township could sell fuel to these critical user groups. Sikkema said MDOT doesn’t keep fuel, but rather has agreements with other private providers to hold it in reserve for them. Change “*Establish ...*” to “***Arrange for ...***” an emergency fuel resource.

Strategy EN-2.3 – Milton doesn’t like this strategy. Bohjanen questioned use of “volunteers” – Woodward said staff won’t have time to do this. Ventura thinks there are programs like that already (Semco and power companies) to identify excess

energy use in buildings, and they include energy efficiency incentives (Federal, State). He doesn't know how you would get volunteers to go out and do those types of assessments. It takes equipment and training. It was decided that **Strategy EN-2.3** should be **deleted**.

Strategy EN-2.5 – Energy bonds – Public Act 270 gives the Township authority to issue bonds and special assessments to finance energy upgrades. Woodward stated that this Strategy just says to investigate the opportunity.

Strategy EN-2.6 – Discussed offering of tax incentives for renewable energy improvements. Gary Walker, Township Supervisor, indicated that he doesn't think we have the authority to fail to update assessments by ignoring improvements – there are strict State assessing guidelines. The Federal government does it through legislation. Mahaney said maybe it would just be a short-term delay. Woodward noted the tax increase might happen along with a future property sale when the improvements contributed to increased property values. Woodward will check with Township Assessor to see if we can legally do this.

Strategy FC-3 – Discourage short-term leases for long-term facilities. Bohjanen mentioned as an example that a long-term lease rather than a five-year lease would have been ideal for the Chocoley Community Farm, because you can't plant trees and expect to only have a five year lease.

Strategy TH-1.3 – *“Work with the City of Marquette ...”* change to ***“Work with nearby jurisdictions ...”***

B. Discussion of future land use and zoning

Woodward discussed future land use categories for the future land use plan, stressing the fact that this is not zoning, this is future land use. They don't have to be the same categories. She started with the character areas developed for the Master Plan Survey, which relates to current land use. Woodward suggested adding some “Mixed Use” areas to be consistent with the Master Plan, and possibly areas of “Mixed Density Residential” would include such things as single family, multi-family, etc. Smith asked if there was a current “Rural Residential” – Woodward indicated that we do not have a Rural Residential zoning district, but could incorporate that into the future land use. Woodward stated that the character map relates to what is already there, whereas future land use looks forward to what you want it to be.

The Commission discussed the purpose behind changing the zoning districts, such as consistency with the Master Plan, particularly the recommendation to add mixed-use areas and perhaps more commercial and industrial. They also discussed the purpose of the future land use map. Ventura said it makes sense to base the future land use map off the character area map.

Mahaney wondered about the end result – Woodward stated that it would guide the future zoning. He discussed a reactive approach as proposals come in. Mahaney doesn't agree with telling people what they can do with their property. Sikkema said

that's what zoning is – you are trying to protect property values. For example, people have to know what land uses might arise in the future so they feel their investment is protected. Woodward said that needs have been identified in the planning process, and we are trying to determine how to satisfy those needs. We have to be able to allow some development to occur. Sikkema said, for example, the Commission had discussed allowing neighborhood-serving businesses like Kassel's in other areas, but currently zoning does not allow it, and it might be beneficial to the community. Meister said a corner store is a good idea to support a walkable community, and they existed historically. The discussion resulted in the thought that foresight (through zoning) and buffering are important.

Woodward and the Commission discussed examples of future land use categories: Village mixed use (in the Harvey area with sewer, may see commercial with residential apartments above); Cluster mixed use (for example at Kassel's or the Varvil Center); Village residential (Harvey); Commercial/Light Industrial; Industrial; Primary working lands (forest and agriculture areas that may have homes at a very low density); Primary recreation; Rural residential; Sub-rural or Sub-urban residential. Sikkema asked what allows the future land uses to happen – doesn't zoning allow those land uses to happen? The number of future land use categories in relation to the number of zoning districts was discussed. To accommodate the future land use plan, you could either modify the zoning districts or modify the uses allowed in existing zoning districts. Mahaney wondered if this would increase the tax base. Woodward said that is one of the goals of the Master Plan.

Sikkema doesn't understand why we would redo zoning – there is no push.

Bohjanen stated there's a whole corridor that is not being developed because of restrictive zoning. A use may fit with our Master Plan and the location, but people have to go through a lot of hoops to accomplish that. Bohjanen thinks Woodward is trying to make it a simpler process, and the Master Plan says we should. He said when the zoning ordinance began, people zoned for the time, not for the future. Then they rezoned for the time, not for the future. He thinks Woodward is asking that they rezone now for the future.

Woodward said the Michigan Planning Enabling Act requires a Future Land Use plan and a Zoning Plan to be included in a Master Plan, whether we change the zoning or not. She was putting together a draft for the Joint meeting between the Board and the Planning Commission on Monday.

Ventura suggested the starting point be the character areas that relate to current land uses. Some residential areas may be able to be combined into one single-family residential land use.

VIII. UNFINISHED BUSINESS

None

IX. PUBLIC COMMENT

Woodward pointed out that there had been some written public comment received which was included in the packet. Sikkema encouraged all members to read the written public comment and consider them in deliberations.

X. COMMISSIONER’S COMMENT

Mahaney commented that when going through the Master Plan, it struck him that in the event of a natural disaster, the Township should consider assisting businesses that are essential to the Township, such as food storage, gas stations, etc. Woodward said she will consider this when putting together the strategies for that section.

Smith commented that UP Central Trails is a 501(c)3 organization that grooms snowmobile trails through grants. They groom from the Carp River to Chatham – the Chatham to Gwinn area has been under fire the past few years due to land control and changing ownership. UP Central Trails has been working with the DNR and the Forest Service to get a trail from Dukes, essentially down the old railroad grade that’s been abandoned by the Forest Service, come out at Mangum Road, cross Mangum, and head up Section 11. It’s all either State or Forest Service trail. Have been working on this since 2011, and finally have confirmation from the Forest Service. New trail will be built from Mangum Road (seasonal road) straight north to hit the existing snowmobile trail. This will be a north/south route connector for the snowmobile trails. No further comments.

XI. DIRECTOR’S REPORT

Woodward stated she had given the Planning Commission information on the Right To Farm Act Site Location GAAMP. This is given so that they can start reading for the discussion on agriculture regulations. The changes open up the door for our community to regulate some agriculture without being pre-empted. It’s going to be even more important to figure out what the community wants.

INFORMATIONAL ITEMS AND CORRESPONDENCE

- Planning and Zoning News
- Dees correspondence 5/26/14
- Mulcahey correspondence 5/26/14
- Right-to-Farm Act information

ADJOURNMENT

Sikkema adjourned the meeting at 10:00 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

SPECIAL MEETING
CHOCOLAY TOWNSHIP BOARD
CHOCOLAY TOWNSHIP PLANNING COMMISSION

June 9, 2014

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, June 9, 2014 at the Chocolay Township Office, 5010 U. S. 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 7:00 p.m.

PLEDGE OF ALLIGIANCE.

Planning Chair Andy Sikkema called the Planning Commission meeting to order at 7:00 p.m.

TOWNSHIP BOARD.

PRESENT: Gary Walker, John Greenberg, Max Engle, Mark Maki, Susan Carlson, Richard Bohjanen.

ABSENT: Judy White.

TOWNSHIP PLANNING COMMISSION.

PRESENT: Andy Sikkema, Tom Mahaney, Bruce Ventura, Eric Meister, Andy Smith (arrived at 7:25 pm), Richard Bohjanen (also on Township Board).

ABSENT: Kendell Milton.

STAFF PRESENT: Steve Lawry, Kelly Woodward, Mary Sanders.

AGENDA.

The purpose of the Special Township Board/ Planning Commission meeting is to discuss future land use planning and zoning, Chocolay Community Farm license, Recreation Plan project priorities, Open Burning, Junk and Blight Ordinance revisions and Planning Commission priorities and performance.

Engle moved Carlson seconded to approve the agenda as amended and move Assignment of Chocolay Community Farm License to the first item on agenda.

AYES: 6 NAYS: 0 ABSENT: 1 MOTION CARRIED.

PUBLIC COMMENT.

Amy Conover, Superior Sustainability introduced herself.

ASSIGNMENT OF CHOCOLAY COMMUNITY FARM LICENSE.

Trustee Maki had questions on identification signage for the Chocolay Community Farm. He also felt that this was an increase in intensity from the past use of one person planting and harvesting the entire parcel of land. He feels this should go to the Zoning Board of Appeals as a non-conforming use of the property.

Planning Director Woodward stated that if structures were added, it would need to go to the Zoning Board of Appeals. This is still being used as farming, so the use has not changed and there is no need to go to the Zoning Board of Appeals.

Carlson moved Bohjanen seconded to approve the proposed license agreement with Superior Sustainability, which is a project sponsor for the Chocolay Community Farm Collaborative, as presented.

AYES: 6 NAYS: 0 ABSENT: 1 MOTION CARRIED.

FUTURE LAND USE PLANNING AND ZONING.

Planner Woodward explained to the Board that the Planning Commission is at the point in the Master Plan that focuses on the future land use plan, which is meant to be a depiction of future (20 years or more) uses of land.

Township Board and Planning Commission discussion on future land use:

- This is a long range look at zoning and we need to decide if we want to make changes in zoning or keep status quo.
- Comments from the majority of Township residents have been to preserve the rural character. There does not seem to be a large push for additional commercial.
- This is the struggle the Planning Commission faces; residents would like to see some commercial growth on M-28 and U S 41, but not change the rural feel of the Township.
- Do realtors inform us that they hear of a need for more commercial property in the Township?
- Items that discourage business in Chocolay are the size and shape of available parcels, zoning, and infrastructure (lack of a water system).
- Plan for places to allow a small amount of change, which is inevitable unless you chase it away. This is needed to support revenues.
- We should look at allowing multi-use in the existing commercial district. Allow a business on the bottom floor of a building with apartments above. Also multi-family development in the sewer district.
- Comments from the survey show a wish to retain young people and retain retirees looking to move out of the family home. This would require more apartments/condos and a zoning change.

- The City of Marquette takes a proactive approach to attract young people, such as providing transportation options.
- Clusters of small businesses supported by the residents that live nearby can be considered.
- Light industrial needs to be looked at before it happens on its own without forethought.
- Form based zoning could allow Commercial and Light Industrial in the same building near residences. This supports businesses with increased activity. It's about progress that won't change character.
- We need to control the area for an Industrial Park off a major road. See how other communities are creating these areas.
- There are different scales and types of industrial activity. Fraco is a great example of Industrial near residential. It is very well buffered.
- Revisit the Future Land Use map of the 2005 plan to determine changes.
- Government is not a great economic developer; it should be driven by the private sector.

The Board consensus was for the Planning Commission to continue to look at Mixed Use Zoning.

RECREATION PLAN PROJECT PRIORITIES.

A Recreation ranking document for the Master Plan was presented. The Board has a deadline of July 21, 2014 to make comments on the Recreation Plan Project Priorities; the comments will be forwarded to the Planning Commission for the August 4, 2014 meeting.

OPEN BURNING, JUNK AND BLIGHT ORDINANCE REVISIONS.

Supervisor Walker presented a suggested Outdoor and Open Burning Ordinance for Chocolay Township. The thought is to have a separate Ordinance dealing with Outdoor Burning separate from the Zoning Ordinance. Public Safety, Police and Fire Departments would handle the enforcement.

Township Board and Planning Commission discussion on an Outdoor and Open Burning Ordinance:

- Will campfires be allowed at the M-28 Turn outs or just private beaches?
- Buckets could be available at the turn outs for extinguishing camp fires.
- Contractors have difficulty disposing of large stands of trees from excavating at building site.
- We could add a clause that would allow commercial burning by conditional use permit in AF district on large parcels where it would not disturb the neighbors. Buffers are more important than the parcel size.

The Board concurred to add language to the ordinance to include our Police Department and Fire Department for enforcement, to allow camp fires at the M-28 Turn Outs and to add wording to allow commercial contractors to burn logs taken from development sites. This will appear on the Township Board June 16, 2014 agenda and will then be forwarded to the Planning Commission.

Township Board and Planning Commission discussion on Junk and Blight:

- The current Ordinance allows any number of vehicles on a piece of property as long as they are licensed. There is a forever license plate that can be purchased for \$75.00 and can stay on a vehicle forever. This could cause problems to our ordinance as it stands.
- Cargo trailers are also becoming a problem and are not addressed in the Ordinance.
- Damaged and deteriorated structures also need to be dealt with. How long should a non-functioning building be allowed to stand? Should we consider demolition permits to help control this?
- This ordinance is hard to enforce. We need to make it easier to enforce.
- How many times have we gone to court over vehicle issues? The Board needs to see photos of situations that the Ordinance does not address. Bring a list of specific problems pertaining to this Ordinance to the Board before we can move on this issue. This might include the storage of multiple RV's on a property, multiple licensed trailers and vehicles, etc.

DISCUSSION OF PLANNING COMMISSION PRIORITIES AND PERFORMANCE.

Andy Sikkema, Chairman of the Planning Commission said they are trying not to take on so much, so they may not be able to take action just because someone asks in public comment. He presented the following priority list to the Township Board.

- 2014 Recreation Grant application
- *Finish the Master Plan update*, including prioritization of projects
- Finish unfinished proposed zoning ordinance amendments
- Reconsider the "Accessory Homesteading Activities" regulations after evaluating public input
- *Junk car and blight ordinance updates*
- Asset Management Plan for Township roadways
- Consider need to amend burn regulations
- Necessary updates to the Lot Split and Land Division ordinances

Comments made by the Township Board to the Planning Commission:

- The Planning Commission should address Private Road regulations. There are concerns about allowing four lots off one private driveway, even with the 66' easement requirement. There are no construction requirements. This is a safety

issue for Police and Fire emergencies, especially when properties are not appropriately addressed.

- Homes on private roads should have fire numbers.
- The Commission discussed concerns relating to seasonal rentals and site plan review not having a provision to notify neighbors.

Supervisor Walker thanked the Planning Commission for their thoroughness and consideration of issues. He very much appreciates their hard work. The Board agreed with his comments.

PUBLIC COMMENT.

Karen Alholm, Zoning Board of Appeals member introduced herself to the Board. She is running for County Commission District 6 (vacated by Greg Seppanen).

Tom Mahaney, Planning Commission member commented that we cannot get the Third Street business feel in Chocolay Township due to traffic speed on the business corridor.

Supervisor Walker adjourned the meeting at 9:45 pm.

Max Engle,
Clerk

Gary Walker
Supervisor

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, July 7, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:32 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Tom Mahaney

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

June 2, 2014

Motion by Ventura, seconded by Milton, to approve the minutes as written.

Vote Ayes: 6 Nays: 0 MOTION CARRIED

June 9, 2014, Special Meeting Township Board and Planning Commission

Motion by Meister, seconded by Smith, to approve the minutes as corrected. Page 3, last bullet, change the word "that" to "than".

Vote Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, seconded by Ventura, to approve the agenda as written.

Vote Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – Commenting on the proposed burn ordinance. She thinks the Township really needs to educate the public, visitors, and part-time residents. She suggested the following considerations: Section 2.1 – she perceives a problem with this section related to bonfires used to cook food. Section 4 – there are differing perceptions of "small" in relation to the definition of "campfire". She thinks differing officer perspectives will lead to enforcement difficulties so "small" needs to be defined. She said construction and demolition waste can't be burned according to State law. Section 4.9 – she feels it's hard to quantify nuisance fires in relation to odor because of differing perceptions. Section 6 – Public Act 102 of 2012 is very restrictive regarding burning of refuse. Section 6.2.5 and 7.1.7 – she thinks there's a problem with defining "competent" person. Section 7.1.3 – she thinks we should add that visibility won't be impacted on trails. Section 11, Liability section – should add the word, "person STARTING, . . . a fire". Section 12.1 – it should not read "his/her", it should read "their". Section 12.2 – How do you determine the application of a minimum vs. maximum fine? Section 12.3 costs – enforcement costs will be extensive, and often greater than \$500. She thinks the recovered costs should be reflective of true costs, based on hours

involved and salary/benefit levels, so the community doesn't incur the costs. She said the Planning Commission should again consider differences in the location of "front yard" for lakeside residences and the relationship to appropriate regulations.

Dick Arnold, 312 West Branch Rd – Was happy about the disappearance of the crane from the Hotel Place property. He encouraged the Planning Commission to protect residential areas. The house is most people's biggest investment.

Laurie Krzymowski, 741 Lakewood Lane – She expressed her negative experience with a bonfire of leftover building materials, brush, and refuse at a neighbor's house. She said the fire was 12 to 14 feet tall and 10 feet in diameter, burned for three days, and was not extinguished by the property owner. The police weren't able to ticket the property owner based on current regulations that classified it as a campfire. She showed pictures of what she does not consider to be a campfire, and noted the special risk of fire reaching the tall pine trees and beach grass. She thinks the police should enforce a size limit for fires that is related to the typical size of a fire ring, or human size (campfires should not be taller than a person). She said people can cut their fuel to be of more reasonable size. She noted the risk of injury to people walking the beach where fires are not fully extinguished, especially since the local hospital does not have a burn unit. She thinks people that have unattended fires should be automatically ticketed, and that recreational burning should not be allowed between 1:30 am and 7 am.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Open Burning Ordinance

Woodward said the Township Board has reviewed the proposed ordinance. They asked the Planning Commission to review the ordinance, hold a public hearing, and submit recommendations.

Sikkema asked Woodward to clarify the role of the Planning Commission in relation to a public safety ordinance such as this, as opposed to the Zoning Ordinance. Specifically, he asked if the Township Board can approve this ordinance without Planning Commission input. Woodward said she was not sure, but the Board has asked for Planning Commission input. Gary Walker, Township Supervisor, said that as he understands Township history, the Planning Commission reviews all proposed ordinances. He said the Board does not have to hold a public hearing on the ordinance if the Planning Commission holds a hearing. Ventura asked why the Board isn't conducting the public hearing if they are the ones approving the Ordinance. Walker said, "for the same reason the Planning Commission holds public hearings on zoning amendments, which are also approved by the Board." Walker said the Board can hold a public hearing, but doesn't wish to. He clarified that there is a requirement that a public hearing be held, but it can be held by either public

body.

Meister asked for clarifications about the permit process, and what constitutes a permit. Sikkema noted that it's like "permit by rule" – the permission to burn is granted by the DNR by a posting on their website. It is not necessary to submit an application, and no one is issued a written permit. Woodward noted the DNR permit only applies to open burning of leaves, brush, trees, and other vegetation. Sikkema clarified the permit also does not apply to recreational campfires or bonfires.

The Planning Commission reviewed the marked-up version with Planning Director comments – the marked-up version is based on the text as approved by the Board to send to the Planning Commission, and also contains modifications suggested by Woodward. All of Woodward's modifications were accepted except as noted hereafter.

The Commission discussed the definition of "campfire" and the public comment received. Bohjanen said he agrees with public comment on the concept of size, and he doesn't understand what a "small bonfire" is, when by definition a bonfire is a large fire. Sikkema said he can see why location would be relevant in relation to size of fires. Bohjanen said if you are going to allow campfires without a permit, a size limit seems reasonable. Sikkema asked if this would relate to the size of the flame or the size of the fuel pile. Bohjanen was more concerned with diameter than height. Ventura said the height of the fire will depend on the fuel, and fires of the same diameter may have differing burn heights. He thinks that if we implement a size limitation, it should be easy to measure and enforce. Walker said a campfire does not require a permit under State law. He did not find a size limitation in any model ordinance. He does not think the term as currently defined will present a problem to legal defense in Court. He thinks there are ways for officers to distinguish between recreational fires and those meant to dispose of materials, which are both allowed under the ordinance, but one requires a permit. The ordinance also says fires must be attended. Sikkema asked if the Commission wanted to better define the size of campfires, or trust to discretion. Milton said his definition of a campfire is something you can be close to and cook over. He thinks police or other public officials would be similarly able to distinguish a campfire. Meister was in agreement with this. Bohjanen said he agreed as long as Section 7.1.5 is modified to delete small bonfires as follows, "Outdoor campfires ~~and small bonfires~~ for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance." This change was accepted by the Commission.

Pages 1 and 2 were accepted without change. Sikkema questioned if the definition of nuisance fire would allow someone to complain about any smoke, even smoke from clean wood, as a nuisance. It was agreed that this could also be left to the enforcement officer's discretion, and was noted that the materials that would cause a nuisance are prohibited for burning.

The Commission discussed the new prohibition on open burning of refuse from a

commercial or industrial establishment and supported it.

Sections 6.2 and 6.3 are identical to the current provisions of the Zoning Ordinance, and no changes were made to these sections.

Section 7.1.3 – the Commission considered adding trails and public beaches to those areas where fires shouldn't create adverse effects such as health or visibility hazards due to wind and weather conditions. They discussed whether DNR restrictions are sufficient to protect against these nuisance impacts, and whether or not this should be enforced by the Township. Walker said the DNR doesn't enforce their restrictions. This provision enables the Township to enforce sensible restrictions related to local wind conditions. Smith suggested eliminating the words "on roadways or railroads" so the provision will be encompassing of all areas, including trails and public beaches. The provision was changed as follows: "All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard ~~on roadways or railroads.~~"

Section 7.1.4 – regarding the provision that burning take place only on the property on which the materials are generated. It was interpreted that this means you could not remove materials from one property and burn them elsewhere. This is a difficulty for excavators. Bohjanen said there had been some discussion of amending the zoning ordinance to allow this type of burning in some zoning districts. He suggested deleting this provision. If this type of burning was conducted, the nuisance provision would address it. Walker said this provision was not intended to address the burning of materials from excavations, it was meant to assist in limiting the size of burning that would typically occur. For example, it would not allow someone to combine materials from his neighbor's property with his own materials, resulting in a larger burn. Sikkema thought it would be difficult for a police officer to determine where the materials come from. Meister said his neighbors ask to burn their Christmas trees on his property where it's far away from other homes. Smith said there are other properties where larger burns could occur without being a nuisance. The Commission agreed to delete Section 7.1.4.

Section 7.1.8 – regarding no burning on the ice of a lake, pond, stream, or waterbody. Smith asked about the impact of this provision on people who are out ice fishing and have a small campfire. Ventura asked if the DNR addresses this issue. Smith suggested taking out that part of the provision. Meister said you could prohibit this except for campfires. Woodward will reword this to except campfires from the prohibition to burn on the ice.

Sikkema said Section 10 means that if you're going to burn anything that's not in a burn barrel, or a campfire, or a fire in your house, you have to get a permit from the DNR. This was acceptable to the Commission.

Section 11 – Liability. Woodward reminded the Commission of the public comment on this item. Ventura said arson would become a civil infraction instead of a felony.

Sikkema asked Walker about liability costs – are these liability costs to the Township, or does this get the Township involved in private matters? Walker said this provision would not make us a player in private matters. You could sue your neighbor for starting your field on fire, and this provision of the Ordinance would probably assist you in doing so. Sikkema asked if this would obligate the Township to assist in private liability matters. Ventura made the point that if a firefighter was injured on the job, that's not a cost of fire suppression, but it's still a government-related cost or liability that the person starting the fire should be held responsible for. Sikkema said he has no problem with the Ordinance enabling the Township to recover their costs, but doesn't think that should extend to a civil matter between two neighbors. Ventura agrees, but doesn't think this should be limited to fire suppression costs. Walker suggested a change to add one word, "and any other TOWNSHIP liability". This change was accepted.

The Commission discussed Section 12.2, minimum and maximum fines and the public comment. Sikkema asked if this is common in Township ordinances. Walker affirmed you can have either a set amount or a range. The judge has the discretion to levy a fine within this range. The police issue a citation of violation, but the judge determines the fine amount. Woodward said her understanding of the public comment was that the speaker thought the fines should better reflect true costs. Walker said this section is not related to cost recovery. It's a penal fine. Cost recovery would come under another action. Walker said he thinks the most common violation will be unattended fires.

There was no further discussion.

Bohjanen moved, and Milton seconded, to accept Ordinance #59, the Charter Township of Chocolate Outdoor and Open Burning Ordinance, with modifications, and to hold a public hearing on this proposed ordinance at the August meeting.

Meister asked about the approval process, and what would happen if the Board changed the proposed ordinance after the public hearing, and if another hearing would be needed. Walker said an additional public hearing would only be needed if a fundamental change was made. Walker said with the good changes the Planning Commission has made, he wouldn't anticipate such a change from the Board. Woodward said the Township Manager anticipated the public hearing would be held at the Planning Commission meeting in August, and the Ordinance would be before the Board for a first reading in August.

Vote Ayes: 6 Nays: 0 MOTION CARRIED

B. Amendment of Zoning Ordinance – remove open burning provisions

Sikkema explained that this agenda item is to vacate portions of the Zoning Ordinance that have been proposed to be moved to Ordinance #59, the burn ordinance.

Bohjanen moved, and Meister seconded, to delete Section 6.5(D), items 1-3, from the Zoning Ordinance, to send it to the County for review, and to hold a public hearing on this zoning amendment at the August Planning Commission meeting.

Vote Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Discussion of Master Plan Chapter 7

Woodward said she had highlighted the new portions of Chapter 7.

No changes to pages 108. Page 109, delete the bullet, "Avoid 'strip', 'leap-frog', or 'sprawl' development patterns which promote inefficient use of land and energy resources," as being contradictory to the next bullet, "Promote compact or cluster development patterns that preserve natural and recreation areas, conserve energy, encourage affordability, and promote neighborhood-serving commercial services". Allowing some development in other portions of the Township, such as Beaver Grove, might be interpreted as leap-frog development.

Page 110-111, and 113-114 no change. Page 112, switch Priority 3 Energy System and Priority 4 Public Water Supply System. Order of priority is now #1 Sewer, #2 Roads, #3 Public Water Supply, and #4 Energy.

Page 115, Strategy ED-1.2, change the word "reskilling" to "retraining".

No changes to pages 116-117. Page 118, Strategy GN-4, change the first "and" to "as". Page 119, Strategy NS-3.1, change the word "basic" to "basin".

Sikkema asked about the purpose of strategy LU-1, "Work with area experts to plan for the future management or replacement of jack pine areas". Woodward said that the jack pine represents such a fire hazard, and her thoughts were that any time a jack pine area was harvested, the Township should try to work with the owner to see if something else could be grown, especially if the climate continues to change.

Page 120, Ventura asked about Strategy PS-1.1, "Prepare and distribute educational materials regarding the importance of conspicuously posting addresses to facilitate timely emergency services". He asked why the posting of addresses is not required. Woodward said she thought the Township has an address ordinance that covers this, but it may not be enforced. The Board had discussed utilizing fire numbers, but it was determined to be too costly. Ventura is concerned about the instances where several homes share a driveway, making it hard to find the right home in case of emergency, especially at night. Ventura just thinks more should be done to ensure posting of addresses.

Sikkema asked about placemaking Strategy ED-3.6, "Ensure that regulations support the development of a four-season resort in appropriate areas of the Township." Meister said he's fine with the idea, but if this is commercial, could this be considered spot zoning? Woodward said it could be accomplished by Planned Unit Development (PUD). Page 125, Bohjanen asked about Strategy FS-2.5, "Amend the zoning ordinance to allow food marketing and distribution facilities (mobile or fixed) with appropriate restrictions in all districts." He wondered about "ALL" districts. Woodward said some districts might only allow mobile vendors, for instance. Woodward said the idea is to bring the essential food closer to neighborhoods. Bohjanen is ok with this since it says "with appropriate restrictions". Woodward said

the restrictions would be determined in the zoning amendment process. Sikkema asked about enhancing the capacity of water storage, and if that would involve dams. Woodward said no, it would involve watershed strategies to slow flow, preserve floodplains against development, etc.

No changes were made to page 120-130. Page 131, Strategy EN-4, change the word “probably” to “probable”. Strategy FS-1.7, change the word “City” to “Township”. Unused headers will be removed in the final draft. No changes to pages 133-137.

IX. PUBLIC COMMENT

Laurie Krzymowski, 741 Lakewood Lane – She told the Commissioners “thank you”.

X. COMMISSIONER’S COMMENT

Ventura will not be able to attend the next meeting. Meister suggested send out fire safety information, especially to those living along the Lake, to highlight the importance of extinguishing beach fires so they don’t injure people walking on the beach. Bohjanen said that a fire in the vicinity of Lakewood Lane might have the most economic impact, however, in terms of fire suppression, fires on inland properties south of M-28 might be much more difficult to contain and might burn much faster because of fuel load and lack of water supply. Sikkema mentioned that the lake bottom (high water mark) is public property, so one issue is like a fire in a park, and the other is fire on private property. Walker said there will be publicity for the ordinance changes, especially that you cannot have unattended fires, and that fires must be extinguished.

XI. DIRECTOR’S REPORT

Woodward said the next meeting will involve reviewing the future land use plan and other appendix maps and information.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning and Zoning News

Attorney correspondence of July 7, 2014, regarding the Chocolay Community Farm

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 4, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Tom Mahaney, Kendell Milton

Members Absent: Richard Bohjanen (Board), Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

July 7, 2014

Motion by Milton, seconded by Mahaney, to approve the minutes as written.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, seconded by Meister, to approve the agenda as written.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – She thinks the Township really needs to concentrate on educating the public about the new burn regulations and the reasons behind them as this could alleviate many issues. She appreciated the FireWise information she received in a Township mailing. Mulcahey helped to educate a citizen who was burning dune grass. The citizen removed and was burning the dune grass because there wasn't enough beach. Mulcahey told her why the dune grass is important to stabilizing the dunes, and the citizen thanked her for the information.

V. PUBLIC HEARINGS

A. Draft Ordinance #59 Outdoor and Open Burning Ordinance

Deborah Mulcahey, 633 Lakewood Lane – She supports the ordinance and thanks the Commission.

B. Zoning Ordinance amendment #ZA001-14, deletion of Open and Outdoor Burning of Refuse and Brush regulations from the Zoning Ordinance

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Draft Ordinance #59 Outdoor and Open Burning Ordinance

Milton suggested a change to the definition of "refuse". Insert words in bold,

“Refuse’ means any **combustible or solid** waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.” The Commission accepted this amendment to the draft. There were no other changes.

Milton moved, and Mahaney seconded, that after holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve Ordinance #59 Outdoor and Open Burning Ordinance as changed.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

The Commission discussed various ways to provide education. Mahaney was particularly concerned about education for new residents. Woodward suggested materials to be distributed in the Township office and on the website. She noted the Township has also distributed information along with assessment mailings to property owners. The notice of ordinance adoption will also be published in the newspaper. Mulcahey suggested placing a notice on the Township sign.

B. Zoning Ordinance amendment #ZA001-14, deletion of Open and Outdoor Burning of Refuse and Brush regulations from the Zoning Ordinance

Sikkema explained that this agenda item is to vacate portions of the Zoning Ordinance that have been proposed to be moved to Ordinance #59, the burn ordinance.

Meister moved, and Smith seconded, that after holding a public hearing and considering public input, and notifying the County Planning Commission of the proposed change, the Planning Commission recommends that the Township Board approve the deletion of Section 6.5(D), items 1-3 pertaining to open and outdoor burning from the Township Zoning Ordinance because a separate public safety ordinance has been drafted to address these issues.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Discussion of Future Land Use for the Master Plan update

Woodward explained the maps and descriptions that were included in the packet, and asked if there were any questions.

Sikkema expressed the thought that people live in Chocoday Township because of how it is, and said if we start expanding then people may not want to live here anymore. He said our existing mixed-use areas work very well, but he is cautious about opening it up in other areas. Mahaney said people live out here because they don't have the hustle/bustle of Marquette. Sikkema said people accept the inconvenience.

Meister asked for clarification on whether Sikkema is referring to the added uses in the AF district or the proposed clustered mixed-use. Sikkema said the corridor mixed-use makes sense, because they want redevelopment and it's not happening on its own. The existing commercial zoning may be restrictive.

Woodward explained that the only areas on the map representing newly proposed mixed-use are the M-28/Kawbawgam Road intersection (although the area currently

has a casino, apartment, and campground), CR480/Cherry Creek Road intersection, and a few larger parcels just east of the golf course which could be used for commercial uses that don't require large amounts of water. The areas designated for mixed-use expansion that already contain a mix of uses include the Beaver Grove area between CR480/Basal Road and Mangum Road, the area around the Varvil Center, and the area on Main Street between the condos and the multi-family development at Hotel Place, and including the Bayou Restaurant. This could be a small scale neighborhood mixed-use area.

Woodward urged the Commission to keep the principles in mind that were outlined in the Master Plan update, such as the value of having mixed-use nodes within walking distance of neighborhoods to better serve residents. This future land use map was intended to address that issue.

Sikkema said he thinks it's too much, too far out, and the public survey indicates people value rural character; too much commercial in more remote areas moves away from that.

The Commission opened this item for public comment.

Deborah Mulcahey, 633 Lakewood Lane – Said she appreciates her location in proximity to products and services, and the fact she doesn't always have to go in to Marquette. She does miss the ice cream store that was located at the corner of US41 – she thinks people liked this because the Township is a vacation area. She doesn't like to see the spread of industrial uses because everyone utilizes wells and septic systems, so we'd have to be mindful of the types of businesses that were going in. She understands the need for balanced growth, but retaining rural character is important to her. She supports mixed-use in the core since the buildings are already there, as long as the water and sewer system is capable of handling the development.

Gary Walker, 765 Lakewood Lane, said his assumption is that much of the US41 corridor is not zoned for residential. He understands and agrees that opening residential neighborhoods to mixed use creates potential sprawl problems, and may change the character, but zoning the US41 commercial corridor for a mix of apartments and commercial won't hurt the nature or character. He thinks it may enhance it. He said one of the problems we have is that there is a fair amount of underdeveloped or undeveloped land along the corridor. If something new came in, he would much prefer small shops with apartments than a large plot with storage buildings. This will help the character of the corridor.

Mulcahey said apartments above businesses would appeal to a certain demographic. She thinks storage uses would be appropriate if they are not the first thing people see coming in and out of the community. They should only be incorporated behind other uses or behind a vegetated buffer but not fences.

Dick Arnold, 312 West Branch Rd – He said the Commission should zone it to allow more uses and let the public determine what goes there. You can't dictate where a business will be successful. If you zone for a mix of uses, then the developers can decide what to build.

Sikkema asked Commissioners for their thoughts.

Mahaney suggested implementing the mixed-use along the corridor and keeping the other areas the way they are. If the development is concentrated there, it might force some redevelopment of blight.

Meister doesn't think mixed-use would be well accepted by the public at the Cherry Creek/CR 480 intersection. He thinks the Village Mixed-Use area might be a little extensive for the immediate future, but he can see how that could fill in with mixed-use in the future. He thinks the mixed-use zoning should be implemented in a smaller area (not all the way to Ortman and not so far out on M-28), but plan for the mixed-use to grow as the need grows. Perhaps show the future expansion in hashed red.

Smith is in agreement. He thinks some change is needed to accommodate developers and simplify the process. He watches the businesses struggle in the Moyle development, as evidenced by vacancies, and he thinks if they could have apartments above it might help the viability of the development.

Milton asked for clarification on where the Commission wants to keep the mixed-use designation. He asked how far back the mixed-use area would extend from the corridor? For the large parcels, is there a way that only a portion of the parcel could be mixed-use? He would like to see mixed-use next to the Class A highway.

Woodward reminded the Commission that the future land use plan is meant to address land use as much as 20 years into the future. The implementation through zoning ordinance changes can be phased. This will be outlined in the zoning plan. She said she incorporated the outlying parcels in the Village Mixed-Use area because they offer the only opportunity for development requiring larger parcels.

The Commission discussed each proposed mixed-use area, starting with the neighborhood mixed-use area at Kawbawgam. This was intended to include a mix of commercial, medium density residential, civic, and institutional uses near neighborhoods, but not industrial. Commissioners discussed what types of commercial uses might choose that location. Sikkema said M-28 and US-41 are the gateways to the community, and you want to present yourself as a nice residential, rural township. If people see warehouses and mini-storage businesses, they will think that's what the community is. For example, Marquette Township is perceived for the big box retail, not the rural landscapes on the way to Big Bay. He thinks the public perception is created by what they see on the corridor. Mahaney said this is a small frontage of M-28 that would be mixed-use.

Sikkema would want to see more rural residential because it's a scenic area along M-28. That's what people see and how the Township presents itself; people like it. He doesn't want that area represented by storage buildings and contractor yards (other areas are more appropriate). Mahaney reiterated the benefit of starting with the Village, because the businesses feed off each other. There are positive benefits of condensed mixed-use. Meister said it would be nice if they could accommodate a neighborhood convenience store, such as in the old bank building. It would serve

the community and not have a negative impact. Sikkema asked if that could be done through a PUD. Woodward said the minimum lot size requirement might need to be changed. She said the other option is to make a mixed-use building a conditional use in certain districts. Then it might go anywhere that meets the conditions. Sikkema said that's a good thought to implement the mixed-use. Woodward reminded the Commission that their task is to determine which uses are appropriate in the location, but not yet what mechanisms will be used to achieve those land uses. That will be outlined later in the zoning plan.

There was not much support for mixed-use at the Kawbawgam Road area or intersection of CR 480/Cherry Creek. Since the area adjacent to Lion's Field is already mixed-use, that was supported. The Commission discussed the Beaver Grove area. Sikkema said right now needs are met by the current zoning, which is mostly residential with some spot zoned commercial that is grandfathered. Smith and Mahaney said the area is actually mixed-use now. Sikkema said now you have chunks that are zoned exclusively residential, and this would open it up to commercial uses going in next to residences. If nothing is changed, then the commercial would be limited to existing parcels. Meister said that until municipal sewer and water is available he can't imagine much expansion. Smith said the water issue limits development east on M-28.

The Commission discussed water-oriented residential land use, which is mostly the same as the existing Waterfront Residential zoning district with the designation to include the addition of some river-front parcels. Milton asked about taxes on waterfront property. Mahaney said he likes the idea of vacation rentals along there – it's a good use. Accessory dwelling units were discussed. Sikkema is not in favor. Meister said it should be discussed, and the conditions established, before he makes a decision. Home rentals were discussed. Milton said it would be limited by the ability to have sufficient septic. Woodward said these properties were labeled as such on the future land use map because that's what they are – residential uses that have a special relationship with a water feature.

No changes were made to Village Residential, which is basically the same as the existing R-2 zoning district. Sikkema pointed out the allowance for accessory dwelling units. Woodward said that currently the R-2 zoning district is the only one that does permit duplexes.

The Commission discussed the neighborhood residential future land use map and description. Woodward said it basically mirrors the current R-1 zoning district, with a couple areas allowed for expansion near CR480 and Cherry Creek Road. Sikkema said the use changes include accessory dwelling units and farming activities. Woodward said the designation is based on a residential neighborhood character of existing development, and vacant areas that would be compatible. Sikkema said he has a neighbor with two roosters that are like barking dogs that go from three in the morning to ten at night.

The Commission discussed corridor residential. Woodward pointed out a possible need for minimum lot width requirements that would meet good access management standards. This would only apply to new parcels. However, it's just a small part of the Township, and most parcels are already created. The Commission decided to include these parcels in the R-N (residential neighborhood) designation.

The Commission discussed the R-R designation, and whether there is a need for this, or whether they should stay in the AF district. Sikkema discussed an area of Washtenaw County that had been divided into five acre parcels, which ended up being hard to service because development wasn't concentrated, and just created sprawl. Woodward said her intent was to preserve the rural feel of those parcels that weren't located on major roads but were near existing neighborhood development. This future land use was not changed.

The Commission discussed the primary working lands category. Sikkema asked Woodward about changes from the current AF district zoning designation. Woodward pointed out she had created some criteria by which the Commission might allow other uses on smaller lots by special review in that future land use area. She had also tried to allow for smaller hobby farms under certain conditions. This proposal was discussed. The Commission decided not to allow division of primary working lands into smaller hobby farms even under restricted circumstances.

Smith discussed the need to have another district to protect the people who live on smaller lots in the AF district (such as Foster Creek) and shouldn't have to live next to farms. Woodward said she did include the Foster Creek neighborhood in the R-R future land use category. Smith said he thinks regulations are needed to protect these parcels that are in the AF district but don't belong.

The Commission discussed the proposed description for other uses allowed at greater density, and whether the density was achieved through smaller lots of conservation development. Woodward said it might be beneficial to allow some farm-related or farm-compatible uses on smaller lots so that more land is left for farm use. The current zoning ordinance provisions for Rural Cluster Development subdivisions, consistent with the Open Space Preservation zoning allowed through the Michigan Zoning Enabling Act, was discussed. Mahaney asked if there was a minimum lot size requirement for that type of development. Woodward said this would be necessary since the area is served by wells and septic. Woodward said the Commission could consider differing standards for planned unit developments in different zoning districts. Planned unit developments and the open space preservation method and associated benefits were discussed. Woodward said she could adjust the future land use map to reflect their ideas and come back with suggestions for implementing them.

Mahaney moved, Sikkema seconded, to have Woodward streamline the future land use map in relation to their comments, and present it at the next meeting.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – She appreciates that the people that are here represent the older generation and are mindful of aging in place. But she thinks we really need young people here to talk about what's happening in the Township in the

future and what they want. The people that are here know what they want, but don't know what younger people need. She wants the Township to stay away from sprawl development. The area by Lakestate Industries by Lion's Field looks like a dump and is not welcoming to Chocoday Township. She discussed a couple of concepts in the proposed language for water oriented residential land use. The former planner sent letters to people known to have rental properties, and it was helpful with alleviating nuisances. She is happy to see customization of fence regulations for waterfront properties. She hopes the statement about preservation of views applies to the "lake side", not the "non-lake" side, so that trees on lake front lots can be preserved. She thinks the intersection of US-41/M-28 is dangerous and she avoids it. She doesn't agree with the Planning Commission's approval of the Holiday Station plans to close the north driveway but leave the south driveway open. She thinks there is a need to create a narrow public easement for people who don't live on the lake to access the lake without going through private property.

Dick Arnold, 312 West Branch Rd – He thinks it would be nice for the public to be able to see the map so they know what the Commission is talking about. He lives in the AF district which he said has 841 parcels totaling about 8,000 acres. 512 of those parcels are nonconforming because they are under 20 acres. In those 8,000 acres he said there are five parcels where beef or milk cows are raised. There are about four parcels where only crops are raised. There are 15 to 20 parcels where people have horses for recreational purposes. He thinks we should zone the existing farm parcels for agriculture, and not the rest, because it's expensive to clear land. He is concerned about the size of accessory buildings that people can put up in the AF district. They can be too large. He thinks we need to protect the people who have smaller parcels. He doesn't think a racetrack is proper as a conditional use next to small parcels. He thinks it will be hard to find land to divide into 20 acre parcels.

X. COMMISSIONER'S COMMENT

Smith said he would like the Master Plan to explore getting the nonconforming parcels in the AF district into a separate zoning district to protect people on smaller lots from having large pole barns ruining the character of residential subdivisions such as Foster Creek.

Sikkema would like to have a report of zoning enforcement complaints and actions presented at each meeting, called the zoning enforcement activity report.

Mahaney revisited the Holiday Station site plan review. He did not feel he had enough time to study the highly technical issue and look at all the options. He asked if things could be tabled to the next meeting when he wants to look at things in more depth. Sikkema said anyone can propose to table an issue. Woodward noted that businesses will not look favorably on delays. Sikkema reiterated that the driveway that will be closed is the one where the crashes occurred. The decision was further discussed.

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Correspondence from Commissioner Richard Bohjanen regarding future land use plan
Planning and Zoning News

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:15 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 8, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Tom Mahaney (arrived at 7:33 p.m.)

Members Absent: Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

August 4, 2014

Motion by Bohjanen, seconded by Meister, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 Abstain: 1 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Smith, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

A. Rezoning Application ZA002-14, 118 West Wright Place, PID#52-02-106-043-80

Woodward explained that this was a request to rezone this residential property (meaning this property is in residential use) from commercial (C) to Residential 2 (R2) zoning. This property has a history of bouncing back and forth between residential and commercial zoning. This property started out as residential, and was rezoned to commercial in 1998. This is causing difficulty in selling the property. This is a small lot of approximately 17,425 SF, and a lot width of 179 feet. Woodward also pointed out the District regulations that pertain to the property. She has also provided the regulations pertaining to "Lawful Nonconforming Uses and Structures, Section 14.2", which essentially says if the cost of reconstruction after some type of calamity exceeds 75%, it would not be able to continue as a residential use, and would have to be rebuilt with something appropriate for the commercial zoning district. Woodward summarized information from the current adopted Master Plan and draft Master Plan.

Olive Hillier, 118 West Wright Place – they are getting older and have poor health. They want to sell their house and move south. They had an interested buyer, but it

fell through because of the clause that the house could not be rebuilt due to the commercial zoning. So they'd like to put it back to residential.

Dale Hillier, 118 West Wright Place – The rezoning would expedite their health care and sale of the property.

Pete LaRue, 426 Corning Avenue – He owns the property across the street. He doesn't think it would make a difference to rezone it back to residential. The doctor's office was rezoned from commercial to residential (Corning Apartments). He thinks we'd be doing the right thing to approve the rezoning. No one will buy one small parcel for commercial development.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Rezoning application ZA002-14, 118 West Wright Place, PID#52-02-106-043-80

Bohjanen questioned why the rebuilding of an inadvertently destroyed structure on that property would be limited to 75% of the value, other than the fact that it is in the zoning ordinance. Woodward stated the purpose is to support phasing out or conversion of non-conforming uses and structures. Woodward stated that it is a very common zoning provision.

Meister indicated that it makes sense either way – commercial or residential – and he sees no problem.

Ventura stated that he looked at the property, and he feels it makes more sense to be residential rather than commercial zoning. At 17,000 square feet, there are not many commercial establishments that could fit on that property. To the north and to the east is already residential. The property is part of the neighborhood, and not part of the commercial strip.

Ventura moved, and Bohjanen seconded, that after conducting a public hearing and review of the application and Staff Review/Analysis for Rezoning case #ZA002-14, the Planning Commission finds that the proposed rezoning is consistent with the goals and strategies of the Master Plan, and hereby recommends that the Township Board approve ZA002-14 for the following reasons: the property is currently being used as residential, and at least two adjoining directions are residential.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Discussion on Township Board approval – Bohjanen indicated that he planned on being at Board meeting on Monday, September 15, and would recommend the waiving of the second reading.

VIII. UNFINISHED BUSINESS

A. Discussion of future land use and zoning strategies for the Master Plan update.

Woodward said the maps reflect the changes made by the Planning Commission at

the last meeting as follows. The “Corridor Residential” future land use was eliminated, and descriptions for the “Rural Residential” and “AF” future land uses were revised. The mixed-use designation for parcels near the intersection of Cherry Creek and CR 480 was eliminated; parcels were re-categorized as “Rural Residential” and “Neighborhood Residential”. In the Beaver Grove area from Basal Road to the Brookfield subdivision, she revised the Neighborhood Mixed-Use area to include only parcels with existing uses of that nature. This resulted in three small mixed-use areas instead of one continuous mixed-use area. She also shrunk the mixed-use area at Kawbawgam Road to include only the existing tribal properties (casino) and the apartment building, limiting further commercial expansion.

Woodward suggested other revisions as follows. She changed the industrial area adjacent to Lion’s Field to the “Corridor Mixed-Use” designation since it was more consistent with current uses. Some of the parcels between the Briarwood subdivision and Little Lake Road were previously identified in the “Neighborhood Residential” category. She advised changing them to “Rural Residential” to protect the river corridor and wetlands from further subdivisions. She felt these parcels were more consistent with the character of the parcels to the east, rather than the west.

Woodward provided comparison maps highlighting which parcels would change (assuming future land uses were translated directly into future zoning districts). There would be a few parcels that are currently in the “WFR” and “R1” zoning districts that are included in the “Conservation Recreation” future land use because of the predominance of floodplains and wetlands that limit development opportunity. There are a few parcels currently in the “R1” and “C” zoning districts that are included in the “Village Residential” future land use. Many parcels would be changed to a mixed-use future land use designation, since we currently have no such zoning district, but this would expand opportunity for these parcels. Around 60 parcels would be changed from the “WFR” or “AF” zoning district to a “Residential Neighborhood” category, mostly including small nonconforming parcels in the AF district, or large parcels that would be suitable for new neighborhood development. A few parcels would be converted from “WFR” to “AF”, and almost 30 would convert from “R1” to “AF”. Many parcels would be changed to a “Rural Residential” designation since we currently have no associated zoning district, for the purpose stated by the Planning Commission to protect the residential character of those rural properties, and reduce the number of nonconforming parcels in the AF district. Many of the properties being converted to “Waterfront Residential” future land use include riverfront properties that are currently in the “R1” or “AF” zoning districts. Woodward cautioned that some privately-owned parcels are shown as “Public” future land use, but would not be zoned public. The category reflects current and preferred future land use.

Smith asked about the large vacant parcel to the east of the existing NMU Golf Course. It is privately owned, and not used as a golf course, although parts were cleared for an additional nine holes. It was approved as part of a PUD development,

but not built. Current zoning is "R1". The designation was changed from "Public" to "Rural Residential" future land use. Access is difficult because of limited access across the Iron Ore Heritage Trail. Ventura and Smith said that County Road BU was officially abandoned in this area.

Sikkema had questions about parcels between Cherry Creek and Little Lake. Some are large parcels that are currently in the "AF" district but shown as "Neighborhood Residential" future land use, and some are small parcels that are currently in the "R1" district shown in the "Rural Residential" future land use. He asked for the reasoning behind this. Woodward said that the large parcel on Cherry Creek had highway access and would be appropriate for possible new residential development. It could just as easily be included in the "Rural Residential" category. No minimum lot size has been suggested for the "Rural Residential" future land use area, but Woodward has envisioned 3-5 or up to 10 acres. Woodward suggested the "Rural Residential" designation for the parcels along Little Lake Road and along the river corridors to try to prevent further small splits in areas with floodplains and wetlands, and because of the existing rural character. She was trying to keep new residential development closer to Harvey. Sikkema was concerned that this would take away the current right to make additional splits, and is inconsistent. Citing full disclosure, he said he owns property there, and intends to make further splits. He doesn't want his rights taken away, and assumes others also do not. Meister and Sikkema said there needs to be a compelling reason to change the rules. Sikkema doesn't think there is a compelling reason for the designation to go one way or the other, but there should be a compelling reason to change it once people have purchased property with that understanding. Smith asked if Sikkema would be satisfied if the "Rural Residential" future land use area was associated with two acre parcel minimums. Sikkema said the "R-R" was supposed to be a buffer between "R-1" and "AF", and he is concerned about what livestock might be allowed in the "R-R" area. The Commission decided to keep the area between Briarwood subdivision and US-41 as "Neighborhood Residential" to retain the character of the current "R-1" zoning district.

Smith asked about the smaller parcels to the west of Brookfield subdivision that are now zoned "R1" but shown as "AF" future land use. Woodward said they are vacant 10 acre parcels, divided by Big Creek, with wetlands, without direct road access, and surrounded by the AF district. Smith was concerned about making more parcels nonconforming. Woodward said you can still build on them as long as you meet the setbacks.

Smith was concerned about the nature of accessory structures that can be built in the AF district, and cited this as a compelling argument for changing the Foster Creek development to the "Rural Residential" designation (assuming that designation provides differing rules about accessory structures). He said large pole barn structures would devalue the neighboring residential properties.

The Commission discussed the area between the Bayou Court Condominiums and the Hotel Place/Bayou Restaurant (north side of Main Street) that is all designated as

“Neighborhood Mixed-Use”. Sikkema suggested a designation of waterfront residential to preserve the existing residential character. Both sides of Main Street would remain in residential character. The Commission decided to exclude the five single-family/vacant parcels north of Main St. in this district, leaving two mixed-use nodes at the ends.

The Commission clarified that the future land use map is to guide future zoning, but can be implemented incrementally over time, and can be revised at a later date. Smith asked how often the Township will revise the Master Plan or zoning ordinance. Woodward said the Michigan Planning Enabling Act says that at least every five years the Township shall review the master plan and decide whether to amend it. You are not required to amend it. The 2008 zoning changes were a result of the 2005 Master Plan update.

Sikkema asked whether the Commission agrees with the future land use descriptions, specifically allowed activities. Sikkema is concerned about allowing accessory dwelling units and accessory homesteading activities, although there are no specific definitions for these activities. He asked for other input. Ventura said to Sikkema’s concern, the description said these activities would be allowed with special review, not granted carte blanche, so they can be limited.

The Commission discussed other small parcels in the AF district, and whether they are more appropriate in the “R-R” future land use. Woodward suggested protections could be provided based on lot size as well. Meister asked if there are actual problems with large pole barns or if this is just speculation. Sikkema said they had received several complaints. Smith said this could result in more lot splits. Sikkema said no development could really happen around the Homestead Golf Course with the AF zoning, unless it was through a PUD. Mahaney said the area seems to be more agricultural. Bohjanen said the people that live in houses on small lots probably don’t feel that way. Sikkema said he is only aware of problems in the first mile south of CR 480 on Little Lake Road, where people had some issues with permitted uses on larger parcels in “AF”. The Commission discussed previous efforts to create a Rural Residential district, and thoughts about farmland vs. development. The final decision was to try to direct development to the area north of CR 480 before expanding further south. Ventura also asked about the camps and cabins near the mouth of the Sand River, south of the highway turnout. No change was made after discussion.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENT

Smith said they are getting natural gas service on Wintergreen Trail.

XI. DIRECTOR’S REPORT

Woodward directed the Commission to look at the fax from Mark Maki and her response, and decide if there were any action items. She said she answered the questions as best

she could with the time she had, but the Commission could direct her to do further research if warranted. Ventura said he thought the response was handled well.

Bohjanen said he appreciated seeing the ordinance enforcement report. Woodward answered questions about the report and status of the cases. The Commission wanted closed cases to show up as such for one month before being deleted. Sikkema said it's nice to know what's happening, in case it would impact what the Commission needs to do with zoning. Frequency of new cases was discussed, as well as the inspection and administration process. The Commission thinks this report is of value, and they'd like to see it for another few months at least. Sikkema noted there are quite a few steps that the enforcement officer has to go through, especially if people are unresponsive. Woodward noted there are many additional violations to be addressed from the assessor's inspection which revealed a possible lack of permits. These will be added as time permits.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 9:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 6, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Bruce Ventura

Members Absent: Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

September 8, 2014

Motion by Ventura, seconded by Mahaney, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

A. AT&T Wireless Communications Tower, Site Plan 14-04 and Conditional Use 14-04.

Woodward asked that a written public comment that was submitted to the Planning Commission be read into the record. Sikkema read the letter from Bob and Sharon Roshak, 1318 M-28 East, in support of the proposal. Their family has AT&T cell service, and currently they do not always have good coverage. They feel that having a tower in close proximity may alleviate these problems. Also, there has been talk of the land lines going away in the coming years, and they would not feel safe relying on their cell phones.

Woodward explained that this is a proposal to construct a 180 foot monopole tower on a portion of the Charter Township of Chocolay's Silver Creek Recreation Area west of the soccer fields. It is in an area where the Disc Golf has recently expanded, and this has been discussed with the disc golf group. This may affect one of their holes, but they feel they would be able to relocate it. The proposal meets all requirements for setbacks, and Woodward indicated that she has provided a detailed analysis of how the proposal meets all other site plan review and conditional use standards. There is no proposed outside lighting at this time. Woodward has also provided an analysis of how the proposal meets the wireless communications

facilities standards of the zoning ordinance. Woodward provided some suggested conditions to make sure that the proposal does follow through and meet the requirements. These have been incorporated into the recommended motion. There are some restrictions based on State and Federal law, which have been detailed in Woodward's memo.

Sikkema opened Public Comment.

Wally Haley, Attorney representing AT&T – he feels that the letter in support covered some of the issues he would have started out with, such as the land lines going away. In an article from the November Detroit Free Press on “cutting the cord”, it indicates that many people are getting rid of their land lines and going to wireless communication. In 2000, there were 6.7 million landlines in the State of Michigan – in 2012 that number had dropped to 2.6 million. The wireless industry is growing, and there is a substantial need for better cell coverage in this area.

Haley indicated that he had read Woodward's report, and wanted to compliment her – he has been doing this for 20 years and he feels that Woodward's report is the best Planner's report that he has ever read, as to discussing all the issues and including Federal issues. He does not usually see that level of detail, with the level of understanding, in much bigger jurisdictions with some “very heavy-duty outside planning consultants”. He feels he would be remiss to not give Woodward some kudos on that.

Haley indicated that one thing the report doesn't mention, which dovetails into the discussion of alternative locations, is that he went to the Marquette Public Schools to discuss possible “Drop and Swap” opportunities on the Northern Michigan University tower located at the Cherry Creek School. He was told “no” by the school district – they were reluctant for an agreement at that point and time. There are no other towers in the area that would solve the need, so Haley approached the Township.

Haley also pointed out that the tower does meet all the setbacks in the ordinance, however modern technology allows towers to crimp over on themselves rather than fall over in case of major storms or ice.

Ventura wondered about the statement from the engineer that no other co-location opportunity was available. Ventura asked if they had considered the State Police tower, which is much higher than 180 feet above the surrounding area. Ventura understands that the State Police are reluctant to co-share, but he said there is legislation in and out of the State Legislature to change that.

Haley asked about the location of the State Police tower – Sikkema answered it was by the prison. Haley indicated that there is a tower on the other side of the ski hill, which is structurally incapable of being modified. Basically, what AT&T did was split that cell to provide coverage to the Chocoley center (M-28 & US 41), and the ski hill. The prison would have been way too far out of the search range area to provide that coverage.

Haley indicated that there has been talk of legislation to make state police towers available for years. There is a company that is called SBA which has a subsidiary that has a contract with the State of Michigan to market all their towers and land. Even they have made no inroads with the State.

Mahaney wondered about a lease with the Township and the payment terms. Woodward indicated that there was a copy of the lease in the packet.

Ventura pointed out that the lease had differing amounts – in two places it shows \$1,200 and one place it shows \$1,250. Haley indicated that he thinks the option to lease is \$1,200, and the rent is \$1,250. Bohjanen indicated that the rent was \$1,250 per month, not year. Ventura indicated per year. Sikkema clarified by saying the option to lease was yearly, the rent was monthly.

Denise Mullins, 321 Silver Creek Road – she has two concerns. Health and safety - she wondered what the radius would be as far as microwave frequencies. She also wondered if in the future the tower would be leased out to companies with more powerful technology. Sikkema inquired about information in the staff report. Woodward stated that the tower would have to meet federal safety regulations, so there are federal and state regulations that prohibit local governments from including these types of concerns in any findings-of-fact denying a tower.

Haley addressed Mullins second question regarding more powerful technology operating from the tower – he stated the FCC controls the amount of power you can put out. There will not be a cell tower that provides more powerful technology. This is a very low power broadcast, which is why more towers are needed. Sikkema indicated that there are provisions for this tower to include at least three more providers, but they would be limited to the 250 watts per channel.

Mahaney questioned the proposed location on a very flat area, and asked about moving south a mile or two to Green Garden hill. Haley indicated that there are two components – height and power. You don't get as far of a broadcast from these towers as you think you do – a tower at 180' height is about 1 – 1 ½ miles broadcast. Going up to 250' height might get you another ¼ mile broadcast – but it wouldn't serve the area of concern. Haley indicated there is a need for a lot of towers along US 41 and M-28 (Seney stretch). Sikkema stated that the reason we need as many towers as we do is because of the limitations on the output.

Bohjanen asked for a description of the cell phone broadcast. Haley stated he thinks it is typically ½ watt – Bohjanen stated that this seems to be the limiting factor, rather than the 250 watts that come off the tower. Haley indicated that the higher the broadcast frequency, the less it penetrates the tree canopy.

Sikkema closed the public hearing.

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Site Plan Review 14-04 and Conditional Use 14-04, AT&T Wireless Communications Tower, PID #52-02-106-038-00, Silver Creek Recreation Area, 237 Silver Creek Road

Bohjanen commented that the Ordinance states that the either the property owner or lessee has to remove the tower when it is decommissioned. It seems to him that this should be looked at. For example, Bohjanen said the Township's contract states that the tower owner needs to remove it. Sikkema stated that the Township is covered in the contract – AT&T would have to remove it. What it doesn't cover is if AT&T went out of business – the responsibility would then fall on the property owner. Sikkema thought the ordinance was written more for leases on private property, not municipal property.

Smith stated he doesn't feel that the location has much bearing if it meets all the other regulations. Woodward stated that the Planning Commission can still control the location of tower, provided coverage is not denied entirely. Sikkema stated that the proposal doesn't violate any land use issues or zoning requirements.

Meister asked if the applicant had seen the list of conditions. Haley indicated that he had reviewed them. Sikkema then asked about the driveway configuration. Woodward stated that it was preferred to keep the wooded buffer between the facility and the parking lot so the fence is not visible to park users. Sikkema indicated that the driveway then interferes with the disc golf. Woodward stated it would have affected that hole either way. Haley indicated the location is least disruptive to the disc golf holes.

Ventura suggested one more condition be added to list – *"Township will receive a copy of the signed and sealed tower drawings before construction."*

Haley indicated that the County would request that they do this.

Mahaney asked if Haley anticipated starting this fall. Haley indicated it probably would not be starting this fall because they still need to get all the regulatory work done. Mahaney asked about length of construction period. Haley indicated 30 days. Mahaney asked if AT&T would get a license after all the regulatory work is done. Haley indicated there is no license – registration with the FCC and license are attached to the megahertz.

Ventura asked about current regulations on aircraft warning lights. Haley indicated that a tower under 200' height is not considered a hazard to aviation, so it is not anticipated that the tower will be lit.

Mahaney stated that at a 1 ½ mile signal radius, this tower will probably not help the cell phone reception down M-28. Haley agreed – more towers are needed along M-28.

Moved by Ventura, seconded by Mahaney, that after review of Application SP14-04 Site Plan Review and CU14-04 Conditional Use Permit; and review of the staff report dated 9-30-14; the site plan for AT&T Mobility for wireless communication facilities to be located at the Silver Creek Recreation Area parcel #52-02-106-038-00, as presented at the October 6 public hearing, be approved as presented having met all requirements of the Zoning Ordinance with the following conditions:

- 1. Removal of trees or alteration of the existing vegetative buffer should be minimized to the extent as essential for actual construction of the premises and access road, and any tree more than 6" in diameter that is removed outside the boundaries of the premises and utility/access easement shall be replaced during the construction with a tree not less than 2.5" dbh with species, planting location, and planting method as approved by the Township.*
- 2. The portions of the developed disc golf course lying outside the area of the lease and utility/access easement boundaries will not be disturbed.*
- 3. In no case shall the entire existing vegetative buffer between the lease premises and adjacent properties or park features be completely removed.*
- 4. Permit approval is conditioned upon receipt of certification by a licensed professional verifying that the structural design of all wireless communication facilities will withstand wind speeds and icing under the worst conditions experienced in this area.*
- 5. There shall not be displayed on the wireless communication facility advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.*
- 6. The wireless communication facilities shall be kept updated in compliance with all applicable federal, state, county, and local regulations as amended or changed during the life of the facility unless compliance is waived by the controlling agency.*
- 7. The wireless communication facility shall be operated so as not to interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.*
- 8. All wireless communication facilities shall be revoked by the lessee and premises returned to previous condition with 120 days per terms of the approved lease.*
- 9. The wireless communication facilities shall not be artificially lighted unless required by the Federal Aviation Administration, and shall be lit according to those minimum requirements.*
- 10. All wireless communication facilities shall be inspected after being constructed and then once every three (3) years for compliance with all ordinance, structural and operational requirements and shall be certified as in compliance by a licensed mechanical, civil, professional engineer or architect, or other*

professional competent in assessing the structural integrity of such towers, and said certification shall be submitted to the Township.

11. *The Township will receive a copy of the signed and sealed tower drawings before construction.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Ventura commented that in the City of Marquette there is a tower that is camouflaged as a large fir tree. He stated that it is more obvious as a fir tree than a tower, because it would be a very tall tree in a surrounding forest of 60' trees. Haley indicated that it is a huge structure – a cell tower without all the appendages would have been one quarter of the size.

Haley asked if this still needed to go to the Township Board – Woodward stated the Conditional Use has been approved.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Smith indicated that the Chocolay and Bayou River bridges were paved last week on the Iron Ore Heritage Trail. Ventura asked if it was compacted gravel or asphalt – Smith indicated it was asphalt.

Mahaney commented that he feels the cell tower is good for the community.

XI. DIRECTOR'S REPORT

The Zoning Enforcement list has been updated. There are not a lot of changes, but there have been two or three closures.

There are two sets of Board minutes attached, which have items that relate to the Planning Commission. Woodward pointed out that the August 18 minutes the Burning Ordinance first reading was included. The September 15 minutes covered discussion of the Future Land Use presentation. There is a plan to further discuss this at the next Board meeting – Woodward suggested that the Commissioners may want to be at that meeting to provide further clarification for the Board.

Ventura asked about the Rezoning of Hillier's property – Woodward indicated that it was approved.

On page 8 of the September 15 Board draft minutes, there is discussion on a letter from Trustee Maki to the Planning Commission – there are things Trustee Maki feels the Planning Commission should be addressing – there is also a question on if it is coming from the whole Board.

Woodward also indicated that the Commission should have received a memo response from Woodward to Trustee Maki on vacation rentals. The Commission should have also received an email response on October 6 to Scott Emerson addressing his concerns on

vacation rentals.

There is an upcoming workshop on “Streamlining the Zoning Ordinance”, and the closest location is Chatham on December 8. Woodward asked anyone who wants to attend to contact her.

Mahaney asked about the junk accumulation complaints – what does this consist of? Woodward explained that everyone has stuff, but it becomes a complaint if it looks like it’s been there a long time and wildlife is living in it. Mahaney asked where the complaints come from – Woodward indicated that usually it’s from residents (neighbors) that have to look at it. Some violations are found when just driving through the township on other business or by inspection.

Woodward also indicated that she would be attending the Michigan Association of Planning conference on Mackinac Island the latter part of the week, and would be bringing back great ideas.

Woodward also indicated there would be a Michigan Municipal League conference in Marquette sometime in October.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 8:25 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on November 3, 2014.

The meeting was cancelled.

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 1, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Kendell Milton

Members Absent: Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

October 6, 2014

Motion by Bohjanen, seconded by Meister, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, seconded by Mahaney, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARING

A. 225 W Terrace St, PID #251-011-00, Rezoning Case #ZA003-14.

Sikkema opened the public hearing.

John Conrad, 132 Little Lake Road – would like to rezone the property to be able to open a hair salon and move his computer business from Marquette to Harvey.

Mark and Tina Brandel, 201 West Terrace - asked if the property was going to include a residence along with the two businesses – Conrad said just the two businesses.

Sikkema closed the public hearing.

B. 225 W Terrace St, PID #251-011-00, Site Plan 14-05 and Conditional Use 14-05

Sikkema opened the public hearing.

No comments.

Sikkema closed the public hearing.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Rezoning Case #ZA003-14, 225 W. Terrace St., PID #251-011-00

Bohjanen asked if anyone knew why the property had been rezoned from commercial to R2 to begin with. Woodward stated the designation officially changed in 2008 during the zoning ordinance update, and she suspects it was just a mistake in implementing the future land use maps, which if implemented correctly would have resulted in commercial zoning for this parcel. Bohjanen stated it was previously zoned commercial in 1977. He just wondered if there had been a specific request that caused the rezoning. Woodward stated that there had been no rezoning request that she could find.

Mark and Tina Brandel, 201 West Terrace – Tina stated that they used to be zoned commercial, but over time the Township switched their zoning to residential – they don't remember getting any kind of notification on this. She wondered if it had anything to do with the abandoned alley behind their properties.

Bohjanen moved, and Meister seconded, that after conducting a public hearing and review of the application and STAFF REVIEW/ANALYSIS for Rezoning case #ZA003-14 for 225 W. Terrace St, the Planning Commission finds that the proposed rezoning is consistent with the surrounding zoning and the future land use plan, and hereby recommends that the Township Board approve rezoning of this property from Residential 2 (R2) to Commercial (C).

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Milton questioned how it was able to operate as an ice cream shop if it wasn't a commercial zone to begin with. Woodward stated that it was originally zoned commercial. In 2008, it became a non-conforming use until its closure in 2011 or 2012.

B. Site Plan Review 14-05 and Conditional Use 14-05, 225 W. Terrace St., PID #251-011-00

Mahaney had questions about the driveway. Conrad indicated that he is working with Sue and Walt Racine to get an easement for access to the rear parking lot from the driveway that is west of the property. Then people would not have to drive over the well to get to the parking.

Sikkema asked about the location of the property line – Conrad came forward with a copy of the most recent survey and indicated the location of the driveways to be used and to be closed. Commissioners and the applicant discussed access and ownership details for the adjacent properties. Sikkema affirmed that the only access to the residential parcel behind this lot is through the Racine property. Milton asked if the alley had been vacated – Conrad stated yes, and that a portion was added to his property.

Meister was concerned that the Corridor Advisory Committee might like to see Walt's driveway closed, especially if anything significant ever goes in there - people turn onto Terrace and then immediately have to make a left turn into the driveway. He isn't sure what is feasible, and whether the Committee would rather see Conrad utilize the eastern-most driveway.

Conrad was concerned for the safety of vehicles backing or pulling out into the street across from the bank's driveway. He feels the shared access is easier and safer.

Mahaney agreed with Meister on the difficulty of the sharp left hand turn immediately after turning off US 41.

Woodward stated that Walt's is not applying for a change to his property, so there is no mechanism for the Planning Commission to compel him close one of his existing driveways.

Brandel indicated that the parking scenario was worse when the ice cream shop was there because people parked on the side of the road – awareness was necessary. The type of businesses that Conrad is putting in there would have far less traffic and parking concerns.

Sikkema asked Meister if there is something that needs to be changed. Meister wondered about deleting condition #3 on the suggested motion for Corridor group approval – he doesn't know if they would approve or recommend the driveway being that close. Sikkema indicated that the Township has an agreement with the Advisory Group that they have to review everything within 1,000 feet of the corridor. The Township is obligated to take it there and get their comments, although the comments aren't binding. Meister is concerned that the Corridor Advisory group may not approve the driveway arrangement, and if the site plan approval is conditioned on their approval, the site plan won't be approved. Sikkema indicated that the Corridor Advisory group is just that – an advisory group. He said MDOT does not have jurisdiction over the decision because the project doesn't directly access US-41. Meister was concerned that by putting point #3 in the motion, we were making it binding. Sikkema said the Corridor group just makes recommendations. The Planning Commission could decide to wait for their recommendation, but the Planning Commission has the decision-making authority. Sikkema asked when this would be going the Corridor Advisory group – Woodward indicated that their meeting is next week.

Meister indicated he did not think the decision needed to be delayed, because the plan is fine for this business. He is looking more into the future because if something with significant traffic goes into Walt's, then this issue would come up again for their site approval. Sikkema said it should be much less traffic than the ice cream shop.

Bohjanen said Conrad's project would improve the situation, since now there would only be one choice of where to turn.

Sikkema questioned how the east driveway ever happened. He said people lived in

the house while the ice cream shop was open. Conrad indicated that they used that driveway, but it goes over the well, which doesn't make a lot of sense. Sikkema stated that it might have been used as a residential driveway to get to the back of the property. It looks like an impromptu driveway that just happened. Smith asked if there was a curb cut and Conrad said yes.

Conrad is working with a surveyor to draw up the easement for his lawyer.

Sikkema asked about landscaping on the property. Conrad indicated there will be landscaping on the north and east sides.

Mahaney asked if Conrad had plans to pave the parking area. Conrad indicated he was planning to do it when he can afford it. Meister stated that the Zoning Ordinance does not require the parking lot to be paved. Woodward said defined parking spaces are required, either by painting or bumper stops. Mahaney asked if the front driveway by the computer business was going to be a handicapped parking space. Conrad indicated yes, they felt it offered the safest access.

Sikkema went through the suggested motion.

Mahaney asked if the property has a non-conforming driveway. Woodward indicated that she had not talked to the Marquette County Road Commission about the current status of the driveways. The Township does not have any standards for driveways. Sikkema indicated that according to access management standards, the driveways are probably too close to the intersection, but there was no way to make Walt's driveway conforming to the standards.

Sikkema questioned the suggested condition for waiver of Section 5.3 (R) standards by the appropriate road authority. Woodward indicated that access management standards apply not only to properties that front on US-41, but also those that are a certain distance from the highway. Existing properties cannot always meet the standards, so the ordinance provides that a waiver from the standards can be granted.

Sikkema asked if there were any suggestions for additions or deletions on the suggested motion. Milton asked if the Township requires there be a screened area for the garbage dumpster. Woodward said yes. Woodward asked Conrad if he planned on having a dumpster. He indicated they do plan on it – on the northeast side there is already a concrete slab for one. The screening will be added as a condition to the motion.

Moved by Meister, seconded by Bohjanen, that after review of Application SP14-05 Site Plan Review and CU14-05 Conditional Use Permit; and review of the staff report dated 11/25/14; the site plan for 225 W. Terrace St, parcel #52-02-251-011-00, as presented at the December 1 public hearing be approved as presented having met all requirements of the Zoning Ordinance, with the following conditions:

1. *Permit approval is conditioned upon approval of the rezoning from R2 to C by the Township Board.*

2. *Permit approval is conditioned upon the Zoning Administrator being presented with the legal shared access and maintenance agreement meeting all requirements of the Ordinance, and the recording of this agreement with the Marquette County Register of Deeds.*
3. *Permit approval is conditioned upon approval of the access plan by the US-41 Corridor Advisory Group and that of the appropriate road agency.*
4. *Permit approval is conditioned upon the waiver of applicable Section 5.3(R) standards by the appropriate road authority.*
5. *All signage shall meet the requirements of the Chocolay Township Zoning Ordinance, and the applicant shall obtain a permit for all signs.*
6. *At the earliest date in the spring, the applicant shall plant the required planting screen along both sides of the parking lot that are adjacent to the residential district. The plants shall meet the type and spacing requirements of the Ordinance, as approved in advance by the Zoning Administrator.*
7. *The applicant shall provide the appropriate specifications for all outdoor lighting fixtures which shall meet all requirements of the zoning ordinance.*
8. *The applicant will provide garbage dumpster screening as per the requirements of the Zoning Ordinance.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Master Plan

Woodward indicated the Planning Commission was to review changes that have been made to the Master Plan, including the Farmland, Forest and Protected Land section from Chapter 6, Strategic Plan of Chapter 7 (including Future Land Use; the comparison of Future Land Use, Current Zoning and Future Zoning; and Zoning Plan), and the Implementation Plan for capital projects of Chapter 8.

Sikkema proceeded to go through the updated pages, asking for Commissioner input.

Bohjanen indicated his was more of a philosophical question, which probably doesn't warrant a lot of discussion. His ancestors left Finland to ultimately end up in the UP because soil was poor, the winters were long, and the growing season was short, and it was hard to make a living, and they settled in the same kind of area around here. How do you convince somebody that is not able to make a living on their land that they shouldn't subdivide and sell to be more profitable? You can't convince an old Finlander that he should go to school for composting. Not recommending any changes, just felt the need to philosophize.

Woodward stated that the Future Land Use plan of our currently adopted plan does have a strategy to encourage farmers to farm as long as they want to, and to encourage them to keep land in a farmland preservation program since farming is important to our communities. So the proposed plan is a continuation of this idea. Bohjanen again said he didn't suggest any changes, but until there is a bigger

demand and more lucrative market, this sort of thing will remain philosophy and not practice.

Page 116, Sikkema had a comment on the last paragraph. “Also included are some parcels for potential neighborhood development near CR 480 and Little Lake Road.” He feels that the sentence should be deleted because he didn’t necessarily intend this are to be designated for intended growth, he just mentioned that area as an example of when we should leave zoning unchanged unless there is a compelling reason. It was agreed to delete the sentence.

Bohjanen said much of the Township has non-conforming lots, and changes to minimum lot size requirements may need to be considered. Sikkema indicated that non-conforming lots may still be developed – they are grandfathered in. He thinks we need to consider the size we want future lots to be – maybe some should remain nonconforming but developable (grandfathered in). This will be discussed further when ordinance changes are considered.

Page 130, Bohjanen had some questions on building height and height. There was some discussion about how to measure and regulate height, and about previous decisions regarding height that may not be reflected in the regulations (such as a reference to a national building standard, and discussion regarding fill). This will need to be researched for future discussion regarding changes to the definitions and measurement standards.

Page 145, Bohjanen asked for a definition of agri-tourism in reference to promotion. Woodward gave examples of the alpaca farm which holds open house events or a corn maze.

Page 160, Master Plan Capital Projects Priorities and Timeline, Bohjanen felt that rather than go through the exercise of estimating cost on each project, since they would change every year that it may be wise to look at the highest ranked projects and have some type of cost associated with them.

Bohjanen asked about the process of getting things off of the implementation charts and onto a schedule – Woodward suggested that staff would do an analysis during preparation of the annual report every year. Woodward stated that it would probably be up to the Township Manager to bring the projects before the Board. The Planning Commission can also suggest things that need to be done based on the Master Plan.

Woodward plans on presenting the entire Master Plan, along with the Appendices, to the Planning Commission at the next meeting. Then if the Board approves the Master Plan for distribution to the surrounding jurisdictions for comment, it is a 63-day comment period before the Master Plan can actually be adopted – probably looking at March for adoption.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Smith indicated that road extension up Shiras Hills is out for bid. This project is resurfacing starting at the Carp River bridge, up and over Shiras Hills, heading towards Marquette, and would finish at Furnace Street. In addition, curb and gutter will be moved out 8 feet. The road will get widened 8 feet on each side.

Sikkema indicated that he had received two comments from residents on blight. One has brought it to the attention of the Township and says nothing has changed. The other one was just a general "township looks junky".

XI. DIRECTOR'S REPORT

Woodward stated she had not updated the Zoning Enforcement Report report due to absence due to illness.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Mahaney referenced the November Township Board minutes – weight restrictions on Ortman Road. He thinks this is a good idea. He also agrees with W. Dees (letter in packet) on the inclusion of Cherry Creek Road. He bikes on this, and he feels that it is more of a residential walkway connector to neighborhoods. He feels that Cherry Creek Road should also have weight restrictions. He thinks CR 480 is better built for truck traffic.

Bohjanen indicated that he thinks Cherry Creek Road would be a long shot, as it was recently upgraded to a higher class of road. Cherry Creek is controlled by the County. Ortman Road was not built for truck traffic whereas Cherry Creek was.

Sikkema stated that anytime you are going to look at weight restricting, you should look at all roads in the entire jurisdiction. Cherry Creek Road is a County primary road – CR 551. This has the same classification as CR 480. Both are Class A all season roads. All decisions are related. Mahaney said the shoulders on CR 480 are wider than Cherry Creek, and Sikkema agreed. Sikkema said these things would be discussed, but you shouldn't cherry pick one road.

Bohjanen clarified that one reason Ortman Road was considered for restrictions was that it is unique in that it is a neighborhood street that does not need to be used as a connector between two highways because other options are available, and this is not similar to any other situation. Not many roads can be used as short cuts. Sikkema said he knows of other roads of the same classification as Ortman Road that have much higher truck traffic that are used as cut-across roads (i.e. Little Lake Road). Sikkema said he's not advocating for restrictions for Little Lake Road, he's just saying that everyone will start wanting weight restrictions on their roads, and the Township should be looked at in total.

Smith wondered who and why truckers would use Ortman Road as a cut-across. Speculation ensued.

Woodward indicated that the Township Manager is going to draft an ordinance which will come to the Planning Commission for discussion. Mahaney agreed that all roads should be considered, and Smith said traffic counts should be considered.

Woodward asked how the Planning Commission would like to handle Public Comment, such as the letter from W. Dees. She said public comment normally gets summarized in the minutes just like all other proceedings.

Sikkema initiated a conversation regarding procedures for handling written public comment, some of which is related to agenda items, and some of which is general in nature. Sikkema suggested that when the letters come in before the packet has been published, they go into the online packet. They are not read into record, they are just acknowledged or referenced. He stated that letters from the public should be treated equally – general comments that aren't agenda related should still be acknowledged. But there is a question whether written public comment must be read at the meeting, or should just be included as information received in the public packet online.

It was noted that public comment does not necessarily result in an agenda item, and may not be discussed. It must be received, and then a Commissioner can suggest adding it to the agenda.

Currently, letters to the Planning Commission that are received before the packet is published are included in the online version of the packet. If the letter is not received before the packet is published, and is just handed to the Commissioners at the meeting, they are not added to the online packet. We could go back and add to the online packet after the meeting.

When the public attends and gives verbal public comment, their comments are summarized as part of the meeting minutes – what actually happened at the meeting. If written comment is submitted, it is not read as part of the meeting, but it is included in the information packet for the Commissioners, and in the public packet online, either before or after the meeting, depending on when it is received. It will also be referenced as having been received in the meeting minutes. Written comment that is received as part of a public hearing is handled the same way, except that it is kept in the files along with the paperwork pertaining to that decision.

ADJOURNMENT

Sikkema adjourned the meeting at 9:06 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 19, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:15 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Bruce Ventura, Kendell Milton (arrived at 7:22 p.m.)

Members Absent: Andy Smith (Vice Chair)

Staff Present: Steve Lawry, Township Manager, Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

December 1, 2013

Motion by Meister, seconded by Bohjanen, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 Abstain: 1 Ventura MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Mahaney, to approve the agenda as presented.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Greg Seppanen, 1019 Ortman Road, said he was there to represent the people on Ortman Road in regard to Item VII.A. Seppanen stated he would be happy to answer any questions.

Public comment was closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Adoption of a Road Weight Limit Ordinance

Steve Lawry, Township Manager, introduced the draft of the proposed ordinance with some changes made based on the Township attorney's recommendations. Lawry stated that this was brought to the Township Board by the residents of Ortman Road. The possibility of recurring requests for similar regulations for other roads was considered. Lawry stated that there are very few roads in the Township that are connected at both ends, providing alternative routes for trucks. So there are only a few roads for which this proposed ordinance might apply. The State highways and the County primary system are designed for truck traffic, so there would be no

reason to restrict trucks from those roads based on weight. The ordinance has been written to apply to just Ortman Road, but could be modified to apply to additional roads should future connectivity occur in the system. Lawry pointed out that there are a number of exceptions provided for in the ordinance to allow for delivery of services to that road. Lawry indicated that it is usually the service vehicles that do more damage to the road, as they may drive half on pavement, half on the shoulder, which is the weakest part of the road. He doesn't feel that this ordinance will stop the breakup of the road as it is right now, but it should help to protect the road for the future.

Bohjanen asked what was considered a service vehicle. Lawry indicated snow plows, garbage trucks, school buses, utility trucks, and local deliveries.

Mahaney asked what other roads might fall under this ordinance. Lawry said that Carmen Drive is a similar situation, connecting to both Cherry Creek Road and US-41, but is basically just there to serve the businesses. Truck traffic is fairly heavy on it for deliveries to stores. It also serves as a turnaround point for road maintenance vehicles servicing the intersection. Lawry does not think there is much truck traffic on Carmen that is not related to the above activities. Lawry also indicated that Little Lake Road north of CR 480 is similarly situated, but was built to a higher standard a number of years ago, and doesn't really show deterioration because of truck traffic. Lawry also mentioned there are a few others such as Lakewood Lane and Riverside Drive which are connected on both ends, but are a much more inconvenient route for truck traffic, and he has not heard complaints about truck traffic on those roads.

Sikkema stated that he lives on Little Lake Road, and he has observed that portion of Little Lake Road being used extensively by commercial trucks, including several local excavators who do not live on the road. He said Little Lake Road is used as a cut across, rather than going up to the corner of CR 480 and US 41. He indicated that Little Lake Road is not built to a commercial standard – it is a weight restricted road built to the same standards as any other local road, not to a truck standard. Lawry indicated that he was told that MDOT had paid to upgrade it when it was used as a detour road for the highway. Sikkema (retired from MDOT) indicated that MDOT had put an inch of asphalt on it, but every spring it is weight restricted. He said that Little Lake Road is built to the same standards as Ortman Road.

Sikkema questioned whether the Humboldt Township Ordinance was a good model as it was a unique situation, and he thought that ordinance had been rescinded. Lawry indicated that Humboldt's ordinance had been recommended to him by the Marquette County Road Commission as language that was already in place in the County. Sikkema said he thought that both situations involve cherry picking a certain road for special regulations.

Sikkema then asked if there is any data on how many trucks are using the road. Lawry stated no.

Mahaney stated that he lives down the other side of Ortman Road that comes to the

intersection with Cherry Creek Road often, and he does not recall seeing any double trailer trucks going through there. He was wondering if it was a phase when they were doing the road construction on US 41.

Seppanen offered some background –he has lived on the road for around 30 years. After talking with other residents who live on Ortman Road and Apple Trail, it was agreed by everyone that truck traffic has been increasing over the last 10 years as more and more truckers find it a convenient shortcut. He said the truck traffic comes in waves. It was properly used as an alternative during road construction but the increased traffic has been hard on the road, especially near the sharp 90 degree turn. But the heavier use tends to coincide with area jobs when these types of deliveries are occurring (especially by local truckers). Sometimes, use is related to avoidance of the signalized intersection at US 41 and Cherry Creek Road. Seppanen said the problem is that Ortman Road is not on the list of roads to be repaired by the County Road Commission or by the Township because it requires major repairs. Seppanen is trying to extend the life of the road so that the Road Commission doesn't let it go back to gravel. He feels there are other viable options for truckers to use roads that are designed to handle truck traffic, and adopting this ordinance would mean less damage would occur on Ortman Road. He said the Township Board looked at this as a viable option and he hoped it would be acceptable to everyone, including truckers accessing Fraco on Cherry Creek Road and the Lindberg gravel pit on CR 480.

Mahaney asked if it is mostly local truck traffic. Seppanen discussed specific road users and reasons for use.

Sikkema indicated that he has several problems with this ordinance, first being why you would exclude any road. He asked why not put weight restrictions on all local roads? Then no one can ask why their road is not on the list.

Lawry pointed out the excessive cost of posting all roads with signs. He said the Board presented the ordinance to the Planning Commission to hold a public hearing to get public input. If there are other roads that should be included, they can be added into the ordinance. However, he said that there are very few through roads, and there is no point in posting the dead end roads because trucks wouldn't be accessing them unless they have a destination on that road, and they are exempt from the ordinance if they have a destination on the road.

Sikkema introduced an issue that was discussed in Humboldt Township – that any truck that originated in another township should get to the highway as close to their point of origin as possible, and enter another township only via the highway. That way roads such as Old Kiln Road, Cherry Creek Road, and Little Lake Road wouldn't be used by trucks originating outside the Township. For example, a truck coming from West Branch Township would be required to use CR 545 and US-41 and not Little Lake Road.

Sikkema stated that the ordinance looks like we are addressing the needs of one

part of the community by including only one road, and it should include the whole Township if anything is done. Lawry stated that the Board asked him to develop the ordinance in response to requests from the residents of Ortman Road, but also requested a public hearing to see if there are other problems in the Township. He asked the police and other staff to identify issues, and there no others were known. Lawry thinks it would be a problem to enforce the ordinance with no signage, and he doesn't think the Township can afford to post every road in the Township. Seppanen indicated that it sounds like Little Lake Road would be another road that should be included in the ordinance. Mahaney said he thinks it's a good ordinance but he doesn't like that it seems very selective.

Ventura said that in Section II of the proposed ordinance only one road is designated, but we could add part 2 that would state that we would allow other identified roads to be added in the future. Also delete Section IV as the stated conditions pertain only to Ortman road – instead state that there would need to be a better, safer alternate route for any road that would be proposed for weight restrictions. With those changes, Ventura would support the ordinance because he thinks there is a concern on more than one road. He agrees with others that we are singling out a certain road, and by tweaking the language it can be used when and where needed.

The Commissioners further discussed trucking activities, reasoning, and enforcement issues.

Ventura indicated that other jurisdictions have adopted these ordinances so there is precedent. Sikkema expressed a concern about diverting truck traffic to some other road or neighborhood – shifting the problem to a different set of people or a different agency. He feels that the Commission needs to make sure there is an issue that needs to be resolved before enacting an ordinance. We don't have data on how many trucks are involved.

Bohjanen stated there are only a few roads in Chocolay Township that are "truck suitable" roads – US-41, M-28, Cherry Creek Road, CR 480, and CR 545. Coming up with an ordinance that would restrict through traffic on any of the other roads would seem relatively easy. He thinks we would only need signs where the through roads intersect with truck suitable roads, so maybe a dozen signs, but that may be worth the prevention of the destruction of roads, even if it's only the one road. He said for the price of the signs you wouldn't even be able to pave the approach to Ortman Road.

Dick Arnold, 312 West Branch Road, said that he has a CDL license. He feels the Township is moving too fast. As a truck driver, he would never go down Ortman Road – he looks for the straight shot. He feels there should be more research on exactly how many trucks are going down that road. He has talked with Fraco, and they are willing to avoid Ortman Road. Arnold indicated that if they are local truckers, all you really need to do is talk with the owner.

Milton stated he would like to see a truck count on both roads, since there only seems to be two roads that are affected by this type of truck traffic. He doesn't know why anyone would choose Ortman Road as a shortcut – it doesn't seem logical. Sikkema indicated that he can see the logic if the truck is coming or going from Fraco. Various scenarios were discussed, such as avoiding the signalized intersection. Mahaney indicated that he has seen quite a few of the mine trucks on Cherry Creek Road. Seppanen indicated he had never seen a mine truck on Ortman Road.

Sikkema stated that anytime you enact an ordinance, you should have a good reason. The Planning Commission is guessing about how much truck traffic is actually on these roads. Milton stated that all they have at this point is resident complaints for information, and if residents are complaining, the Commission should at least listen to what they are saying.

Meister stated that if you do a count now you are not going to get the same results that you would get once the snow is gone because they're not hauling right now. Mahaney agreed that there needs to be more data. Meister asked if there are any other roads of concern besides Ortman Road and Little Lake Road. There were no suggestions.

Ventura moved, and Milton seconded, that the Road Weight Limit Ordinance be tabled until spring when a traffic count can be done on Ortman Road and Little Lake Road.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Discussion ensued on how the count would be done. Sikkema stated that the Road Commission may have this data already. Lawry stated he had asked, and that they do not have the information. Various methods were discussed. Meister asked about subtracting the exempt trips. Seppanen reminded the Planning Commission that the truck traffic is sporadic, so the count may not be indicative.

Bohjanen stated that no matter how the count comes out, if it is decided to have the weight limit ordinance, he feels that both Ortman Road and Little Lake Road should be included.

Sikkema noted that the motion at this point was just to collect more data. Sikkema asked Lawry when he felt would be the proper time to do the road count. Lawry indicated that it would have to wait until the weight restrictions come off in the spring. Sikkema indicated that would be mid-May. By the time the counters were in place, it would probably be end of June before the count would take place.

Lawry indicated he would let the Planning Commission know what he hears from the Road Commission, and what the plans are for the counts. Counts may be collected for a few days or a couple weeks.

B. 2014 Annual Report Draft

Woodward introduced the draft 2014 Annual Report. She would like to have comment and suggestions on the Planning Commission portion.

Woodward put the 2014 priorities in the report, and noted what has been addressed during the year. She suggested the Planning Commission address the 2015 priorities at the joint meeting on February 9. A statement can be added to the report that the 2015 priorities will be added after the joint meeting.

Meister indicated that the report seemed very thorough to him.

Milton asked about the air raid siren. Lawry indicated that was a complaint about the fire pager system. The old siren had a lock on it so it would not go off between the hours of 9 p.m. and 7 a.m. When it was replaced with the new one, Lawry was not aware that the time lock was not on it. It has now been programmed with a time lock. Bohjanen wondered what happened if there was a fire during that time. Lawry explained that firefighters also carry a pager for notification. Ventura stated he is surprised that people would complain. As a former firefighter, he relied on the siren. Lawry stated that this siren has the capabilities of providing more than one tone, so it could also be used for alert warnings (tornado, etc.). Bohjanen stated that the siren also makes people in the neighborhood aware of an emergency circumstance, and helps them to be more aware of emergency vehicles pulling out of the station. Lawry indicated that this was a firefighter concern – that people not only be aware of fire trucks pulling out on the highway, but also be aware of the firefighters trying to get to the station to answer the call.

Sikkema asked if a motion was needed. Woodward indicated yes, since it is the Planning Commission's official report.

Meister moved, Mahaney seconded to approve the Annual Report as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Milton commented on the small type used in the report.

VIII. UNFINISHED BUSINESS

A. Master Plan – discussion for final maps and joint meeting with Township Board

Woodward indicated she especially needed input on future road connections and multi-use paths, and particularly critical non-motorized paths that might be maintained all year round (anything from paved shoulders to separate paths). She had provided information on Complete Streets designs and strategies. She indicated that Lawry had suggested some possible new road connections for consideration.

It was suggested that some connections could be created through establishing an easement for a public walkway which would also serve as a placeholder for future road access. It was suggested that some connections could be justified for improved emergency access, such as situations in which an emergency could leave residents vulnerable due to only one access point. Lawry also pointed out that the police say

that dead end roads may actually help deter crime because there's only one way out in case of an alarm, and an unknown car is more conspicuous. The purpose of the discussion is to recommend beneficial road connections, and try to get them implemented with future property development plans. In particular, the goal is to avoid future cul-de-sac development in favor of the following connections at the time of future property development. The Commission discussed each suggested connection.

It was agreed that the road connections involving private roads would only be implemented if the residents want them. Recommended road connections involving at least one private road include (listed from north to south and west to east):

- E. Main St. southeast to Chocolay River Trail (there is an existing sewer easement in this area, and also a former rail grade with questionable ownership, and this may involve a waiver of public road standards for the private road)
- Ewing Pines Dr. south to Ortman Road
- Willow Road east to Cherry Creek Road in the vicinity of Fraco
- Cherry Creek Road east to Hidden Creek Tr.
- Hidden Creek Tr. South to Edgewood (Briarwood Subdivision)
- M-28 in the vicinity of Hiawatha south along Lion's Field and west to connect with Ridgewood or the cul-de-sac at the end of Candee Ln.

Recommended road connections involving public roads include:

- US-41 in the vicinity of the former Wahlstrom's restaurant east and south to M-28 behind the existing corridor development
- M-28 near Chocolay River Trail southwest to US-41 across from Veda St.
- M-28 near the hotel at the corner of US-41/M-28, southwest to US-41 near the connection to Carmen Drive
- Surrey Ln. south to Sandy Ln.
- Timberlane southwest to N. Big Creek Rd.
- **Cherry Creek Rd. south of CR 480 east to the vicinity of Truckey Court**
- **Little Lake Rd south of CR 480 east to S. Big Creek Rd.**

*Note bolded items don't show exact route, but indicate a need for connections between these existing roads, possibly achieved on flagged parcels

Recommended non-motorized connections include:

- A new trail connecting Baker Street to the proposed road connecting US-41

and M -28 behind the existing corridor development

- Along Ortman Rd.
- Along Lakewood Lane
- Trail connection of the Briarwood subdivision to other neighborhoods
- Connection along US-41 to the “Beaver Grove community”

It was recommended to designate the bike path on the west side of US-41 in Harvey as a critical path that will be maintained year round. The Township is considering purchase of equipment to keep snow blown off the path during the winter. The Commission wants to add a strategy to the Master Plan that entails writing a letter to legislators regarding plowing the road, road shoulders, and any non-motorized facilities, with a goal of preventing snow from being plowed onto these facilities. This might be a multi-jurisdictional effort. Woodward will talk to MDOT and the Marquette County Road Commission to get information about the specific statutes related to depositing of snow on roads, road shoulders, non-motorized facilities, etc. She will e-mail this information to Sikkema for the next meeting.

The Commission read and discussed a fax from Mark Maki dated January 15, 2015. Short-term rentals were briefly discussed as in the Master Plan. Sikkema is opposed to short-term rentals. Meister would like to see this explored further as there are some good reasons for it, and most people are responsible. He thinks these uses can be regulated and controlled. Mahaney said he thinks it’s worth exploring because it’s a good way for people with fixed incomes to earn some money. He cited an example of 10,000 people who attend the Birkebeiner ski race and rent area homes for a long weekend. These people do not create a problem in the neighborhood, and it draws tourism. Meister says it also gives people access to Lake Superior. Bohjanen said this plan is for the future, and things change. The neighborhood and the demands of the community change peacefully over time. He doesn’t think we should write something into the plan to prohibit that, but it should enable it to happen when the time is right. Sikkema said the regulations should be clarified in the zoning ordinance. He thinks Lakewood Lane is a residential, not a resort, neighborhood. The community should have input. Meister said the plan indicates it will be considered, not necessarily allowed.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENT

None

XI. DIRECTOR’S REPORT

Woodward discussed concerns that developed as a result of updating the current zoning map. She said the Township had received verification of the successful DNR Trust Fund grant for Lion’s Field. The Township will also receive free consulting assistance from ENP Associates in food systems regulation, particularly processing and retailing. This will be of future assistance for zoning ordinance updates consistent with the Master Plan. Woodward also created a sewer system map.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Zoning Maps – as originally adopted April 2008 (2)
- B. Zoning Maps – as amended through December 2014 (2)
- C. Planning and Zoning News
- D. Township Board minutes of 11/17/14
- E. Township Board minutes of 12/08/14
- F. Mark Maki Fax from January 15, 2015

ADJOURNMENT

Sikkema adjourned the meeting at 9:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

SPECIAL MEETING
CHOCOLAY TOWNSHIP BOARD
CHOCOLAY TOWNSHIP PLANNING COMMISSION

February 9, 2015

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, February 9, 2015 at the Chocolay Township Fire Hall 5010 U. S. 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 6:40 p.m.

Planning Commission Chair Sikkema called the Planning Commission meeting to order at 6:40 p.m.

PLEDGE OF ALLIGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, John Greenberg, Judy White, Mark Maki, Susan Carlson, Richard Bohjanen.

ABSENT: Max Engle.

TOWNSHIP PLANNING COMMISSION.

PRESENT: Andy Sikkema, Tom Mahaney, Kendell Milton, Richard Bohjanen (on both boards) Andy Smith (arrived at 6:45) Bruce Ventura (arrived at 6:50 pm).

ABSENT: Eric Meister.

STAFF PRESENT: Steve Lawry, Kelly Woodward, Dale Throenle, Mary Sanders.

AGENDA.

The purpose of the Special Township Board/ Planning Commission meeting is to discuss the draft Master Plan and Planning Commission 2015 priorities.

Maki moved Bohjanen seconded to approve the agenda as presented.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLIC COMMENT.

Tim Kopacz, 3 Hidden Creek Drive –His property is proposed to change from A/F to Rural Residential in the new Master Plan and he is in favor of that. He recommends maintaining the previous minimum lot size of 2 acres from the previous Rural Residential zoning district.

Jennifer Bruggink, 673 Lakewood Lane- Commented on the new Master Plan; and strongly opposes allowing waterfront property being used as resort or short term rental. She lives next to a house that was a single family home and it is now being rented by the week in the summer. There are problems with fireworks, parties, trash etc. She feels it has brought her property value down.

Tim Trobridge, 216 Timberlane - He would assume that there is a noise ordinance that would deal with fireworks or whatever it is that would bother neighbors. He thinks people purchase property to retire here later, and rent the property in the meantime. He feels that it would be almost impossible to enforce a prohibition on vacation rentals and would invite litigation.

PRESENTATIONS.

Supervisor Walker presented a Resolution of Appreciation to Susan Carlson, as she is stepping down from her duties as Chocolay Township Trustee.

For her dedication to the Township and its citizens as

Township Trustee from December 2008 to February 2015,
Her commitment to the Township included participation on the Personnel Committee, Election
Committee and assisting with the origin of the Chocolay Senior Center

SUSAN CARLSON

We do express our appreciation on behalf of the Township Board.
DATED THIS 9th DAY OF FEBRUARY, 2015 AND RECORDED IN THE OFFICIAL RECORD

PRESENTATION / DISCUSSION OF THE 2015 DRAFT MASTER PLAN.

Kelly Drake Woodward, Planning Director introduced the February 4, 2015 draft of the Master Plan. She thanked Dale Throenle for countless hours of work formatting the document. After tonight's discussion of the draft Master Plan, The Planning Commission will need to make a motion to submit the plan to the Township Board for review and comment and approval to distribute the plan to other interested parties for a 63 day comment period. After the 63 day comment period, the Planning Commission is required to hold a public hearing, and consider all comment received before officially adopting the plan. The plan can be revised before final adoption.

The Township Board and Planning Commission had a lengthy discussion on the Master Plan including allowing short term home rentals of residences, Mixed Use zoning districts and expanding the Commercial District.

Trustee Maki felt that the survey asking the question on short term rental is not conclusive because an individual could answer the survey multiple times. Short term rentals in residential areas in Chocolay Township have not been allowed in the past 38 years. We really need to quantify what short term rental means. Residents can now legally rent their house for 30 days or longer.

Trustee Carlson knows people that currently rent lakefront property in Chocolay Township for vacations and do not cause problems. There should be enforcement if renters are causing problems.

Commissioner Sikkema feels that short term rental could be disruptive in a predominately residential neighborhood. If it is not restricted, more people will own homes to rent out as a commercial enterprise.

Supervisor Walker feels that the current ordinance is not clear on short time rentals, and there is no record of past enforcement taken. He feels that there is a major difference between a resort rental and a short term rental of a private home. We would most likely be defending that portion of our zoning ordinance in court. Right now a Bed and Breakfast is a conditional use, so it might be hard to say you can't rent your home.

Trustee Carlson suggested we look at Shelter Bay's regulations.

Treasurer Greenberg suggested that we look at wording for the zoning ordinance that states the owner must live in the residence at least six months out of the year.

Trustee Maki said that in the past, enforcement was difficult unless there was a complaint. The enforcing agent can now use the internet to look for advertising for residences that are doing short term rentals. There is also a law that states if you rent out your residence for more than 14 days you lose your homestead tax classification.

Trustee Bohjanen stated that the paragraph in the Master Plan pertaining to future land use in regard to short term rentals could be considered for implementation as a conditional use. That would involve contacting the neighbors within 500 feet of the property for input on the issue. There could possibly be areas of Lakewood Lane that would not object to it.

Commissioner Sikkema said we need a detailed poll to see what people want.

Supervisor Walker feels that we should use the term short term rental not resort rental.

Commissioner Mahaney commented that he has stayed at vacation rentals across the United States and they draw beneficial tourism. All of them have a list of rules and a deposit must be paid to ensure proper behavior when staying at these places. He feels that we need to further discuss short term rentals.

Commissioner Ventura commented that people look at their home as having certain rights and they may feel that renting their home short term is a right. If we pass an ordinance that denies them that right we may open ourselves up to takings. If it went to court, we would probably lose unless the ordinance is written very carefully. The courts tend to side with the homeowner.

Trustee Maki questioned the mixed use area. He feels that it would be too difficult to monitor. Putting all the layers of protection is a great concept, but not practical. He is concerned that the lay out of the Mixed Use Zoning will create strip development.

Trustee Bohjanen does not understand what the problem is with strip development? If you have three businesses in a row with separate driveways, it is called strip development.

Commissioner Sikkema stated that it will be hard to move forward with any type of business growth without sewer and water. Does the Board want to move forward with sewer and water in the Township that will encourage business development?

Supervisor Walker said that we cannot consider sewer and water without imposing taxes to pay for that. He is not sure our residents want that.

The Planning Commission has been discussing accessory dwellings, raising of animals, planned unit development, cluster development, form based code to encourage redevelopment, what to do with the vacant commercial area in Harvey and junk car ordinance. By showing future road connections, they hope to avoid future cul-de-sac development and promote better connectivity.

Milton moved Ventura seconded, that after thorough consideration of the February 4, 2015 version of the Draft Charter Township of Chocoy Master Plan 2015 Edition and subsequent formatting edits, the Planning Commission submits the draft plan to the Township Board and recommends that the Board approve the distribution of the subsequently revised February 9, 2015 version draft plan for comment as provided in the Michigan Planning Enabling Act with pictures included.

AYES: 6

NAYS: 0

MOTION CARRIED.

White moved Carlson seconded that after review of the February 4, 2015 version of the Draft Charter Township of Chocoy Master Plan 2015 Edition and subsequent formatting edits, the Township approves the distribution of the subsequently revised February 9, 2015 version draft for comment as provided in the Michigan Planning Enabling Act.

AYES: 5

NAYS: 1 (Maki)

MOTION CARRIED.

DISCUSSION OF PLANNING COMMISSION 2015 GOALS/ PRIORITIES.

- Looking at the Junk Car Ordinance and unlimited trailers on a parcel of property

Trustee White gave accolades to Planning Director Woodward and the Planning Commission for the wonderful document they put together in the Master Plan. She also thanked Dale Throenle and Suzanne Sundell for the beautiful lay out of the 2014 Annual Report.

Supervisor Walker read comments from Township resident Jean McLean, in favor of short term rentals.

PUBLIC COMMENT.

Jennifer Bruggink, 673 Lakewood Lane- Commented again on short term rentals and the problems it causes for the neighbors.

Supervisor Walker adjourned the meeting at 9:20 pm.

Max Engle,
Clerk

Gary Walker
Supervisor

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 16, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Richard Bohjanen (Board), Tom Mahaney, Bruce Ventura

Members Absent: Andy Smith (Vice Chair), Eric Meister (Secretary), Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

January 19, 2015

Motion by Bohjanen, seconded by Ventura, to approve the minutes as corrected (correct spelling of “at” to “that” on page 2, last sentence).

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

February 9, 2015 (Joint Township Board and Planning Commission)

Motion by Ventura, seconded by Bohjanen, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Bohjanen, to approve the agenda with additions (Unfinished Business – VIII.D Road Weight Limit update).

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Dick Arnold, 312 West Branch Road, commented on the definition of a “building” in the zoning ordinance. Particularly the last portion which describes a building thus; *“it shall also include trucks, vans, recreational vehicles or other vehicles or parts of vehicles situated on private property, and used for the purposes of a building, whether or not mounted on wheels.”* He feels that including these items in the definition of a building is inviting junk.

He also thinks we need a definition of a farm, because he is concerned about the number of farm vehicles you can have on your property in relation to activity level.

He also questions the fact that you can have as many accessory buildings as you want, as long as you meet setback requirements. He feels this is wrong. There should be a limit on the number of accessory buildings. For example, on Riverland Drive, a resident has a house with an attached double garage, detached single garage, and also an approximately 25' x 45' metal building, yet he still has five junk cars sitting outside.

Arnold is opposed to zoning for more business on M-28. He pointed out the businesses that are sitting empty right now – over by Main Street Pizza there are four units, with three units empty, along the strip mall there are eight units, with two units empty and one has never been rented. He feels we should do some public relations and improve the areas we have. He has worked all over the U.P. and feels there is only one place that has a worse business district than Chocoday, and that is McMillan.

Public comment was closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Adopt a resolution to hold a public comment period and public hearing on the Master Plan.

Woodward indicated she would like to be able to adopt the resolution so the public comment period can be opened up. After the 63 day comment period for surrounding jurisdictions and other agencies, there would be a public hearing. There will be a newspaper ad on this.

Bohjanen wondered if a report could be given at the next meeting regarding comments received to date. Woodward indicated that would be possible, and said we anticipate comments from the County at least.

Ventura made a motion to adopt the resolution to hold a public comment period and public hearing on the Master Plan, seconded by Bohjanen.

Resolution for a Public Comment Period and Public Hearing

For the Draft Charter Township Master Plan 2015 Edition

Whereas the Charter Township of Chocoday Planning Commission has supervised an update to the 2005 Charter Township of Chocoday Comprehensive Plan to replace the Plan adopted on August 15, 2005; and

Whereas the notice of intent to plan was sent to surrounding jurisdictions and other required parties per the Michigan Planning Enabling Act 33 of 2008 on March 11, 2010; and

Whereas the public provided input to development of the Plan via a public meeting held on September 22, 2010, and was given further opportunities to provide input through two public opinion surveys conducted in 2010 and 2013; and

Whereas the Charter Township of Chocoday Planning Commission and the Chocoday Township Board of Trustees have reviewed the draft Plan over the past 15 months, and provided comments for its refinement which have been incorporated into the Plan; and

Now therefore be it resolved that the Charter Township of Chocolay Planning Commission does hereby set a public comment period to begin on February 20 and end on May 18 at 3 pm;

Be it also resolved that the Charter Township of Chocolay Planning Commission does hereby schedule a public hearing on the Draft Charter Township of Chocolay Master Plan 2015 Edition to be held at their regular meeting on May 18.

Roll Call Vote:

Ayes: Andy Sikkema, Richard Bohjanen, Bruce Ventura, Tom Mahaney

Nays: None

Absent: Andy Smith, Eric Meister, Kendell Milton

VIII. UNFINISHED BUSINESS

A. Master Plan – Review final draft version, particularly the parts of the implementation plan that relate to potential Planning Commission tasks.

Woodward indicated that the Commission had been given a draft that contains photos and additional corrections that have been implemented since the Joint Meeting. She asked for any further input on the Plan, especially the regulatory tasks and other strategies, and indicated the wording was not changed, just the formatting.

Bohjanen indicated that he had a comment on page 15 about an ironic statement in the Master Plan (from the public survey, regarding the characteristics of rural character) that may not be in keeping with the rest of the Master Plan – *“Living in a place where you don’t have to deal with a lot of government regulations.”*

Mahaney had a comment on Page 126 – after listening to Greg Seppanen’s concerns about through traffic, his concern is with TC-2.4 *“Possible new road connections that provide multiple access routes into residential subdivisions, businesses, and other activity centers are depicted in Appendix G”*. He feels that putting new road connections into some of the neighborhoods would really change the character of that neighborhood, because people sometimes moved into a cul-de-sac for that reason – they don’t want to be bothered by through traffic. He doesn’t feel that this is a wise idea. He also disagrees with TC-2.6 *The Township will collaborate with Sands Township on a possible secondary access road connecting neighborhoods along Ortman Road west of Cherry Creek School with those along Silver Creek Road west of the Township Hall*. Mahaney lives off that road and there is a lot of walking traffic, with dogs, strollers, kids. This is a very residential neighborhood, and he sees no benefit. Putting in a through road would increase the traffic and the speed. Pretty soon you would have it connecting to M-553.

Woodward indicated the reasoning behind the “possible” new road connections was for improved public safety in case of emergency. The people on Willow Road only have one way out on Silver Creek Road, just like some people in western subdivisions (many in Sands Township) only have one way out on Ortman Road.

Mahaney indicated that people move there knowing there is only one way out. He doesn't feel it is such a good idea.

Sikkema indicated that previous discussion was that these roads would not be constructed unless the community asks for them. Some people don't understand what they are buying into when they buy on a private road. On the other hand, there are some people that buy into a private road knowing what to expect. There are some difficulties in managing development on private roads.

Ventura indicated that on Timber Lane there are around 175 residents which all exit on one road. If that exit would get blocked for some reason, there would be no alternative exit. Also, around 7:50 AM cars trying to get out on M-28 are backed up 6-8 cars deep. Ventura stated that he is one that would prefer a second way out. Mahaney indicated that he did not think that would change the character of that neighborhood. Ventura stated he did not feel it would become a cut-through, as it would be longer and winding. Sikkema stated that the person who lives at the end of the lane may not feel the same way.

Sikkema stated he feels that the local neighborhoods need to be consulted before doing anything with the roads. Mahaney indicated that just because the Township or Planning Commission feels a change needs to be made, that doesn't necessarily mean it would be what the neighborhood wants.

Bohjanen stated that the neighborhood connectors are far less likely to happen unless you had a compelling reason to do it, such as consensus with the neighbors or a health and safety issue. He feels that these proposed roads are just conceptual, but would enable more use of the land. He said the connection east of Willow Road will probably not happen, but the proposed new roads in the vicinity of the US-41/M-28 intersection are more probable since that would create more opportunity for property owners and potential business owners.

Sikkema indicated the maps show the Commission's thought process – as the property develops these designs can be incorporated into the development. He feels it's good to have it in the Master Plan.

Woodward said there are no strategies in the Capital Improvements section that indicate the Township will build these roads. There is language that was agreed upon by the Commissioners in Appendix G as follows, "This plan acknowledges that some new road connections should be implemented to provide improved emergency access, especially in situations where residents are vulnerable because their neighborhood has only one access point. The following connections are recommended as beneficial for implementation at the time of future property development." Woodward also reminded the Commission that they had expressed a goal to prevent future cul-de-sac development in favor of providing through connections. The plan also states that "the suggested locations are approximate, and do not indicate a requirement for any particular parcel. Additionally, it is intended that future road connections involving private roads will only be

implemented if the residents are in favor.”

Sikkema stated that he feels the Planning Commission is in consensus that this will not be imposed upon neighborhoods – they would need to approach the Commission. Ventura indicated the importance of the wording that indicates it will be considered when future development happens.

Sikkema asked for the Master Plan to be tabled for next meeting to consider in more detail.

B. Finalize Planning Commission priorities for 2015

Bohjanen stated that a lot of the priorities are going to work side by side – it will take months to be able to do these. He sees nothing on the list to eliminate, but may want to review the list and renumber the priorities.

Sikkema stated that he agrees with the “Finish unfinished proposed zoning ordinance amendments”, as this is something that should be done. Woodward stated there are only two of them. But when it gets to amending the Zoning Ordinance to implement the Zoning Plan of the Master Plan, there are some philosophies that must be discussed – how far does the Planning Commission go into converting over from our current zoning classifications to what is in the Master Plan. He feels that if we start by building a hierarchy and work down, it may become more manageable – go into major conversations first.

Woodward said in moving forward with implementation for the Zoning Plan, it might be useful to explore some zoning topics in more detail. She proposed that she could prepare a presentation for each meeting about a certain zoning topic of concern with discussion following. This would not be done with the idea of making any zoning changes immediately, but as an information gathering tool. Woodward would make this one of her priorities if the Planning Commission was interested. It was agreed to do this.

Sikkema indicated he would like to further explore the zoning classifications. Ventura agreed that a presentation on this topic would give people an idea of what certain terms mean, as he feels there are some misconceptions. Woodward suggested going through an exercise to think about which specific land uses might be appropriate for different areas to help with zoning classification. This could take several meetings to work through. Sikkema suggested that zoning classifications should be the topic of March’s presentation. Woodward stated that once you decide which land uses could be appropriate, you have to then decide what conditions might be associated with that use, if any. This is an example of how looking at the topics in greater depth would help.

Woodward asked for clarification of what is meant by the zoning classifications – Sikkema indicated it was how current zoning classifications would translate into the future ones. Sikkema thinks that as a Commission they have to decide if they want

to tackle changing the classification structure, and then changing the classification of specific parcels. The Master Plan would be the guide for these changes. Mahaney asked about the motivation for changing the zoning classifications. Woodward stated that, for example, the Commission said they wanted to add a Rural Residential district because of concerns about residential protection in rural areas – concerns such as the size of accessory structures and kinds of uses allowed in more densely developed areas, etc.

Mahaney suggested the residents should be involved. Sikkema agreed we should try to better inform residents about what the potential changes would mean, and he wants people to voice their opinion – they should be more informed. Bohjanen indicated there was a public comment at the joint meeting where after much discussion the resident stated her impression that she wasn't being heard.

Woodward stated what she needed was a list from the Commissioners on the topics they may want covered. The Township can provide notice on the website that will tell people what the topic of the month will be. Sikkema indicated it should just be one topic at a time and we should also publicize it on the message board.

Sikkema stated he wanted to know if the plan is to change the zoning classification structure. Woodward referred the Zoning Plan in the Master Plan. Bohjanen indicated that the Master Plan vision may not be appropriate to implement immediately, but at some time it may become appropriate. He said we probably don't need to look at everything at once – we may implement portions of the plan in phases. Woodward said she will give some thought as to an implementation schedule and the steps that would be involved.

Bohjanen asked about the Asset Management Plan for Township roadways. Woodward stated that Steve Lawry, Township Manager, with staff assistance had started entering road rating data into Roadsoft Software last fall. Lawry is developing a road plan for the Board. Bohjanen feels that the plan should probably go through the Planning Commission before going to the Board. Sikkema indicated that he has done road asset management previously, and sometimes the results seem counterintuitive – one road gets fixed even though it looks good in order to preserve it for a longer period of time, at the same time a road that has gone beyond its life expectancy may not be immediately prioritized. Residents have a hard time with this.

Sikkema would like to have Jim Iwanicki or Kurt Taavela come talk to the Planning Commission about asset management, and how the Road Commission may be able to help us. Woodward will contact the Road Commission.

Woodward asked about putting the monthly presentations on the Priority List – Priority 1. Ventura suggested moving "Begin planning for implementation of high

priority Master Plan projects” from Priority 2 to Priority 1.

Mahaney wondered about moving the “Plan for four-season transit facility” up higher on the priority list for grant purposes. Sikkema suggested we make a presentation to the County Transit Board to try to gain their support. He will have more time available and offered to work on it. Mahaney stated this would really enhance the community. Woodward stated that the Silver Creek Church expressed the desire to have a transit stop near their facility. Woodward stated she will send a copy of the draft Master Plan to the Chairman of the Transit agency board.

Ventura stated that he would like guidance from the Trustees on the land use decisions such as short-term rentals – he feels they are elected officials and they get input from the public and should make the decision.

Woodward asked if “Short-term Rentals” is something that should be discussed as one of the zoning presentations and discussions at their meetings. Ventura feels the issue is being forced on them and thus has to be addressed. Sikkema indicated that since the Master Plan is still in the beginning stages, he would not be opposed to moving this topic to the top of the list of discussion. Ventura stated this might hold up the Master Plan. Bohjanen stated that we are just laying the groundwork for the Master Plan by approving the resolution to make it available for public comment and a public hearing – we aren’t able to move the Master Plan any faster than that.

Woodward wondered if the Commission was talking about going forward with a zoning ordinance change regarding short-term rentals. Ventura stated that if the Trustees see clear to delineate a clear direction regarding short-term rentals, they can direct the Planning Commission to draft provisions to accomplish that. He does not feel it should be a Planning Commission decision whether to allow short-term rentals. Sikkema suggested Woodward provide information on current ordinance provisions and issues of enforcement. Woodward stated that staff has agreed that an attorney opinion is needed on current ordinance interpretation and enforcement, and she is seeking approval for this expenditure. Sikkema suggested that this be put on the agenda for next month so that the Commission can communicate to the Board what assistance and direction they need to move forward. Ventura questioned the statement made at the Joint Meeting that someone renting their residence for more than two weeks would lose their homestead exemption, and there was discussion on whether that was a valid statement. He asked Woodward to check into that before the next meeting. Sikkema suggested that “Short-term rental” be moved to Priority 1, and that it be the topic of discussion at next meeting rather than the zoning classification. Woodward indicated she will get the information together, along with options on how to proceed.

Mahaney asked for an update regarding accessory homesteading provisions. Bohjanen asked for clarification on the exact meaning of accessory homesteading.

Woodward stated that at one point, the Planning Commission had discussed this as a way to handle local regulation of animal agricultural activities as accessory to residential uses. At the time, the Planning Commission decided that more public input was needed, so this prompted the 2013 public opinion survey. Bohjanen asked if accessory homesteading activities were mostly related to small farming operations as opposed to mixed use, such as mother-in-law homes, etc. Woodward stated it is mostly about urban livestock. She explained that the reason it was called accessory homesteading was to differentiate from agricultural regulations in the Right to Farm Act, so there might be some portion of local control.

Woodward sees the Short-term Rentals, Accessory Homesteading, and Accessory Housing Units and several others as being the topics of interest to be explored during the next year, before any attempt is made at zoning changes. She suggested the Planning Commission could implement zoning changes in a piecemeal fashion or work on it over a period of time and implement all changes comprehensively. This would be a Planning Commission decision.

Sikkema wanted to avoid having an activity allowed as part of a piecemeal zoning change and then prohibiting it with a future zoning classification change. Mahaney stated he thought the Accessory Homesteading provisions were related more to a land use area formula than zoning district. Woodward stated that a land use doesn't necessarily have to relate to zoning districts – it could be related to available land area for a particular purpose.

Woodward said she thinks it's beneficial to present clear alternative approaches to the citizens when asking for their input as opposed to asking a general question. She also suggested that the proposed information sessions will help by introducing the topic and educating folks on the options, which may help to get some buy-in for change. The Commission further discussed the process for future implementation of zoning changes, such as community workshops, neighborhood meetings, etc.

Sikkema indicated that once the Priorities are set, they should be copied in the Planning Commission binders for every meeting to keep everyone focused.

C. Provide direction for potential revisions of Ordinance #55 and the Zoning Ordinance related to parking of vehicles and storage of vehicle parts.

Woodward stated that the current ordinance is pretty good – there are areas of concern, such as the unlimited number of trailers you can park on a property. People seem mostly to object to things they can see – such as junk vehicles, or big vehicles, such as motorhomes, parked in the front yard or along their adjoining property line blocking their view of the neighborhood. She asked whether it is important to control the number of trailers, or more important to address where/how they are stored? Some ordinances state these vehicles cannot be parked in the front yard, but not everyone can park in the side or back yard, so there may need to be a

provision for exceptions if there is proper screening or inability to park elsewhere on the lot. She said the Commission may want to address the number of trailers that can be stored on a property. But one consideration is whether it's less problematic for people to store their trailers on their own small parcels in a neighborhood with limited screening options, or to allow them to be stored on someone else's larger parcel out of view (meaning some parcels might be approved as a multiple storage area). Woodward asked for direction on how to approach the issue – should regulations relate more to zoning district, or parcel size, or screening?

Sikkema had a number of suggestions – there are some things that may be difficult to enforce. “Lawn equipment” may need to be added to the definition of “motor vehicle” in 3B. Woodward indicated we may want to include aircraft (in the case of a helicopter parked in a yard). Mahaney stated the definition does include “...every vehicle which is self-propelled by means of an engine, and shall include but is not limited to...” So these items are covered. Ventura said that it would be more correct to say motor instead of “engine” (for electric vehicles, for instance). Sikkema said every time it mentions “essential parts of the engine”, the words “essential parts of the drive train” could be substituted. By changing to drive-train, it would include other parts such as the transmission, axles, drive shaft, etc that are needed to propel the vehicle forward. Ventura indicated that the language may be constrained by the 1949 Public Act 300.

Bohjanen objects to the run-on sentences that need a diagram to untangle or that communicate an unclear message.

Sikkema then brought up Section 4A.2 – “Two vehicles or trailers, or a combination thereof, that are temporarily inoperable because of mechanical failure and are not in any manner dismantled, and have all main component parts attached.” Woodward asked if they are not dismantled, how would she know if they are not working just by looking at them? Sikkema then asked what defines a mechanical failure – are flat tires included? Woodward has seen ordinances that have provisions related to vehicles having to be “regularly used for its intended purpose” to be parked or stored outdoors, but it is difficult to determine how often a vehicle is used, except that you have evidence that a vehicle is not being used in the winter if the snow is not removed or the path plowed. Commissioners thought this would be difficult to enforce and could cause delays.

Bohjanen stated he thinks the issue is related to zoning districts and property size – considering this could solve most of the problems. Sikkema stated that one of the recurring problems is people storing trailers that they don't own on their property, such as trailers belonging to relatives. Another would be storing semi-trailer vans with no restrictions on the number of trailers per property. He doesn't think dismantling the semi trailer and using the body for storage is allowed because then you'd have a vehicle “part” stored outside, which is not allowed. There is also the question of the number of agricultural vehicles or equipment allowed on a property.

Bohjanen asked where it says unlimited number of trailers. Sikkema stated it doesn't say unlimited, but there is no limitation stated. They can be stored outside as long as they are duly licensed and operable, etc.

Bohjanen asked if there is much of a problem with using a semi-trailer for a storage unit. Maybe it's better than having all that stuff lying around the yard. He also thought another thing missing from the discussion is the implication of leaking fluids. If equipment is not being used, sooner or later it will leak fluid. Sikkema stated that this has been talked about, and assumed it's regulated by the MDEQ.

Woodward said we could have a provision that exceptions to the rules require special review and approval if certain standards for screening, lot size, etc are met. Sikkema asked that an example of such a provision be provided for the next meeting.

Bohjanen stated that lot size is important, but he feels setbacks and screening are more important. Woodward stated that most ordinances that have setback requirements just reference the setback requirements of the zoning district in which the property is located, but sometimes they just have a fixed setback number regardless of zoning district. Bohjanen stated that the smaller lots are probably not as likely to accumulate a number of trailers, but if there was a requirement for a limited visibility screen, such as a fence or a hedge, that would make a difference. If you have a height limitation, they would have less impact.

Sikkema said it's not as reasonable to complain about the seasonal storage of a recreational trailer in the side yard when that trailer is in regular use, but it's more of an issue if someone were to purchase a semi-trailer and leave it parked in the side yard all the time for storage.

Woodward asked how the Commission wants to handle semi-trailers. In the above instance, the requirement for regular use would prohibit the semi-trailer permanently used for storage. Ventura indicated that one of the keys to the issue with the trailers is if they are out of sight, it is not an issue. Woodward suggested a requirement that if they have more than one trailer stored on the property, the additional trailers have to be stored out of sight and screened. Ventura said that's getting close.

Sikkema stated that in order to get people to move here, we have to be able to protect their investments. He appreciates Bohjanen's point that we don't want to restrict people from using their property, as long as they don't degrade their neighbor's property. Mahaney thinks lot size could come into play.

Ventura moved, seconded by Bohjanen, that the discussion on Vehicle and Nuisance Ordinance – Ordinance 55 – Vehicle and Trailer Parking be tabled until the next meeting.

AYES: 4 NAYS: 0 MOTION CARRIED

Ventura asked if a private road has a right-of-way. Sikkema indicated that it has a 66 foot private easement, not a right-of-way.

D. Road Weight limit update

Steve Lawry, Township Manager, indicated that he talked with Jim Iwanicki of the Marquette County Road Commission after the previous meeting, and asked if the Road Commission would be willing to do the truck counts. He was informed that they are willing to do the counts on both Ortman Road and Little Lake Road after the seasonal weight restrictions are removed – May at the earliest. No details have been worked out yet, but Lawry anticipates a data collection time of two weeks on each road. Lawry indicated that at this time there didn't appear to be any other roads in the Township that warranted counts. This could change as traffic patterns change.

Ventura asked if the counters have the ability to discriminate between car and truck traffic. Lawry indicated that his understanding is that they are based on the timing of the axles striking the hose – if close enough it counts as a double axle. If you have a pickup truck pulling a trailer, it may count as a truck. It is not actually measuring the weight, just the timing between axle strikes.

Lawry indicated we may not be able to do both roads at the same time. He has not tried to set dates as yet, since it has been mentioned that the traffic tends to be sporadic. We would try to work things so the counters could be placed when activity seems to be starting. Sikkema indicated that last year was an unusual year for Ortman because of the construction that was going on.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

Woodward indicated that in the area of enforcement, for the next couple months she will be working on things identified by the assessor as possible violations due to failure to obtain a permit. After the snow melts, she will become more aggressive on the other types of violations. For the upcoming meetings, she will be working on presentations on short-term rentals, accessory dwelling units and tiny homes, and mixed use compatability.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 9:07 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 16, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:03 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair) (arrived at 7:25 p.m.), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney (arrived at 7:04 p.m.), Bruce Ventura

Members Absent: Kendell Milton (excused)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

February 16, 2015

Motion by Bohjanen, seconded by Ventura, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Sikkema asked if there was anyone there on a specific topic – John and Irene Janofski indicated they were there for the Lot Split Application (Item VII.A). Sikkema proposed that this topic be moved up in the agenda to accommodate the Janofski's.

Motion by Ventura, seconded by Meister, to approve the agenda as amended (New Business item VII.A Lot Split Application to be heard after item V. Public Hearings, and before Item VI.A Presentations)

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

A. Land Use Explorations – Short-Term Rentals of Single-Family Homes, Kelly Drake Woodward, Planning Director/Zoning Administrator.

Woodward stated this presentation is the first in a series of land use explorations related to future zoning decisions that may arise in implementing Master Plan recommendations. The first topic is the short-term rentals of single-family homes, which are sometimes called vacation homes.

Woodward suggested the first step in the decision process is to determine if there are existing problems or anticipated future problems associated with short-term

rentals of single-family homes that need to be addressed. If we cannot clearly identify or articulate such problems, then we may decide not to proceed further at this time. If we can clearly identify and articulate such problems, then we may move on to the next step, which is to evaluate current regulations – zoning or general ordinances – and see if they adequately address the identified problem. If the answer is yes, the problems are adequately addressed by current ordinances, then we proceed no further. If current regulations are deficient, we proceed to the next step which is to research and investigate various regulatory approaches, get public input, and then adopt regulations.

Woodward has divided the presentation into four areas: (1) Land Use Introduction; (2) Problem Identification: Past / Present / Future; (3) Regulation: Past / Present; and (4) Exploration of Future Approach.

Woodward compared short-term rentals of single-family homes with various lodging uses. Short-term rentals vary in intensity according to the frequency of the transient use and level of direct supervision (presence of manager or owner). To the outside world, the impact may be similar to friends, family or a housesitter visiting a single-family home, with or without the homeowner present. Woodward feels the single defining characteristic of a short-term rental is transient use of a single-family home. It may be an accessory or principal use of the home depending on the circumstance. This is in contrast to hotels or motels, which are a principal lodging use which may also involve other accessory uses such as bars or restaurants. Woodward also showed examples of short-term rentals available in our area as advertised on different websites, including the Lake Superior Community Partnership.

For Problem Identification, Woodward stated that she has searched through historical Township records, and finds no evidence of violation notices or citations issued in the last 10 years related to short-term rentals of single-family homes. The Township Attorney has also searched his records to 1997, and has found no instances of the Township prosecuting violations relating to “vacation rentals”. In recent Commission meetings, people have offered public comment about vacation rentals, indicating problems with trash, noise, unruly gatherings, people trespassing (because they don’t know the location of property lines), and an uncertainty of having “strangers” next door. These types of complaints are common with non-rental residential situations as well. In imagining other possible problems, people may assume there will be a lower level of maintenance of homes used for short-term rentals, however the opposite is often true as indicated by the photos of advertised properties. The homes need to look good to be competitive in the rental market. There can be problems if occupancy exceeds the capacity of sewer, water, or fire protection systems (which could be true of any residence). Some people cite concerns with protection of residential or neighborhood character. There is a possibility that use of single-family homes for short-term rentals will reduce the amount of housing available for locals.

Woodward continued with a discussion of Regulatory Approaches. There are some

difficulties with current regulations, particularly definitions. One of the problems is that short-term rentals of single-family homes are not expressly addressed in the zoning ordinance. To make the assumption, according to current regulations, that short-term rentals are not permitted anywhere would be problematic, according to the Township Attorney. To prove this use is not totally excluded, it would have to be shown that the use is equivalent to a “hotel”, “resort”, or “recreational structure”, which is also problematic per existing definitions.

Woodward explored key definitions with the Planning Commission, offering suggested clarifications should the Commission decide to pursue regulation of this land use. She suggested that “Short-term rental housing” be defined as a single-family dwelling unit that is offered for transient lodging (accompanied by appropriate definitions for “dwelling unit” and “single-family dwelling”). She said that “Tourist Home” is usually equated with “Bed & Breakfast”, which is an owner-occupied single-family dwelling unit in which transient accommodations and morning meals are provided to guests as an accessory use of the residence. “Recreational structure” differs as a structure intermittently used for transient lodging accommodations but not permanent residence. “Hotel / motel” is a facility principally used for transient lodging accommodations and which may include accessory facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreation. “Resort” is a facility used for transient lodging accommodations where the principal use is recreation or entertainment (such as a ski resort with lodge), unlike single-family rentals where the principal use is residential. Per current definitions, these uses are easily confused and thus regulatory intent is not clear.

Woodward discussed Michigan laws that do not equate bed and breakfast uses with hotels, specifically because bed and breakfast uses involve single-family structures. This includes Act 188 of 1913 Hotels, Inns, and Public Lodging Houses; and Act 230 of 1972, the State Construction Code act.

Woodward related research summarizing how definitions and use regulations have changed over time in the Township. From 1962 to 1976, dwellings were defined as permanent or transient occupancy, excluding tourist cabins (which are presumably temporary occupancy). Following that time, the only definitions that specifically address single-family occupancy are those for “single-family dwelling” and “bed & breakfast”. The “single-family dwelling” definition does not address occupancy type, although the definition for “bed & breakfast” specifies both permanent and transient occupancy (owner and guests). Current definitions for “resort” and “recreational structure” address temporary residency incidental to recreational use.

Woodward then explained County Regulations concerning single-family dwellings. Before construction, the Health Department authorizes permits for the septic and well infrastructure based on the number of bedrooms. The Building Codes Department issues occupancy permits if the structure meets Code requirements at the time of occupancy. However, there are no County codes relating to the subsequent operation of “short-term rentals” or “Bed & Breakfast” uses in single-family dwellings.

Woodward then cited the potential regulatory approaches to take if it is decided to regulate this land use – (1) Regulate external impacts that are not unique to short-term rentals uses through community-wide ordinances (Nuisance Ordinance, Noise / Unruly Gathering, Trespassing); (2) Zoning regulations related to distribution and operation (allow only in designated areas, cap on the number permitted at any one time or within a certain area, and performance standards); (3) Stand-alone ordinance with annual registration / licensing; and (4) Ban short-term rentals.

We have limited ability to monitor these uses and enforce performance standards such as occupancy limits and rental period restrictions. We can more easily monitor parking and maintaining an up-to-date contact name for a local representative in case there are reported problems. We can and do enforce ordinances related to noise and trash accumulation and storage. We would need increased staff time to handle renewable licenses or inspections.

A prohibition may be difficult and cost prohibitive to enforce or litigate. A ban may be seen as an “anti-tourist” sentiment and may have a negative impact on residency and tourism. The end result could be to punish owners and tenants who have done nothing wrong.

If we allow the use with restrictions we would have more information about the frequency of use and impacts. We would be better able to control the location and conditions of approval. We would still support tourism and allow homeowners an opportunity for supplemental income. Woodward concluded her presentation, and asked for questions.

VII. NEW BUSINESS

A. Lot Split Application #LS15-01, PID #52-02-305-012-00 and PID #52-02-305-011-00, commonly known as 250 and 254 Riverside Dr., Janofski

Woodward provided the introduction – Janofski’s own two adjacent parcels, and would like to shift the boundary line between them by 25 feet to the west. Currently, the eastern parcel is 100’ wide and is thus non-conforming to the minimum lot width of 125’, so the proposed boundary change would make that lot conforming. The other lot would remain conforming. Concerning current setbacks, the eastern parcel has an existing structure with a 6.8’ side setback which is nonconforming with a 10’ minimum required side setback. The proposed change would make the side setback conforming at almost 32’.

The staff memo addressed the four standards in the Lot Split Ordinance that are used to evaluate an application for a Lot Split when it does not create a new building site. The Planning Commission is to review the application and materials presented, and make a recommendation to the Township Board, either as presented or as changed.

Mr. Janofski came forward with a survey indicating the proposed change. He said that the existing structures were built in the 1920’s and 1940’s. Woodward indicated

that she had received a supporting statement from the County Road Commission.

Moved by Bohjanen, seconded by Ventura, that after review of Lot Split Application LS15-01; and review of the staff report dated 3/11/15; the lot split pertaining to Parcels #52-02-305-011-00, 254 Riverside Rd. and #52-02-305-012-00, 250 Riverside Rd. as presented at the March 16, 2015 Planning Commission meeting, be recommended for approval to the Township Board as presented, having met all standards of Section 42.6.B of Ordinance #42 Lot Splitting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Woodward indicated to Janofski's that this would be on the agenda for the next Township Board meeting on April 1, 2015 at 5:00 p.m.

B. Short-Term Rentals of Single-Family Homes - Discussion

Bohjanen asked about current regulations for long-term rentals of single-family homes. Woodward indicated there are none. Bohjanen asked if he would need Township approval before leaving town for a year and renting his home. Woodward said no, but it could affect his Principal Residence Exemption (PRE) for that year for tax purposes. Bohjanen mused that if you are worried about losing your PRE, you are not charging enough rent.

Gary Walker, Township Supervisor, explained that there is a State of Michigan ruling following the IRS Code that states that if you rent your home for more than 14 days out of the year, you are not able to claim a homestead exemption (because you have to pay income tax on the rent).

Smith asked if this has been a topic of frequent complaint. Woodward said no. Someone complained about a residential property with a house and three Air Stream trailers being used for seasonal residence, although they admitted it was probably limited to use by family members. Their main concern was parking the trailers too close to the property line, and people trespassing because they don't know the location of the property lines. Sikkema asked about the person at the joint meeting that had discussed this with Woodward. Woodward indicated that the citizen had asked about regulations, but had not called with a current complaint. Sikkema asked if anyone had checked with the police to see if there were any complaints dealing with short-term rentals. Woodward said she could check with them to see if any complaints were specifically related to short-term rentals. She is not sure if their records give this indication. Sikkema was trying to determine if there is actual data related to the extent of the problem.

Bohjanen said another option would be to do nothing. He thinks we should not regulate just because we can. Sikkema agreed with this.

Walker stated that our zoning powers are not infinite. As a government, we have to identify something that involves health, safety, and welfare. If we are going to regulate this, we have to make findings that say why we are regulating. Ventura

asked if health, safety and welfare include protection of property values. Walker indicated that it may, but we would have to be able to establish that a short-term rental lowers property values. We cannot simply speculate that this is what “may” happen. Meister stated that you could just as easily speculate that it would increase the values.

Paul Laurich, 872 Cherry Creek Road – he stated that he has managed both long-term and short-term rentals in the area. He stated he has more problems with his long-term rental tenants. Short-term renters have jobs, credit cards, and are here to spend money on vacation with their families. In his four years of short-term rental experience, there has never been anything broken or stolen, and no bounced checks. With long-term renters, they get into a place and they think they own it. Once they are in, it is hard to get them out. Another thing about short-term is that the rentals have to be kept in nice shape and be well-maintained or people will not rent them. Sometimes it actually makes the neighbors clean up their properties.

Mahaney said he has researched several websites, and a number of the homes that are listed are going for good money on weekly rates. With that kind of rate being charged, they are taking care of their homes. He doesn’t feel that they are attracting riff-raff at those rates.

Meister indicated that with the internet, it is becoming easier to rent out a place, so this will have to be addressed at some point. Smith indicated it would make it easier to catch the ones that are improperly claiming homestead exemptions.

Ventura indicated that if you go to a hotel in a larger city, you pay an occupancy tax to the local municipality – this may be something that the Township could be doing. Meister indicated that he stayed in a vacation home in Florida and he had paid a 12% occupancy tax. Woodward doesn’t know if that could be implemented here. Sikkema said he thought any tax would go to the Convention and Visitor’s Bureau, not the Township.

Sikkema asked if Commissioners feel that Lakewood Lane is mostly families or recreational property? Ventura indicated that there are both. Sikkema wondered if it was balanced more one way or the other, and asked what we want to see there?

Smith stated that you can bypass the rule regarding renting for less than 30 days by renting for a 31 day period, even if the tenant only pays for 2 weeks. He thinks people will get around that rule.

Sikkema stated he lived on Lakewood Lane for about 2 ½ years – and asked if other Commissioners would want this happening next door to them. He thinks the Planning Commission has to take into consideration what the residents who are raising families there want to see. Mahaney said you also have to consider the desires of the property owners offering the rentals.

Sikkema is concerned about people moving out if the area is opened up to short-term rentals. Mahaney said the internet indicates that there are rentals along

Lakewood Lane right now, and they may have been there for some time, and as far as we know, there are no complaints. Maybe the tenants understand and respect where they are.

Sikkema stated that one of the options is to just let it go and do nothing. Smith stated that if there were a bunch of written complaints then it would seem like the Planning Commission should look at it. Sikkema said a cavalier attitude about this could cause people to move out of the Township. Mahaney stated that he did not think that Smith was saying to turn a blind eye to it, but if there are no known issues right now, what is the need for regulation? What are we trying to correct?

Sikkema asked for a consensus decision regarding any action. Bohjanen agreed that everyone should render an opinion and reach a conclusion, but reminded the Commission that nothing need be done until zoning ordinance changes are pending. He said nothing needs to be done as a result of the Master Plan, and there is no citizen petition urging action, so this is not crunch time. Sikkema said the Township knows nothing of the residency decisions that are being made and why people move out of the Township. Bohjanen said there are many who don't move, and we don't know why they stay either.

Smith said he owned a lakefront lot and that several buyers declined to purchase after they discovered there were covenants mandating a minimum 6 month rental period.

Meister indicated there doesn't seem to be any decrease in property values on Lakewood Lane right now, but restrictions could be considered if there is indication that citizens want them, considering there will be those that don't want restrictions as well.

Ventura indicated that the Planning Commission should not take any action on it until the Township Board directs that something needs to be done. The Board is the one that gets information from the public. Walker indicated that it would be nice if the Planning Commission would communicate their conclusion to the Township Board.

The Commission discussed enforcement. Walker doesn't think that short-term rentals are really addressed in our ordinance right now, and doesn't feel that the ordinance could be enforced. Bohjanen indicated that the Nuisance Ordinance can be enforced, so in the interim, if there are complaints, they should be addressed in the same manner as long-term residences.

Sikkema saw something in the national news about people renting out large houses in California for parties. He would not want to live on Lakewood Lane with a short-term rental next to him. He feels if it was him, he would file a complaint, and if the Township said nothing could be done about it, he would move out and turn it into a short-term rental. Smith asked for a definition of short-term. Is it 2 weeks, 30 days, 60 days, 90 days – how long does it take till it's considered long-term? Mahaney stated he could see both sides of it. He can see certain property owners not wanting

transients – he also sees the other side of being a private homeowner and not wanting to be told what he can and cannot do. Sikkema asked why we can regulate a transmission business in a garage, but not someone renting out their home as a business?

Bohjanen stated that he has a long history of being against the idea of regulating to solve disputes between neighbors. It's not a matter of like or dislike – you have to regulate based on health, safety, and welfare. Sikkema agrees there needs to be a government interest.

Moved by Ventura, seconded by Smith, to have Planning Director Woodward write a brief summary to the Board explaining why the discussion of this item is being tabled following a determination that no action is necessary at the present time.

Vote: Ayes: 5 Nays: 1 (Sikkema) MOTION CARRIED

C. Request for comment on Land Use Order of the Director rule change for portion of Marquette to Munising Junction Trail located on State owned land in Alger and Marquette Counties

Woodward explained the DNR request for comment on their proposal to allow side-by-side ATV's on the portion of trail where ORVs are already allowed from the casino east into Alger County. Currently ORV's and vehicles more than 50 inches in width are prohibited. The DNR wants to do this because the "ORV trail" connects with an "ORV route" on which the vehicles are allowed, so it is confusing to riders. The Planning Commission is being asked to submit a recommendation to the Board for comment to the DNR either in support or opposition.

Sikkema indicated that this would allow side-by-sides, along with jeeps and other licensed vehicles along this route.

Ventura commented that he had talked with Carol Fulsher from the Iron Ore Heritage Trail (IOHT) Recreation Authority about a year ago about the idea of extending the IOHT to include the charcoal kilns that are at Deerton and Rock River, because they were part of the iron ore heritage as well. She said she didn't have any money right now to do that sort of thing. His comment would be that if the Planning Commission says yes to the DNR for wider vehicles, it makes it that much harder to then make this part of the IOHT. They ran into a similar problem west of Ishpeming and ended up having to put two parallel trails, one for ORV's and one for bikes, walkers, and skiers.

Smith indicated that if the DNR is proposing this, they have put a lot of thought into this and there must be a very good reason for their proposal. Sikkema stated it seems like the DNR wants to clean up some of the confusion on trail versus route.

Ventura asked what happens on these trails when two of the wide vehicles meet head to head. Bohjanen indicated that the two routes that he utilizes to get to hunting and fishing spots present the same problem with jeeps and trucks. If you come head to head with a vehicle that you can't pass, one has to back up.

Ventura mentioned the IOHT goes all the way to Kawbawgam Road and doesn't stop at the casino. Bohjanen stated there is no parking on the casino road – the only parking would be at the Pocket Park at Kawbawgam. Ventura indicated he is not opposed to it, but it is not as simple as it is suggested.

Bohjanen moved, and Smith second, to recommend that the Chocoley Township Board submit a comment to the Michigan DNR in support of the proposed Land Use Order of the Director rule change for a portion of Marquette to Munising Junction trail located on state owned land in Alger and Marquette Counties, the effect of which would remove a prohibition against operating a wheeled motorized vehicle which is greater than 50" in width along said trail.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Provide direction for potential revision of Ordinance #55 and the Zoning Ordinance related to parking of vehicles and storage of vehicle parts

Woodward stated that the Planning Commission had identified one problem as the ability to park an unlimited number of licensed and operable vehicles and trailers on a property. The Planning Commission needs to think about whether they want to restrict the number of vehicles, and whether the appropriate number allowed would depend on the zoning district and property size. Another thing to think about is where the vehicles are parked, and whether a setback or screening requirement would help alleviate complaints.

Woodward stated that per request she has provided the Planning Commission with an example of an ordinance with exceptions to the rules – it is from Schoolcraft Township in Kalamazoo County – it basically states that the Supervisor has the authority to grant a waiver from the vehicle storage location requirements if there are special circumstances beyond the control of the applicant that make compliance unfeasible or impractical, if adjoining property owners are not adversely affected, and if the spirit of the regulations are still observed. The waiver could be granted with conditions. Woodward said she did not recommend that it become the Supervisor's job, but this was presented as an example of flexibility in regulation. Summaries of regulations in other municipalities were also provided.

Sikkema indicated that he has seen issues brought up a number of times about the overall number of trailers and types of trailers, and parking and condition of agricultural equipment. There are also concerns about ownership of licensed vehicles – people are storing other people's vehicles on their property. He knows of one person who is leaving the Township because he is not putting up with his neighbor's junk anymore. Woodward asked if this particular instance was on the enforcement list. Sikkema thinks it is – the person has told him that he has talked about it before and nothing ever changes. Sikkema stated that since the last meeting he has had two people come up to him and complain about the junk – one

was about a person who runs a business out of their house, but doesn't live at the house – right now there are three hot water heaters setting in the yard.

Meister wondered if part of the problem is the enforcement – if the problem isn't reported to Woodward, there is sometimes no way of knowing that it is happening. Sikkema indicated that Woodward's time is taken up with many things. These types of things sometimes take a lot of time to resolve. Sikkema indicated that he is not for over-regulating, but he doesn't think you can just turn a blind eye to this.

Smith indicated that the only reason he would entertain modifying this ordinance is because there has been a resident coming to every meeting for three years with the same complaint. Maybe the language just needs to be cleaned up a little bit. If you have 80 acres and can park everything in the back, you are not a nuisance to the neighbors.

Bohjanen stated he thinks the things that could be dealt with are parking in the road right-of-way, screening, and health and safety. Aesthetics and neighborhood fights are not something you can control. The prohibition about parking in the road right-of-way is already in the ordinance, but maybe the language needs to be made clearer that you cannot store your junk there. Something about screening could be added to the ordinance, so it would be a change, not a whole rewrite. Concerning the numbers of trailers that could be stored, maybe that can be solved in relation to zoning standards – it's a lot different if you have 20 acres to store things on.

Meister stated he agrees with Smith that there are some things in the ordinance that need changes, but not a complete overhaul. There are some minor oversights that could be corrected rather than rewriting the whole ordinance.

Sikkema said someone who lives on Lakewood Lane could buy a 50 foot trailer and park it in their driveway as a storage unit and it would be allowed. Ventura asked if this was something that could be solved by requiring that they must be parked in the back yard. Bohjanen wondered about the official definition of back yard. If your house is 200 feet from the road, and it faces the lake, between the house and the road is your backyard.

Sikkema suggested that the Planning Commission be proactive in looking for the loopholes in the ordinance that could be exploited. Smith indicated that most normal people would not park nine trailers in their yard, but currently this could happen. He feels something should be done to some degree to prevent the one person who may think it is okay from doing it. Ventura asked how you would determine the right number. Sometimes the type of trailer and use would be a determining factor. Bohjanen suggested required setbacks for trailer parking. Woodward suggested allowing one trailer to be parking in front of the home, and requiring the rest to be parked in the rear. Smith indicated that there are some places that you would not be able to get to a back yard. He wondered if there is anything in the ordinance that prohibits people from storing other people's vehicles on their property. Woodward said there is currently no prohibition as long as they are licensed and operable.

The Commission discussed the possibility of semi-trailers being used for storage, and the fact that the licenses are forever. Supervisor Walker indicated that you could write the ordinance to refer to trailers that are licensed and used as being allowed. Sikkema indicated that this has come up before, and there is no way to tell if the trailer has been moved or not – how far do they have to move it? This is an enforcement difficulty.

Woodward stated that if the Planning Commission would provide her with what they feel are the problems and what needs to be improved, and then she can provide some options.

The storage of multiple trailers was further discussed. Mahaney asked about ordinances that state that certain size vehicles cannot be parked in the neighborhood. Meister indicated that there should probably be a distinction between storage trailers and recreational vehicles – doesn't know if there is a way to differentiate.

Enforcement difficulties were further discussed. Supervisor Walker indicated that one of the things that's been encountered at the Township is people coming in with photos that they could only have obtained by trespassing on someone else's property. The problem is not visible from the roadway, which is problematic for Woodward because she cannot enter onto the property for inspection without the owner's permission.

Bohjanen asked about grandfathered conditions. Woodward indicated that there is no grandfathering with a stand-alone police power ordinance. So if we change the rules, then we enforce the new rules. However, the Zoning ordinance has non-conforming clauses to allow things to be grandfathered in. Woodward indicated that there are regulations in the zoning ordinance prohibiting the parking of vehicles of a certain size in certain zoning districts.

Woodward summarized what she has heard from the Planning Commission at this point is that if there are multiple trailers and they are screened, it is probably not a problem.

Mahaney wondered if the Planning Commission should shoot for a size limit. Sikkema indicated that some RV's are bigger than semi-trailers.

Ventura wondered if there could be something added to Regulation 4.A.1.a about the R1 zone being limited to 3 vehicles and AF being limited to 5 vehicles. Woodward said she would have to see if we can add references to the zoning ordinance in a stand alone ordinance.

Woodward indicated that you can have "inoperable" vehicles as long as they are screened. Smith feels that if you have enough property and everything is screened, there should be no problem. Sikkema indicated that our current regulation does address screening adequately.

The Commission discussed agricultural equipment which is not licensed. Ventura

stated the ordinance has an exception only for vehicles “used” for agricultural purposes, so if they’re not used they’re junk vehicles. Woodward stated that this ordinance applies to premises primarily used or zoned for residential occupation. So, a 40 acre parcel in the AF district with a house – would that be primarily for human occupation? There are things that will need to be clarified.

Smith stated Section 4.A.1 could potentially produce problems. Ventura stated part of this could be fixed by saying the license needs to be held by the property owner. Woodward stated she didn’t know if she could get ownership information.

Sikkema asked about buying a used semi-trailer with tires, license it for \$75, and use it for storage – how does the Township deal with that. He feels this is something that could show up in residential neighborhoods and cause problems. Meister asked if we were just looking to ban semi-trailers.

Ventura indicated there was something in Section 4.A that states, “...and does not violate any of the zoning or building laws of the Township, County, or State of Michigan ...”. It does reference zoning, so could we not use zoning districts as a way to regulate it. Woodward indicated that question would be asked of the Attorney.

Sikkema asked Woodward to do more research on the above items. Woodward asked the Planning Commission also to send her examples they might find.

B. Master Plan – Continuing review of final draft version and comments received to date

Woodward asked that the Planning Commission decide whether to implement changes related to public comment (specifically from Alger Delta Cooperative Electric) now or at a later date. The Commission decided to implement any changes at one meeting at the conclusion of the public comment period.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENT

None

XI. DIRECTOR’S REPORT

Woodward indicated she had given the Commissioners some information on upcoming training, or if anyone would like to do the Citizen Planner this year, she can get ahold of Brad Neumann for information.

Sikkema asked Woodward on the status of the Beaver Grove Community Farm – Woodward indicated that they are getting ready to host workshops and Field Days – the first one is March 26 at the Township Hall related to northern fruits. Hannah Brisson is doing the presentation. Other topics will relate to soil testing and development of swales for water catchment. They are looking for people who have knowledge and experience in these areas to help with the presentations. There is a new management team member – Phil Britton. The money from the first grant will be used for a banner, which

will have a code on it that you can scan with your phone and it will take you to their website. The website is in the development stage. They will be developing the children's garden this year, including a structure.

Smith said that the neighbors are complaining because of excess garbage on the disc golf trails. Woodward stated she had a hard time believing it is the disc golf players because they maintain the trails. Supervisor Walker indicated that once the disc golf started, the police and DPW indicated to him that they were getting a lot less garbage. There are quite a few kids that use the trails back there. Walker suggested Smith have the person making the complaint come in and talk with us.

Supervisor Walker thanked the Planning Commission for the work that they do. He stated they were a very vital part of Township Government, and that he appreciates everything they do.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 9:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 20, 2015

I. MEETING CALLED TO ORDER BY: Andy Smith at 7:03 p.m.

ROLL CALL

Members Present: Andy Smith (Vice Chair), Eric Meister (Secretary), Bruce Ventura, Kendell Milton

Members Absent: Andy Sikkema (Chair), Richard Bohjanen (Board), Tom Mahaney

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

March 16, 2015

Motion by Meister, seconded by Ventura, to approve the minutes as written. Comment made by Ventura that the minutes were very extensive and thorough.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, seconded by Meister, to approve the agenda as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None. Public Comment closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

A. Land Use Explorations – Land-Use Classification, Kelly Drake Woodward, Planning Director / Zoning Administrator

Woodward indicated that the discussion is based on the “Land-Based Classification Standards (LBCS)”, which is a project between the Federal Highway Administration and the American Planning Association to standardize land-use coding to facilitate cross-jurisdictional data sharing between government entities. This is based on the Standard Industrial Classification (SIC) Codes. For Chocolay Township, it can provide a basis for a comprehensive, organized approach for zoning land use tables.

The LBCS is divided into five dimensional categories: (1) activity; (2) function; (3) structure type; (4) site development character; or (5) ownership. Woodward presented and summarized these five categories as below. Ventura asked about the use of the word “or” in the above – does this mean they need to pick between the

different classifications, or would the matrix include all of them? Woodward indicated the method usually uses combinations of categories.

Activity refers to how the land is actually used – what is taking place physically and what you would observe happening. Woodward said categorizing land use by activity is one of the best ways to address nuisance impacts as it reflects what is actually taking place on the site.

The four digit codes for classifying land uses by **activity** include: **1000** – Residential (household, transient, or institutional); **2000** – Shopping, Business, or Trade (shopping, restaurant, or office); **3000** – Industrial, manufacturing, and waste-related (factory or heavy goods storage, solid waste management, construction); **4000** – Social, institutional, or infrastructure (school or library, emergency or public safety, utilities, mass storage, health care, interment or cremation, military base); **5000** – Travel or movement (pedestrian, vehicular, trains or rail, boating and other port / marine, airport or spacecraft); **6000** – Mass assembly (indoor or outdoor gatherings of many people); **7000** – Leisure (active or passive, flying, water); **8000** – Natural resources-related (agriculture, livestock, pasturing, logging, quarrying, mining, dredging); **9000** – No human activity or unclassifiable.

Function is based on the economic function or type of establishment (which can be a variety of activities all serving a single function or establishment, such as an office and factory). It could also be useful for fine-tuning for compatibility in a mixed-used setting, or differentiating between districts.

The four digit codes for **function** are: **1000** – Residence or accommodation (private household; housing services; hotels, motels and other accommodations); **2000** – General Sales or services (retail sales and services; finance and insurance; real estate, rental and leasing; business, professional, scientific, and technical services; food services; personal services; pet and animal sales and service); **3000** – Manufacturing and wholesale trade (food, textiles and related; wood, paper and printing; chemicals, metals, machinery, and electronics; miscellaneous manufacturing; wholesale trade; warehouse and storage); **4000** – Transportation, communication, information, and utilities (transportation services, communications and information; utilities and utility services); **5000** – Arts, entertainment, and recreation (performing arts; special purpose recreational institutions; amusement, sports or recreation establishments; camps, camping and related; natural and other recreational parks); **6000** – Education, public administration, health care, and other institutions (educational services; public administration; other government; public safety; health and human services; religious; death care; associations and non-profits); **7000** – Construction-related (building, developing and general contracting; machinery-related; special trade contractor; heavy construction); **8000** – Mining and extraction establishments (oil and natural gas; metals; coal; nonmetallic; quarrying and stone cutting); **9000** – Agriculture, forestry, fishing, and hunting (crop production; agricultural support; animal production; forestry and logging; fishing, hunting, and game preserves).

Structure Type is especially useful when coding for appearance and continuity of the public space, as in form-based codes.

The four digit codes for structures have been broken down as follows: **1000** – Residential buildings (single unit; multi-unit; specialized units – barracks, dorms, hotels, single-room occupancy, temporary structures, converted structures); **2000** – Commercial buildings and other specialized structures (office or bank; store or shop; office or store with residence above; office over store; malls, shopping centers; industrial buildings – light and heavy; warehouse or storage facility); **3000** – Public assembly structures (theater; indoor games; sports stadium or arena; exhibition convention or conference; churches; capitol buildings; passenger assembly); **4000** – Institutional or community facilities (medical; school or university; library; museum or exhibition; public safety-related; jails and other correctional; cemetery, monument or mausoleum; funeral home and cremation); **5000** – Transportation-related facilities (linear or network feature; automobile parking facilities; bus stop shelter; bus or truck maintenance; water transportation or marine; air and space transportation; railroad facility); **6000** – Utility and other non-building structures (utility structures on right-of-way; water-supply related; sewer and waste-related; gas or electric power generation; communication towers; environmental monitoring station; sign or billboard; other miscellaneous – kiosks, roadside stand, welcome centers, playground, fountain, sculpture, outdoor stage); **7000** – Specialized military structures; **8000** – Sheds, farm buildings, or agricultural facilities (grain silos and other storage structures; livestock facility; animal feed operations facility; animal waste-handling facility; greenhouses; hatcheries; kennels and other canine-related; apiary and related; other ag related accessory buildings); and **9000** – No structure (subsurface).

The **Site Development Character** category is the overall physical development character of the land. This category could be useful in a build-out analysis or other analysis of development potential or vacancies. This category could also be used for assessing.

Classifications for **Site Development** included: **1000** – Site in natural state; **2000** – Developing site (graded with no structures or use, temporary structures); **3000** – Developed site – crops, grazing, forestry, etc.; **4000** – Developed site – no buildings or structures; **5000** – Developed site – non-building structures (landscaped, billboards, roads, tanks, or reservoirs); **6000** – Developed site – with buildings; **7000** – Developed site – with parks or trails; **8000** – N.A.; and **9000** – Unclassifiable per site development character.

The last category is **Ownership**. This is the relationship between the land use and land rights (public, private, mixed public / private, easements). It is useful for knowing which regulations supercede others, and which are out of local government control. Ownership impacts development character through decision-making authority. Classifications for **ownership** are: **1000** – No constraints – private ownership; **2000** – Some constraints – easements or other use restrictions; **3000** –

Limited restrictions – leased and other tenancy restrictions; **4000** – Public restrictions – local, state, and federal ownership; **5000** – Other public use restrictions – regions, authorities, tribes, etc.; **6000** – Nonprofit ownership restrictions; **7000** – Joint ownership character – public entities; **8000** – Joint ownership character – public, private, nonprofit, etc.; and **9000** – Not applicable.

Woodward introduced the draft land use matrix that is the type of table that would be implemented with future zoning revisions. The table lists general categories of land uses with more specific land uses below, and eventually would indicate which land uses are permitted in the different zoning districts that could be developing based on master plan recommendations. She would like to get input on the organization of the table.

Milton asked if the category / matrix was flexible enough for a residence and a library to share a structure. Woodward indicated that in the table (#240) she did indicate mixed-use applications, and the Commission would still need to decide which uses could be combined in the different zoning districts.

Meister asked if the idea behind this was that someone could find what they want to do on the table and look across to find where they would be allowed to do it. Woodward indicated that was the intent.

Lee Blondeau, 2001 N. Traci Lane, asked for clarification on SIC codes. Woodward indicated it stood for Standard Industrial Classifications, and could be used as a basis for detailed use standards. The new proposed mixed-use classification as recommended by the Master Plan was discussed. Woodward feels this will add some flexibility for property owners.

Ventura asked where the three digit classifications in the use matrix came from, since the LBCS codes were four digit numbers. Woodward didn't feel there was a need for four digit numbers, but if we want to be consistent with the LBCS for data base purposes, we could go to a four digit system.

VII. UNFINISHED BUSINESS

A. Review potential revisions of Ordinance #55 related to parking of vehicles and storage of vehicle parts

Woodward introduced the discussion starting from a list of the things she thought the Planning Commission had identified as potential problems in previous meetings, including:

- Number and types of trailers that can be parked on a property
- Parking location and condition of agricultural equipment
- Parking of multiple vehicles (which may be more acceptable if out of sight in the rear)
- What is allowed might be related to size and the use of the trailer (whether for recreation or storage)
- What is allowed might be related to lot size or buffers / screening provided

- The problem may be more related to where the vehicles are parked (near property boundaries or within view of the road or adjacent properties) and setback requirements or screening standards may help alleviate complaints

Woodward created a draft that would address all these issues, and it may be more detailed than need be, but it is a starting point. From here it can be simplified. New definitions are related to where cars can be parked on the lot as well as specific vehicle types - agricultural, and recreational, also mobile homes. The proposed draft clarifies the provisions for parking vehicles in the right-of-way, because currently our ordinance says that you are not to park in a public right-of-way EXCEPT for when it is a duly licensed and operable vehicle. Woodward also proposed a prohibition about parking vehicles where it presents a fire or safety hazard or obstructs building entrances. Another newly proposed provision is that any vehicle over 8 feet tall be stored at least 10 feet from the lot line so the view is not blocked by someone's trailer.

Smith asked if this is based on other existing ordinances. Woodward stated that the provisions are similar to other township ordinances.

Woodward tried to develop provisions to control vehicle parking in the front yard. It also controls the number of trailers that can be parked or stored in the front or side yards - anything over three have to be parked in the rear and substantially screened. There are provisions related to the parking of agricultural vehicles in the front or side yards (unless the principal use is a farm). There is a proposed provision dealing with inoperability determinations (which would still need to be looked at by the attorney) – if the Zoning Administrator cannot see the license, it will be presumed inoperable, although the owner would have the opportunity to show (within a specified time frame) that the vehicle is licensed and operable. There is also a provision dealing with seasonal use of parked recreational vehicles on the premises, and a prohibition against using semi-trailers as storage containers.

Smith feels that the summary of comments that were brought up at the last meeting is pretty accurate.

Milton wondered about “substantially screened” – how big and how far. “Substantially screened” is by a solid fence or wall or by landscaping or other natural barriers of ample height and density so the vehicles are barely discernable (such as a hill or tree cover). This is found in Section 7.A.2, related to the storage of recreational vehicles or trailers in the rear yard. The Commission discussed Section 4.D.4 “Waivers on front and side yard provisions – Sec. 4.D.4.a states “The premises have unique conditions that are beyond the control of the applicant that make it unfeasible to locate currently licensed and operable vehicles in full compliance with these requirements, such as unique parcel configuration or terrain” and Section 4.D.4.b states “The front and side yard areas are completely screened from view by a vegetated buffer at least fifty (50) feet wide.”

Meister asked about parking a car that is for sale in the road right-of-way. He

indicated that it looks like we allow property owners to display vehicles for sale for a period of time, but we are proposing that the vehicles can only be placed in the right-of-way if it meets the uniform traffic code. Most people offering vehicles for sale park at least a portion of the vehicle in the right-of-way. He feels that it would be okay, as long as they are not impeding traffic. Woodward stated that it is not actually legal to park in the right-of-way except as indicated by applicable vehicle codes, so the Township rules should be consistent with the State's rules.

Woodward discussed the proposed requirement that parking only be allowed on an improved surface in front or side yards. We do include gravel as an improved surface, which most other ordinances do not. Dirt would not count as an improved surface, however there are unimproved dirt driveways in the Township. The Planning Commission needs to decide if they care if people park all over the front yard, or if parking needs to be limited to the vicinity of the driveway (the size of which is limited). There are various ways to approach this, and some are more complicated than others. Meister asked if someone has a recreational vehicle, would they have to park it on a graveled spot. Woodward indicated that the proposed draft says if you want to park/store recreational vehicles in the side yard, you can have a separate improved surface for that, but otherwise the improved parking surface would need to be connected to the drive that goes out to the road. Ventura indicated that there may be some confusion on using the words "parking" and "storage". If an RV is stored for 6 months, he doesn't feel it is parking, it is storage. He felt that this may need to be clarified – to him "parking" means you are using the vehicle on a regular basis. Anytime you are using a vehicle on a regular basis, you would need a hard surface to park it on or a driveway of some sort, where for storage, you may not need the same type of surface. Woodward indicated that everything in the ordinance refers to both "parking / storage", except for the heading on Section 4.D, so it is currently not differentiated.

Smith indicated that he has not had the opportunity to drive around the Township and research the potential impacts of the draft ordinance. He asked if anyone else had taken the opportunity to drive around. Milton asked if they needed to approve anything at this point. Woodward indicated it was up to the Planning Commission. The next step in moving forward is for the Planning Commission to make any changes they would like to make, and then schedule a Public Hearing.

Meister indicated he was still unclear about the recreational vehicle storage / parking. He knows there are a lot of people that store their recreational vehicles in their yard, and does not feel they would want to put in a gravel pad to store them on – they would usually just park their RVs on the grass on the side of the house for the winter. He doesn't feel that people would want to start putting gravel pads all over their property. Woodward indicated this might have to be reworded somehow – this is found in Section 4.D.1 and Section 4.D.2, which says the parking surface can only include the areas privately or publicly connected to the road access or easement, except you can have one improved parking surface in the side yard, as long as it is

located as far as possible from the side property line. Woodward stated you could just take out the word “improved” in that Section 4.D.2. Meister feels that to leave it as it is there would be a lot of people that would be in violation with their recreational vehicles and boats.

Milton feels that people should be able to park vehicles on any surface that they want to. Woodward indicated the purpose of the provision is not to control the parking surface – it’s to keep vehicles from being parked all over the front yard. So if there is another way to prevent vehicles from being stored in the yard area without requiring that they be parked an improved surface, she is open to suggestion.

Ventura indicated that approach was used in the City of Marquette to limit front yard parking. There was a lot of push-back at the beginning of the ordinance, but after people saw the improved appearance, especially with rental properties, they came around to accepting the ordinance as a good thing. The City ordinance prohibits parking on anything but a paved surface.

Meister doesn’t feel it should be included, simply because a lot of people would be in violation, and he doesn’t feel that it is part of the problem – it’s more the number, rather than where they choose to park their vehicle. Woodward stated that then you would have to determine how many vehicles to allow.

Milton indicated that there needs to be a level of reasonableness. Woodward suggested a simpler requirement that parking has to be on or near the driveway, and not taking up more than a certain percent of the front yard. Smith asked if the percentages were based on other ordinances that Woodward reviewed. Woodward indicated it was, but still if you have a big yard, 40 or 50% allowance can mean that a lot of cars could be parked there. Meister asked if parking for cars and trucks was currently a problem, or is it just trailer parking. Smith said it’s a potential problem, but regarding trailers, the potential problem seemed to be that if you have permanent license plates on trailers, you could park many of them in the yard. Woodward indicated that there are residents that call to complain about the number of vehicles in someone’s yard, and she has to tell them that if they are duly operable and licensed, they can have as many as they want.

Woodward feels the whole group needs to be okay with the proposed ordinance changes before they go public. With three people missing this meeting, they may want to take more time to be able to drive around the Township and get a feel for how the ordinance will affect the people in the Township. Meister indicated that when he drove around the Township, it wasn’t the cars and trucks that he saw as being the biggest issue, it was more the miscellaneous junk. Smith indicated that he would like more time to drive around and analyze the ordinance.

Woodward indicated that many of the original provisions are unchanged, yet the ordinance may look a little different as it is organized – the exceptions to the rules are organized by type now. Woodward discussed the proposed provisions in detail to make sure the Commissioners understand before they tour the Township.

One new provision is Section 7.B – Temporary occupancy of one recreational vehicle on a private parcel used for residential occupancy is permitted for no more than 90 days per year, except for in a campground. You are not permitted to have two dwellings on a property, but some people use trailers as guest houses during the summer.

Semi-trailers, with or without wheels, are not permitted for storage. Smith asked if this was regardless of property size or buffering / screening. Woodward indicated it was. Ventura stated that he thought this is what it was all about – getting rid of the trailers for storage. He thinks we should leave it in. Smith indicated he didn't think it would matter if you had a large property and could properly buffer them. Woodward indicated that the provision could be changed to read that semi-trailers and similar types of vehicles could only be used as storage containers if they are in the rear of the property and substantially screened from view. The Planning Commission thought this would be a good idea.

Ventura indicated he felt it would be difficult to enforce the 40% and 50% front yard provision- this would be hard to explain to people and would take a lot of time to enforce. Woodward indicated that if the Planning Commission was going to simplify anything, it should be that section.

Moved by Meister, seconded by Ventura, that the review of potential revision of Ordinance #55 Vehicle and Trailer Parking and Storage be tabled until the next meeting.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

It was reiterated that the homework was to go out and find examples of problems, and also to keep the meeting materials for use at the next meeting.

VIII. NEW BUSINESS

A. Land Use Classification – Discussion

Woodward indicated that this discussion will help the Planning Commission with land use classification for future zoning ordinance updates. Each category includes both principle and accessory uses.

Milton asked about the Tier 1 and Tier 2 distinctions. Woodward said when the Commission revised the home occupation provisions, they divided them into Type 1 and Type 2, so on the use matrix these two types are handled separately. Type 2 home occupations are currently only allowed in single-family residences. This is why only Tier 1 Home Occupations are indicated under multi-family residential categories.

Ventura asked for a definition of the LUI Code. Woodward stated the LUI code is something she has used before in ordinances – it is called the Land Use Intensity code. It would be assigning a range of intensities to the potential uses, and it would be related to screening requirements – LUI 1 probably would not have screening requirements at all. If you have LUI 6, which is the highest intensity uses, you would have the most substantial screening requirements. This would be implemented

when something new is built, or something is redeveloped. She would like to incorporate something like this in the future. The zoning districts correspond with what is outlined in the draft Master Plan, but are subject to revision.

Woodward asked that the Planning Commission study the land uses in the table in relation to the LBCS tables, and see if the proposed land use table is comprehensive and has a reasonable organization.

Ventura asked if they are to assign codes to each use in each zoning district, such as P (Permitted), C (Conditional), or a dash (Not Permitted). Woodward said eventually, yes. First she wants to focus on the categorization of the uses. For example, some categories (such as 211) include many different types of businesses – the Planning Commission needs to decide if they belong together, or in separate categories based on Township context.

Meister asked if the zoning districts were new. Woodward stated that some are new, but some are new in name only – for example, RV (Residential Village) is essentially a new name for the current R-2 zoning district, and RN (Residential Neighborhood) is essentially a new name for the current R-1 zoning district.

Meister asked if they are deciding if these are right before putting them on the map. Woodward stated that this was already done in the Master Plan. The zoning districts listed on the chart are indicated as per the Master Plan, but may be subject to change – for example, two zoning districts are listed for Residential Waterfront and Agriculture Forestry categories, but perhaps only one distinction will be necessary.

Smith asked if Woodward thought this would give the Township overall more flexibility – encourage more development in Chocolay Township. Woodward stated that the mixed use zoning districts will allow some increased flexibility in redevelopment and reinvestment, with attention to controlling the compatibility factors. Perhaps this would encourage vacant properties to be reused or redeveloped sooner. Smith wondered if, at present, there were just too many hurdles for prospective businesses. Woodward stated that property owners may also have something innovative in mind which doesn't fit with current ordinance requirements. This would provide more flexibility. Smith asked if there were very many inquiries on things not currently allowed. Woodward stated yes.

Woodward asked if this should be discussed at the next meeting with the whole group. Meister indicated he thought the junk ordinance should be the priority to get resolved at next meeting, with the secondary being the land use classification.

Woodward asked if they wanted a land use exploration presentation for next month's meeting, such as accessory buildings or mixed use compatibilities, or would they prefer to work more on the land use classifications. Ventura was in favor of working on the land use classifications rather than jumping into something else. Smith indicated that he will need some time to look over everything.

The Commission decided to look in particular at the land use categories in detail by

assigning permitted status (P, C, or -) to all uses in the first three zoning districts, which are the mixed-use zoning districts (MU-C, MU-N, MU-V). In other words, Commissioners will have homework to label each use in the first three zoning districts as being either Permitted, Conditional, or Not Allowed. For reference, the descriptions upon which the zoning districts are based are in the draft Master Plan (Chapter 7 has the future land use plan / descriptions, relationship of future land uses with current and future zoning, and future zoning plan, while the current zoning map is in Appendix M and future land use map is in Appendix U.) The draft Master Plan is on the website at <http://www.chocolay.org/masterplan/masterplan.php>.

Woodward also indicated that at the next meeting, the Master Plan comment period will be complete, and there will be a Public Hearing and decision on adopting the draft Master Plan.

Smith asked that Woodward send an email to all the Planning Commission members on what needs to be done on this topic. Ventura asked that along with the email, Woodward include a chart that explains what each district abbreviation stands for to avoid confusion. Woodward indicated she would do this.

B. Preparing for future development along the Harvey corridor

Woodward indicated that she is getting a lot of inquiries about properties that could be redeveloped. There is nothing in the ordinance right now on buffers and screening for uses that have a lot of outdoor storage. Woodward is asking that the Planning Commission let her develop a proposed zoning amendment to deal with reasonable screening of outdoor storage uses in the Village of Harvey. She is concerned that current development could impact the area for many years. She would also like the Commission to consider implementing the Master Plan recommendation LU-10 to recommend that the Board hire a team of consultants to create a development plan for the Harvey corridor area. Money is available in the current budget to go towards the project.

Meister indicated that the only property that is deeper would be the Wahlstrom property, otherwise they are relatively shallow. If someone put a commercial business in there, he feels there are already green space requirements for parking lots. Woodward stated that there are only requirements for parking lots with 50 cars or more. Meister indicated he doesn't see where they would have enough property to set aside additional property for the buffer beyond the right-of-way. As an example, Woodward indicated there is another property near Wahlstrom's that has been proposed with parking in the front and the building to the rear. Since there would not be 50 parking spaces, there would be no requirement for parking lot landscaping. Similarly, there are no screening requirements for a use that has a lot of outdoor storage.

Milton asked if the consultants would be addressing this issue. Woodward indicated they might develop some general recommendations to go along with a form-based code if we moved in that direction. Milton asked if they would be local. Woodward

indicated it was possible.

Meister sees it as being useful, but doesn't see a large demand for businesses wanting to come into Chocolay Township. If this is restricting further, it might keep these properties from being developed. Woodward indicated that now is the time for shaping future development. Meister indicated this would take away a substantial part of their property. Woodward said she could development options that are compatible with a small space.

Ventura indicated he would be in favor of the first proposal as a first step for redevelopment. Buffering isn't well defined – may need to give people examples, as they are much more comfortable with examples – anything that can be done to improve the appearance of the corridor helpful to residents, tourists, and business owners. Woodward indicated she wasn't trying to block the view, just filter the view aesthetically. Ventura said the highway aesthetic program was a good start, but the plantings weren't all successful. Woodward indicated the proposed standards would apply to the private space. Ventura thought it could be a joint public and private screening effort – it provides more space for the screening and is mutually beneficial to both.

Smith asked about the two options given – Woodward indicated that one is immediate and the other will take a longer time to implement. She would like both options addressed as soon as possible.

Ventura moved, Meister seconded, to direct the Planning Director to draft ordinance revisions for the area containing prime redevelopment opportunities in the Village of Harvey (meaning the US 41 Corridor) for the purpose of facilitating a beneficial mix of uses and improving pedestrian-oriented environment, with special attention to buffering of outdoor storage, display, or sales areas, and also to encourage a public / private cooperation within the MDOT right of way.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

Smith asked if there was any discussion on the second item of making a recommendation to the Township Board to hire consultants. Milton indicated he would like to wait to see what Woodward comes up with in the first option, and go from there.

Ventura indicated that redevelopment is not driven by the Township, but by private monies. If private money saw an opportunity here, they would be coming in. There is not a lot we can do, other than make it look better, until we get a water system. This would encourage major development.

Woodward indicated that one item involved with the study that might help stimulate market interest is that the consultants would involve the property owners in the planning process to see what is envisioned. This planning process would also provide guidance to developers regarding available sites and market demand.

Meister indicated that if people were able to get grant money to help develop the

property that would be an incentive. Woodward stated that she had talked with the MEDC Community Assistance Team representative for the Upper Peninsula, and she had suggested the Corridor Improvement Authority might be a mechanism to help fund redevelopment.

Meister indicated that part of the Township's problem is that everyone is in Marquette every day, so they shop there. People in Marquette do not come out here. Chocolay has to depend on a small population and compete with Marquette.

Ventura feels that we already have information on some of the proposed work, such as water and sewer. Woodward may be able to incorporate standards into the mixed use language, where it doesn't involve expenditure of funds. Smith said it might be beneficial to have more information on barriers to redevelopment that are created by other regulations, such as building codes.

Milton moved, Ventura seconded to table Item 2 until the next meeting, after Woodward has had a chance to develop the strategies from the first motion.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Lee Blondeau, 2001 N Traci Lane, commented that when you are talking about the screening, snow storage needs to be taken into account. Snow storage is usually in the setback area, but it's not good to put it on landscaped areas. Woodward asked for clarification, and Blondeau indicated he was concerned about where to put the snow when you start looking at screening and setbacks, it doesn't leave any snow storage.

Smith indicated that in most city lots, there is only enough capacity for every other snow before it has to be hauled away. Smith also indicated that in Marquette, aesthetically you hardly ever see any snow storage in the front of the building – they are designed to push the snow to the back.

Dick Arnold, 312 West Branch Road – he is opposed to Section 7.B of the vehicle ordinance which allows people to stay 90 days of the year in a recreational vehicle – who is going to keep track of the days? There are parks that people can park their recreational vehicles in to stay. He feels that Chocolay Township is murdering residential districts. There is also nothing in the ordinance that says the recreational vehicles need to be owned by the property owner, so he feels this should be a consideration – people that can't park their trailers in town are bringing them out to Chocolay to park.

Arnold also felt that unlicensed vehicles should be reduced to one – how many can you work on at a time? Also wondered how long can the vehicle be there? His neighbor has a tractor with two rear wheels that have been off since 2011, and it is in the front yard. Vehicles that are not used daily or are unlicensed should be stored inside or in the back of the house, not in the front yard. When people drive by, this is the impression they get of your neighborhood.

Arnold commented that there is a limit regarding the size of commercial trucks parked in the area, but there is no limit on the size of recreational vehicles parked in someone's yard. Some are quite large, and when parked in the front yard they restrict the view of the neighbors.

Arnold stated that if the Planning Commission is going to do an inspection tour, he has a few addresses in mind – Seeds and Spores farm, West Branch Road ½ mile off of 41, Kawbawgam Road going to the east end of the lake, and County Road 480 and Gentz's Road.

Arnold stated that in the AF district there is approximately 8,000 acres, with 841 parcels – he said that 512 are non-conforming. Approximately 13 parcels have horses, 11 have cows, buffalo or llamas, and 20 raise hay, corn, or other crops. Out of 841 parcels, there are only 43 parcels that are actually farming. He feels that most of the people out there are not even aware they are in the farming district – he thinks it should be rural residential. Right now, there is no limit to the size of an accessory building and there is no limit to how many you can have. There are some beautiful areas with beautiful houses – why should 43 people overrule almost 500? He thinks farming should be a conditional use on 20 acres or more. People have a garden size plot and want to be called farmers in Chocoday Township. Arnold also brought up race tracks and shooting ranges.

Public comment closed.

X. COMMISSIONER'S COMMENT

Smith asked about the progress of the AT&T tower. Woodward indicated she did not know. She did indicate there will be another communication tower for site plan review next month, but at this time she is not aware of the location.

Smith indicated that he had pictures of concerns on the Disc Golf trail.

XI. DIRECTOR'S REPORT

Woodward indicated that she had given the Planning Commission a written report in their packets.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Smith adjourned the meeting at 8:49 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 18, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney (arrived at 7:03 pm), Bruce Ventura, Kendell Milton

Members Absent: None

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant), Gary Walker (Township Supervisor)

II. MINUTES

April 20, 2015

Motion by Ventura, seconded by Milton, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – She realizes that a lot of work has been done on the Master Plan and it is admirable, but her position is that we need to be mindful that we are a bedroom community of less than 6,000 residents. Yes, we should have development, but it should be mindful. She thinks we should consider the issue of aging in place. She does not feel that we need to be fixing up the marina parking lot versus fixing Lakewood Lane. We need to keep green spaces on development lots. Presently, if she has an accessory building on her property which is the same size or less than her dwelling, she can place as many accessory buildings as she wants on her property, which means her whole green space would be used. She doesn't think this is what the Township really wants, and feels in part, that the Master Plan does address this. She feels that the concept of providing beach access is acceptable. Most of the Planning Commission has heard her talk about the "Unwelcome" sign at the Welcome Center – "Private Beach, Keep Out". It's been about six years since she first started talking about it, and it still is there. In regard to lot sizes, the Master Plan talks about the lots being non-conforming if they are less than 125' as required now. Most lots in Chocolay Township, when they were developed, were 50'. Why would we want to change from 125' to 100' – if we want to protect resources along the lakeshore as the Master Plan indicates we shouldn't allow a 400' parcel of land to be split into 4 – 100' parcels. Instead there would be 3 parcels, which leaves more green space and has less impact on resources. She agrees with standards for accessory buildings to accommodate energy needs. She doesn't want there to be a bunch of outbuildings along the road – the buildings need to be done so they are "in character" with the community and have vegetative buffering. She feels we need to keep it simple and educate people. Last year, everyone worked hard on the fire ordinance, but when the police were called on a fire issue recently, they did not enforce it as she expected.

Jennifer Bruggink, 673 Lakewood Lane, addressed the issue of short-term rentals of single-family

homes in the residential district along Lakewood Lane. She feels that if the Township adopts regulations allowing people to rent out their property by the week in the summer, the Township is saying to current residents with children on Lakewood Lane “bye” – the Township doesn’t care about them and doesn’t want families on Lakewood Lane. With two daughters, she no longer feels comfortable in letting them stay home with strangers next door every week. She feels that the Township is saying to people who have lived here a long time, and don’t live here anymore, that their interest in keeping the property for the someday inheritance of their children or for income is more important than the families that live here now. She would not buy a house where she knew there were going to be short-term rentals nearby. She already has the neighbor on one side doing this, and she can imagine the other doing it. The neighbor across the street that has an easement along her property line, which is 5 feet from her house, may decide to do this and then she may have people traipsing up and down the side of her house. Her husband loves living along the lake, but that is when she would say they need to move to Marquette. Right now, she has a big red dumpster next to her driveway with no screening. She complained about noise in the middle of the night and having to explain to people that she has to go to work in the morning. She thinks property owners with rentals defer maintenance for a longer period of time. She urges the Planning Commission to not make Lakewood Lane and M-28 an investment property, non-family-friendly stretch of road. There will be empty properties in the winter, and more complaints and traffic. She knows that some are doing it, but doesn’t feel that’s reason to allow everyone to do this.

James Dunn, 3120 M-28 East – In 2005 they bought 3 lots together on M-28, which were zoned residential at the time. During the time that they were renovating it, the zoning was changed to Agriculture/Forestry. They are snowbirds, and just recently returned and found out that property owners on both sides are doing short-term rentals. They are also concerned about travel trailers on the adjacent properties. He is concerned that the property values will drop if there continues to be rentals of homes and trailers, and he may ask that his taxes be reevaluated and decreased. He is not against long term rentals, with the rentals being a month or more. He is concerned about the day-by-day and weekly rentals that potentially bring down property values.

Public comment was closed.

V. PUBLIC HEARINGS

A. SBA Wireless Communications Tower, Site Plan 15-01 and Conditional Use 15-01

Woodward said this is a proposal to construct a 199 foot self-support tower on parcel #52-02-108-040-00 (AF district) which is currently used for agriculture, and is located just south of the M-28 and Cherry Creek intersection. The tower will accommodate Verizon Wireless antennas and provide space for three additional carriers. A Conditional Use permit is required. There is one setback in question. These are contiguously owned parcels. Taken together, the tower meets the setback requirements from parcel boundaries. However, the setback from the shared parcel boundary between the two parcels is only 128’. Our ordinance states that the tower should be setback 199’ from parcel boundaries. Woodward encouraged the Commission to listen to public comment, and to keep in mind that they are required to assume that public health and safety is adequately safeguarded if the facility meets the FCC regulations on emissions. Access and circulation patterns are good – they are using existing highway access and an easement over an existing path to get to the tower, which is about 500’ from the road.

Sikkema opened the public hearing.

James Dunn, 3120 US Highway M-28 East – he is curious about the coverage area for this tower. The applicant was not present to answer the question. Woodward stated that she had asked the applicant to provide this information but had not received it. During the hearing on the AT&T tower, they stated their tower would cover about 1 ½ to 2 miles.

Deborah Mulcahey, 633 Lakewood Lane – wanted to clarify that this was a separate tower from the one at Silver Creek. Woodward stated it was. She asked why the Township would allow multiple towers, when the original tower owner can be required to install additional equipment for different suppliers. She doesn't feel we should allow additional towers when there are existing towers that used, unless it will provide significant additional coverage.

Terrance and Pavie Donnelly, 910 Highland Drive – their property is located in a dead zone right now and she inquired about the location. Sikkema indicated it was about a mile south of the intersection of US-41, M-28 and Cherry Creek Road. She asked about the tower near Silver Creek Road. Sikkema indicated that tower was approved but has not yet been constructed. Ventura indicated that is an AT&T tower.

Doug Hall, 1181 Ortman Road – he feels that the only concern that some people might have is the continual propagation of these towers – he's concerned about the towers being single server towers and not allowing anyone else to use them. Woodward stated that this tower is being built by SBA, and then leased to Verizon, with room for three other carriers. The tower being constructed on Silver Creek is being built by AT&T, and there is room for other carriers there. Woodward has received a statement from Verizon on the research they conducted to see if the tower on Silver Creek would meet their needs for the customers that they serve, and it was concluded that it wouldn't meet their needs – the antennas are too low on the tower.

Sikkema closed the public hearing.

B. Draft Charter Township of Chocolay Master Plan 2015 Edition

Sikkema opened the public hearing on the Master Plan.

Deborah Mulcahey, 633 Lakewood Lane – she stated that her comments regarding the Master Plan, specifically in regard to rentals, should incorporate any and all comments made in September 2014 to the Planning Commission. She doesn't think the Township Planner or Supervisor sees any problems with short-term rentals. She addressed the condition of roads. Mulcahey strongly suggests that before Chocolay Township looks at putting one penny into future development of roads, that they look at maintaining existing roads. Page 86 of the Draft Master Plan, No. 13 reads, "Preserve road investments. Roads most recently reconstructed or resurfaced will receive a higher priority for capital preventive maintenance, occurring ideally not more than two years after the structural improvement to protect the initial investment." Mulcahey feels this is a negligent road policy. She doesn't think the Township is taking care of existing roads such as Lakewood Lane, which was identified by 112 people as needing improvement in the 2005 survey. She urged caution regarding the creation of public access from Lakewood Lane to Lake Superior from a legal and community perspective. Mulcahey would like to know why Lakewood Lane and lakefront properties have been singled out for use as rentals. If that's what the Township is going to do, they should open up all properties for rentals although she doesn't think it's a good idea because it's not consistent with the preservation of resources. Renters may exceed the capacity of the septic system and there are noise issues to be considered. Owners of rental properties need to educate their tenants on the rules. Mulcahey sees no problem with long term rentals. The

Planning Commission should educate the public with the Master Plan – she feels there are a lot of good ideas in it. Mulcahey urged the Commission to change regulations regarding fences for waterfront properties. In protecting the dunes, there should not be fencing in the dunes. Mulcahey indicated that she can see a lot of work was put into the Master Plan, but we have to be realistic. She read about creating a fire training facility and feels the need is education.

Doug Hall, 1181 Ortman Road – until today, he was not aware of the massive undertaking of updating the Master Plan. He spent a brief time reviewing it and suggested delay of approval. He would like a summary of the changes.

James Dunn, 3120 US Highway M-28 East – he came to the meeting tonight because he was unclear of all the changes. Dunn asked if the Master Plan was basically a guideline as to where the Township is going – are these the rules and regulations that will be in effect. Sikkema indicated that the Master Plan should be taken as the direction that the Township is heading – this is a guidance document. Dunn indicated he would like a written copy to review at the meeting, and also a summary of changes. Woodward indicated that there is a copy at the back of the room, and also one online. Dunn then indicated that one of the things he was concerned about was the number of trailers that can be parked in certain areas, and enforcement of the 90-day rule. How is this monitored? How many are allowed? He feels there are a lot of things in the Master Plan, and would like more time to review. He knows the Commission can't hold up the process for his needs, but he'd like to know more.

Mahaney asked both Hall and Dunn if they were aware or did they take part in the survey that was conducted in 2013 that was available to the residents on the Master Plan. Hall asked if it was online or a hard copy. Woodward indicated that a postcard was sent to all residents, indicating they could either take it online, or they could request a hard copy.

Ventura pointed out that this particular meeting to review the Master Plan has been advertised for at least 63 days, and there have also been several months of notice to the public about the Draft Master Plan hearing.

Bohjanen suggested that the biggest fear of the Master Plan is that it is an enactment. He indicated that what is done first is approve the Master Plan. Using trailers as an example, that issue would be addressed through ordinance changes. That is only one item of business that might come out of the Master Plan. That process would involve a public hearing and writing and rewriting and submission to the Board. If the Master Plan is adopted, it does not mean that all items are settled. The trailer issue is in the planning phase, not the adoption phase.

Hearing no more comments, Sikkema closed the public hearing.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Site Plan Review 15-01 and Conditional Use 15-01, SBA Wireless Communications Tower, PID #52-02-108-0040-00, 6135 US-41 South

Bohjanen indicated that the information that was given about the signal on a cell tower only reaching 1½ miles cannot be true, otherwise there would be no cell service at all. He does not feel that two towers is propagation. In the city, there are many more towers. Bohjanen marvels that he has no cell service at his house, but he can drive 6 hours into rural Honduras,

pack his stuff on a mule, and go 3 more hours into the woods, and get cell service. He referenced rumors that landlines will be discontinued.

Sikkema discussed the difference between allowed wattage in the U.S. of 250 watts due to the FCC rules, versus 2500 watts in other parts of the world. Ventura indicated that 1½ miles may be the area for optimal reception including data downloads, whereas more distant areas may receive lesser quality coverage.

Sikkema mentioned the access easement over the adjacent parcel, and suggested a similar easement on that property to provide for the fall zone (required setback area). This kind of easement would also allow towers to be located on smaller parcels. It would be a low cost solution for the developer. Smith asked if this would be a restricted easement. Sikkema said yes. Ventura indicated that a title search would indicate that such easements were in existence. Smith asked how the Zoning Administrator would know about those restrictive easements for purposes of zoning compliance approval. Ventura said that the applicant for the AT&T tower said that today's towers are built so that they have multiple collapse points that break the falling tower in several places so that a 200 foot tower might fall within a 50 foot square area. Sikkema stated that in order to accept that, it would require a change in the zoning – our Zoning Ordinance requires a fall area. Ventura asked if the fall area has to be equal to the height of the tower. Sikkema indicated it does. So in this case, an easement would solve the problem.

Mahaney asked about exterior lights. Woodward indicated she doesn't yet have the lighting specs for the accessory building, which would need to be submitted before approval of the zoning compliance permit. Woodward indicated that on the AT&T tower there were no lights, not even on the accessory building.

Sikkema brought up that the Conditional Use Permit application appears to be signed by the wrong party – it should be signed by the owner of the property, not by the company putting in the tower. His impression is that if the Conditional Use is given to the people with the tower, you would not be able to hold the property owner accountable. Woodward will get signatures from the property owners who will hold the conditional use permit.

Ventura feels that Woodward has identified all the conditions that are needed – they are similar to the AT&T tower.

Milton felt that any further site plans review should require applicants to indicate zoning districts. Bohjanen questioned what WECS means – Woodward stated that it was Wind Energy Conversion Systems.

Meister doesn't see a problem with this tower, but in the future he would like more information on coverage area and need for more towers. Mahaney indicated that there was a comment from Verizon that they had considered co-location on the AT&T tower, but the tower was too low. If the Township wants to minimize the number of towers in the future, we might have to allow greater height. Sikkema indicated that there is a provision in our ordinance that states the tower has to be the minimum necessary height. Maybe these regulations conflict. Sikkema indicated that in urban areas, there is more co-location because of the difficulty in locating towers. In rural areas it is easier to find tower locations so they don't work together as much.

Moved by Ventura, seconded by Mahaney, that after review of Application SP15-01 Site Plan Review and CU15-01 Conditional Use Permit; and review of the staff report dated 5/8/15; the

site plan for SBA Towers VI LLC and Verizon Wireless Personal Communication LP for wireless communication facilities to be located at 6165 US 41 South, parcel #52-02-108-040-00, as presented at the May 18 public hearing, be approved as presented having met all requirements of the Zoning Ordinance with the following conditions:

1. All exterior lighting shall comply with Zoning Ordinance requirements.
2. In no case shall the entire existing vegetative buffer between the lease premises and adjacent properties or the road right-of-way be completely removed.
3. Permit approval is conditioned upon receipt of certification by a licensed professional verifying that the structural design of all wireless communication facilities will withstand wind speeds and icing under the worst conditions experience in this area.
4. There shall not be displayed on the wireless communication facility advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
5. The wireless communication facilities shall be kept updated in compliance with all applicable federal, state, county, and local regulations as amended or changed during the life of the facility unless compliance is waived by the controlling agency.
6. The wireless communication facility shall be operated so as not to interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
7. All wireless communication facilities shall be removed by the property owner or lessee within six (6) months of being abandoned by all users.
8. The wireless communication facilities shall not be artificially lighted unless required by the Federal Aviation Administration, and shall be lit according to those minimum requirements.
9. All wireless communication facilities shall be inspected after being constructed and then once every three (3) years for compliance with all ordinance, structural and operational requirements and shall be certified as in compliance by a licensed mechanical, civil, professional engineer or architect, or other professional competent in assessing the structural integrity of such towers, and said certification shall be submitted to the Township.
10. Before a zoning compliance permit is issued, the Township will be in receipt of a letter from the Verizon Engineer indicating that feasible co-location is not available for the coverage area and capacity needs, and explaining why. The letter will also demonstrate a justification for the proposed height of the tower.
11. The wireless communication facility shall meet or exceed the current federal and state regulations.
12. Before a zoning compliance permit is issued, the Township will be in receipt of a legal easement executed on parcel #52-02-108-021-00 of sufficient area to accommodate a 199' radius from the tower which is to be located on the adjacent parcel.

Milton asked if the intent of condition #12 is to prohibit the building of structures within that fall zone, limiting use of the property. Sikkema indicated a building restriction was not required – he intended the easement to identify a fall zone on the property. Ventura thought that the point of the easement was to prohibit development in the potential fall zone. Sikkema stated that is not a condition of the ordinance – the ordinance standard is intended to prevent the tower from falling onto someone else's property. Ventura asked about the purpose of the easement if it's not for public safety. Sikkema said the purpose of the easement is to let future owners of parcel #108-021-00 know about the fall zone executed through the

easement recorded on the deed. Ventura indicated that a new property owner may not be aware of the easement if no mortgage company was involved in a sale and a title search wasn't done. Smith was concerned the Zoning Administrator might not know of the easement encumbrance. Ventura asked for clarification that Sikkema is saying that the purpose of the easement is for notification, not for prescription, since the zoning ordinance does not address a building restriction within the required setback. He doesn't necessarily agree with not having a building restriction in the fall zone, but he will go along with the majority.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Provide Comment on the City of Marquette Community Master Plan

Woodward indicated that the Planning Commission had been sent notice of the availability of the City of Marquette's draft Master Plan for comment. She put together a draft letter of response which highlighted common goals, consistencies in the plans, and opportunities for collaboration in planning and ordinance development.

She also suggested including Sands Township in the jurisdictions identified in the following strategy: "Adjacent Planning and Zoning Changes in the Master Plans and/or zoning maps of Marquette Township, Chocolay Township, and Marquette County should be reviewed by the City ..."

Sikkema asked if a motion was needed. Woodward asked for additional comments or changes to the draft response letter. Bohjanen suggested that the letter be sent as written. The other Planning Commissioners agreed.

VIII. UNFINISHED BUSINESS

A. Adoption of the draft Charter Township of Chocolay Master Plan 2015 Edition

Woodward indicated that the 63 days public comment period is complete. Written comments were received from Alger Delta Cooperative Electric Association, Marquette County, and the UP Food Exchange. They were all positive. The Commission had previously discussed changes offered by Alger Delta regarding their rates, and had decided to incorporate them at the time of final approval. Woodward offered a revised document reflecting those changes. Additionally, the future land use map legends were revised to eliminate the Corridor Residential land use designation since that wasn't included in the final land use plan.

Woodward said the Commission has worked very hard on the plan for the last five years. The current plan was adopted 10 years ago, so there have been a lot of changes since then. The changes are highlighted in Chapter 1 of the plan, including a summary of the progress made toward the recommendations of that plan. The Township conducted a public visioning session in 2010, and public surveys in 2010 and 2013. The Planning Commission and the Township Board have spent many hours discussing the plan chapter by chapter for the last year and a half, with suggested revisions incorporated into the Plan as consensus was achieved on policy and strategy.

In summary, the document is based on a foundation of values relating to things like community character, healthy and liveable community, addressing critical systems, and moving towards a more sustainable and resilient community. Priority decision criteria were created to guide decision making for capital projects. The Master Plan is also meant to be a budgeting and implementation guide for staff, who will provide a progress report every year regarding plan achievements. The plan is also meant to serve as an introduction to new or prospective property owners who can learn about the historic and regional context, and about

the natural systems that make Chocolay such a wonderful place. Chapter 4 addresses community resilience, and contains a profile, risk assessment, and opportunity assessment for each topic of concern such as local government financing, transportation, water and wastewater systems, energy, food, public safety and health, recycling and solid waste management, the economy, recreation, and managed development and growth.

Chapter 5 is basically for residents, addressing resilience in the private sector. This chapter is meant to provide education on how people can be more resilient in their households or businesses. Chapter 6, natural systems, discusses climate change, natural hazards, and sensitive environmental areas.

If you only want to read one chapter of the plan, Chapter 7 is a summary of the data discussed in the rest of the plan. It contains the strategic plan, made up of a future land use plan, zoning plan, and strategies that are organized into administrative tasks, regulatory tasks, and capital projects. Chapter 8 rates all the capital projects of the plan according to the priority decision criteria. The Appendices contain all the maps and reference documents.

The Commission was directed to consider all the comments received and choose one of three actions: adopt the plan by resolution as distributed, adopt the plan by resolution with revisions, or table the plan for adoption at a later date. She also needs to know if the Planning Commission would like to her to respond to the comments received. Woodward suggested that the Commission add the written comments to the Appendices of the Master Plan.

Mahaney said he likes the Alger Delta revisions. Ventura said there is a typo in the sixth "Whereas" that should read 63 day. Bohjanen said he thinks they should move ahead with the document.

Walker indicated that since the resolution was 1½ pages long, it could simply be referenced, with the "Be It Resolved" portion read aloud.

Ventura stated a lot of time has been spent working on this, and it is not an edict – it is a plan / guide, so he verbally offered the resolution, reading aloud from the first "Now Therefore be it Resolved", and specifically noting the acceptance of the changes suggested by Alger Delta, and the inclusion of all written comments in the Appendices, as follows:

**CHARTER TOWNSHIP OF CHOCOLAY
COUNTY OF MARQUETTE, MICHIGAN
RESOLUTION OF ADOPTION
CHARTER TOWNSHIP OF CHOCOLAY MASTER PLAN 2015 EDITION**

WHEREAS the Michigan Planning Enabling Act (MPEA), Act 33 of 2008, as amended, authorizes the Planning Commission to prepare a Master Plan for the use, development, and preservation of all lands in the Township; and

WHEREAS the Charter Township of Chocolay Planning Commission has supervised an update to the Charter Township of Chocolay Comprehensive Plan, adopted on August 4, 2005, to be called the Charter Township of Chocolay Master Plan 2015 Edition; and

WHEREAS citizens were given the opportunity to provide input for the development of the Plan via a public meeting held on September 22, 2010, and through widely distributed public opinion surveys in 2010 and 2013; and

WHEREAS the Charter Township of Chocolay Planning Commission, in preparing this Master Plan, has studied present and future conditions within the Township and neighboring jurisdictions, and has addressed future land use and development, the transportation system and other public

infrastructure and services, natural resources, and future zoning within a framework of community sustainability and resilience; and

WHEREAS the Charter Township of Chocoy Planning Commission and the Charter Township Board of Trustees have reviewed the draft Plan over the course of many meetings and provided comments for its refinement which have been incorporated into the Plan; and

WHEREAS on February 9, 2015, the Charter Township of Chocoy Board of Trustees approved the distribution of the plan to the notice group entities identified in the MPEA for review, and a 63 day public comment period was duly noticed and completed; and

WHEREAS all the required notifications and draft documents were distributed per the requirements of the MPEA; and

WHEREAS the Charter Township of Chocoy Planning Commission has duly reviewed the draft plan consisting of three introductory chapters; resilience analysis for community, private, and natural systems; strategic plan (including future land use and zoning plans); implementation plan; and 22 appendices containing maps and reference documents; and accepts this plan as a guide for development of the Township pursuant to the authority of the MPEA; and

WHEREAS the Charter Township of Chocoy Planning Commission conducted a duly advertised public hearing on May 18, 2015 to receive public comment on this plan; and

WHEREAS a set of Plan amendments were presented at the hearing as a result of public comment; and

WHEREAS Pursuant to MCL125.3843 the Township Board has not asserted by resolution its right to approve or reject the proposed Master Plan and therefore the approval granted herein is the final step for adoption of the plan as provided in MCL 125.3843;

NOW THEREFORE BE IT RESOLVED that the Charter Township of Chocoy Planning Commission does hereby adopt on the date listed below the Charter Township of Chocoy Master Plan 2015 Edition, along with the amendments attached to the minutes of the May 18 public hearing, and does direct the Secretary of the Township Planning Commission to deliver a copy of the adopted Plan to the Township Board and to the County Planning Commission and other notice group entities identified in the MPEA along with this Resolution as certification of the adoption of the Plan;

BE IT ALSO RESOLVED that this Resolution be published inside the back cover of each copy of the Charter Township of Chocoy Master Plan 2015 Edition to certify that all maps, charts and descriptive and explanatory matter therein are a part of the Plan as so signified by the signature of the Chairperson of the Charter Township of Chocoy Planning Commission on this Resolution.

The Master Plan shall be effective as of the date of adoption of this resolution.

The foregoing resolution offered by Planning Commissioner Bruce Ventura
Second offered by Planning Commissioner Dr. Richard Bohjanen

Sikkema indicated that he has reservations about some parts of the plan, but none of those are enacted by this plan. He thinks there are a lot of great things in the plan, and he feels it is very well done. He doesn't support everything in it, but that is no reason for him to vote against it. The plan is a document that will guide the actions of the Township. He doesn't want to hold back the good things in the plan.

Meister indicated that everyone may have some reservations on certain things until the details are worked out, but the overall guidelines are good. Ventura stated that whether they agree or disagree with something today, circumstances may change in the future and revise impressions on how they use the guidance. He is in favor of the plan.

Roll Call Vote:

Ayes: Tom Mahaney, Eric Meister, Andy Smith, Bruce Ventura, Kendell Milton, Dr. Richard Bohjanen, and Andy Sikkema

Nays: none

The Chair declared the resolution adopted on May 18, 2015.

B. Review potential revision of Ordinance #55 related to parking of vehicles and storage of vehicle parts

Woodward stated that she had suggested some simplifications of the previous draft. Revisions were made to Section 4.D pertaining to parking in the front and side yard. It says that you are not supposed to park or store a vehicle in the front or side yard, except that all vehicles will be parked or stored on a driveway (width of driveway not to exceed 40 feet in width - no mandated surface type). Except up to 3 vehicles or trailers can be stored off the continuously connected driveway, as long as they are stored as far away from the property lines as feasible to maximize the open space adjacent to the property lines. The draft suggests that parking cannot exceed 50% of the total area of the front or side yard.

Section 5.C – Provisions of Section 4.D would temporarily be waived for vehicles that are for sale.

Section 7.C –At the last meeting it was discussed that it was okay to use semi-trailers for storage as long as they are substantially screened on the rear of the property.

Bohjanen feels that blight needs to be defined in the ordinance. He does not like Section 4.D very well because his driveway is 75 feet wide, and made out of concrete. He feels there is other ambiguity, such as in Section 4.D.1, "...such vehicles are stored as far from the lot lines as feasible in order to maximize the open area between the lot line and the vehicle." What is feasible? Does not like the standard regarding 50% of the yard – it could eliminate circle drives. On Section D.3.b it says, "If the front and side yard areas are completely screened from view of persons standing on adjoin roadways and the ground level of adjoining properties by a vegetated buffer at least fifty (50) feet wide, vehicles may be parked in locations other than the continuously connected driveway, and in that case, the area of the front or side yard used for parking can exceed fifty (50) percent." He feels 50 feet buffers on either side do not cover very many lots in Chocolay Township. Sikkema indicated that he had taken this to read that if you do have a large lot, and you do have vegetative buffers, then you really don't have to follow anything because it is screened off – it gives you more freedom. Woodward indicated that this would be a waiver of those conditions. Bohjanen indicated that his lot is 150 feet, and there are no requirements for buffers in their subdivision covenants, but there are buffers between most yards by choice, but none of them meet the 50 foot requirement. Sikkema indicated that then you would have to abide by no more than 50% of the yard being used for storage.

Ventura asked if by 50 feet, does it mean 50 feet width or length? Woodward indicated that is the depth. Meister asked if it meant that no more than 50% of your yard can be covered by vehicles. This means that circle drives aren't precluded, as long as the total area doesn't exceed 50% coverage. Smith said his driveway is 120' wide. Woodward indicated that the purpose was to keep someone from parking vehicles over their entire yard – we currently do not have minimum open space requirements for residential property. Woodward indicated that they would probably have to reword the 40 feet in width, so that it doesn't appear that they are trying to control the size of the driveway, just how much of the driveway is used for parking/storage of vehicles. Forty feet would basically allow you to park 4 cars side by side,

based on a typical size parking space. The intent is to try to control the number of vehicles in the front yard. Sikkema said that on a 50' lot, a 40' driveway would take up almost the whole lot. Woodward stated that it could read that vehicles need to be parked on the driveway that is continuously connected, and can't exceed 50% of the front and side yard area (leave out the driveway width). Sikkema said on a large lot, this still might mean many vehicles could be parked. Sikkema said "We're not necessarily trying to restrict the number of licensed vehicles, correct?" Mahaney asked if licensed meant operable. Sikkema restated that it was licensed and operable. Ventura indicated that they are trying to restrict trailers. Meister stated that was in a different section, with a maximum of number of 3 in the front yard. Ventura indicated that it is also a vehicle, so it falls into the rules that are being discussed.

Sikkema asked if there are other things in the Ordinance that would be more restrictive than saying you can't cover more than 50% of your yard. Woodward indicated there was nothing more restrictive than that.

Dick Arnold, 312 West Branch Road, said the old ordinance says no more than three vehicles. Any more than that has to be stored in an enclosed building. Woodward stated that currently you can have no more than 3 inoperable vehicles, but you can have any number of licensed and operable vehicles.

Deborah Mulcahey, 633 Lakewood Lane – asked about the definition of "driveway". At her house, she has a sand path used for driving. Also, the Township considers her front yard the area between the road and the house, but yet she cannot park in her back yard because of the dunes. Also, she has a larger buffer than 50', but if she parked between her house and the road the vehicles could still be seen. The other thing she questions is mobile homes – there are a couple of them on a property that also contains a home on the property. She wondered if they are regulated. Sikkema indicated that in Section 7.B they are regulated. Mulcahey also questioned the 90 days – who will be enforcing this?

Meister indicated that Section 3.L covers the lakefront properties – "properties with rear water frontage may consider the portion of the front and side yards that are at least one-hundred feet distant from the front property line to be a rear yard." Maybe that should apply to any property, not just waterfront properties.

Bohjanen stated that the assignment was to tour the Township and notice the problems. He sees a lot of people that have travel trailers, but very few were parked in an obtrusive way. It would be better to regulate unsightly vehicles or junk. He thinks there are about a dozen problem properties in the Township – most of it looks pretty good. You cannot regulate aesthetics – you can regulate health and safety. In Section 6.A, the lead paragraph states, "...does not constitute a nuisance or annoyance to adjoining property owners..." How can you regulate annoyance?

Doug Hall, 1181 Ortman Road – he has a driveway that leads up to the front of his house, and he is not able to park behind the house. He also has a 30' travel trailer. Sikkema indicated there is nothing in the ordinance that would prevent him from parking there. Sikkema indicated that the issue is that people are sometimes storing 3 or 4 on their property for other people.

Sikkema indicated that the problem occurs when the person with the four trailers is parking them on his neighbor's lot line – they are far away from the property owner's house. Woodward indicated that the draft ordinance addresses this in a couple of ways.

Debra Mulcahey, 633 Lakewood Lane – stated that she did not understand the original thought of this ordinance. One of her concerns is why would we allow someone to have three licensed and operational recreational vehicles or trailers. Sikkema indicated that there are lots of different trailer types. Mulcahey was wondering about travel trailers, and people living in those trailers. Woodward indicated that the zoning ordinance does not allow two dwelling units on the same property. Smith indicated that the current ordinance allows you to park as many trailers as you want as long as they are licensed. Meister doesn't think RV's are much of a problem in the Township.

Sikkema reiterated the things they originally felt needed to be addressed: the use of semi-trailers or storage containers for storage, people that allow relatives to park vehicles on their property, and retired agricultural equipment. He feels they should plan on two or three meetings to resolve this.

Bohjanen asked about Section 6.A which says that if it's less than 14 days, you can have two vehicles that are inoperable, but if it's more than 14 days, you can have three. Woodward explained that if they are temporarily inoperable, but not dismantled, they can be there for 14 days. For long term storage of inoperable without all the parts attached they must be stored in the rear yard, substantially screened. Bohjanen also pointed out on page 6, Section 10, "...regulations create any special or peculiar hardship ..." – he would like to scratch *peculiar* and put *particular*.

The Commission began to review the draft ordinance from the beginning.

Section 2: Purpose – Woodward indicated that this was a total rewrite, relating more to health and safety. Sikkema asked about the portion stating, "...parking on premises where the principal use is other than residential ...". The Commission discussed the determination of the principal use, and whether the rules should differ per zoning district. Woodward indicated that in Section 2, it states, "...These regulations shall not apply to parking on premises where the principle use is other than residential ...", so if it is principally a farm or business, it does not apply. Also, Section 2 and Section 4 say the ordinance applies to all vehicles and vehicle parts upon premises that are primarily used or zoned for residential occupancy.

Sikkema indicated that there are not a lot of people in violation. What they are trying to do is make sure the ordinance is up to date, such as addressing permanent license plates for trailers, and enforcement difficulties are addressed.

The Commission again addressed the ownership issue, but it was considered time consuming and difficult to enforce. Mahaney thinks we should address the ownership issue. Smith doesn't think ownership is an issue of concern – the buffers are more important. Mahaney said lot size matters. Screening was discussed.

Smith moved, Meister seconded, to table discussion on Ordinance #55 to the next meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Ventura encouraged everyone to focus on the purpose and then work through the details. Sikkema indicated he would like to be prepared to discuss the ordinance up to section 5 for the next meeting.

C. Land Use Classification Table – Discussion

Discussion was tabled. If time allows, this will be discussed at the next meeting. Woodward reiterated the assignment and explained the mixed-use designation.

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – indicated that Sikkema and other members of the Planning Commission had reservations on the Master Plan. When they first moved into the community before 2005, they did a lot of due diligence, and were really surprised to find an automotive repair across the street from them. She feels that the Planning Commission needs to be mindful – there are people raising families here. There may be short term rentals, but just because something is being done now, is not a reason to allow it to continue. Just because something was allowed historically, doesn't make them legal now.

Dick Arnold, 312 West Branch Road – would like to extend an invitation to the Planning Commission to take a look at West Branch Road. There was mention of allowing semi-trailers in the back yard – what will this look like in the Township? It doesn't address how many and how long they can be parked. He thinks it will detract from backyard entertainment of the adjacent property owner. He thinks there should only be allowed one of each kind of trailer, and they should be owned by the resident.

X. COMMISSIONER'S COMMENT

Mahaney – it was nice to hear public comment – whether he agrees or not, it is good to have input from the community. The Master Plan is not perfect, it's a guide – a lot of time has been spent on it. It gives the Township a direction.

Meister – no comment

Smith – appreciates the calendar that Woodward is giving them to know what is happening on different complaints.

Ventura – thanked the audience for rational and well directed comments.

Bohjanen – He feels that the Master Plan is extremely ambitious.

Sikkema – thanked everyone for their work on the Master Plan, with special thanks to Woodward for a good job. Also thanked the audience for their comments.

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

ADJOURNMENT

Sikkema adjourned the meeting at 9:48 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 15, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary); Richard Bohjanen (Board), Kendell Milton, Tom Mahaney (arrived at 7:03 pm)

Members Absent: Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

May 18, 2015

Motion by Milton, seconded by Bohjanen, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, seconded Meister, to approve the agenda as amended as follows: addition to VI. Presentations - Land acquisition by the Nature Conservancy and others to be presented by Scott Emerson; addition to VIII.B New Business – Discussion of land acquisition by Nature Conservancy and others; deletion of VI. Presentations – Scott Hamm on Complete Streets.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

Scott Emerson, 255 West Main Street, spoke regarding a proposed Choccolay Bayou Nature Park. Emerson is here for discussion along with Jerry Maynard, head of the Choccolay Raptor Center, and member of the North Country Trails Association, Trout Unlimited, Ducks Unlimited, and the Nature Conservancy. This parcel was mentioned in the Township Recreation Plan, and is for sale. It is a very unique piece of property that the Nature Conservancy, the UP Land Conservancy, and others are interested in purchasing as a nature preserve and park called the Choccolay Bayou Nature Preserve Park. It's unique is because of its location – it is in the heart of the village of Harvey, in the densest populated area of the Township. It has multiple access points including Main Street, but also the North County Trail / Iron Ore Heritage Trail at Green Bay Street

and the Welcome Center. The parcel can also be accessed from the water trail and Chocolay Marina. Ecologically, it is a very unique area, because it is an ecotone, an interface zone. There is old growth white pine and upland UP forest. There are bog areas with cedar, larch and tag alder. There is also a swampy area, and an open water area at the Chocolay Bayou used on a regular basis by fishermen. Bird watchers frequent this area because of the wide variety of species as documented in an Audubon Society survey.

There is a very interested group including himself, Jerry Maynard, the Nature Conservancy, UP Land Conservancy, Audubon Society, Trout Unlimited, and Planning Commissioner Bruce Ventura, that are trying to put together funds for the purchase of this property. There is significant funding available to purchase the property immediately, if an appraisal can be done. This appraisal needs to be done by appraisers that the funders use, and thus is estimated to cost between \$3,000 and \$4,000. This is a unique opportunity to purchase a 13-14 acre parcel which is environmentally significant and has tremendous public access. He is asking that the Planning Commission and Township Board authorize the use of some discretionary funds to pay for the appraisal. He feels this would be a good investment in the future.

There would be minimal development, although future grants might fund trails such as a bog walk through the different biomes. This land is appurtenant to other established regional recreational facilities such as the DNR Iron Ore Heritage Trail and North Country Trail. He feels it would put Chocolay on the map as an eco-tourism location, and would certainly be beneficial to local businesses. There would be some economic impact.

Maynard indicated that all the organizations that were mentioned support this purchase, and the collaboration should make it easier to get funding. Once the appraisal, which is estimated at \$3,300, is done, then they can move forward with the grant process, but they don't have funding for the appraisal. The Township is not being asked to provide funds for the purchase, or for maintenance, which will be provided by the partner organizations.

Maheney asked about list price – Maynard indicated that it is currently listed at \$195,000, down from \$290,000, and the appraisal is expected to come in lower than that. It is thought that the price might be negotiable, especially if it is used for a park. Emerson pointed out existing trails, the proposed parking area, and different access points. The Welcome Center would also provide parking and pedestrian access.

Sikkema asked who would become the ultimate owner of the property – Maynard indicated that it could be the Township, or possibly the UP Land Conservancy, as this is too small for the Nature Conservancy (although they are very supportive). Sikkema asked if the proposal is for the partner organizations or the Township to own the property. Maynard stated that ideally, because of some grants that favor local government ownership, the Township would own the property. If it was not possible, the UP Land Conservancy could own it. Maynard indicated that there was an upcoming

meeting to discuss these things. Pete Mackin indicated that the County could possibly own the property.

VII. NEW BUSINESS

A. Site Plan Review 15-02 Hendrickson Builders

Woodward stated this is a site plan review for a parcel at 5023 US-41 S, for utilization of an existing building for a conditional use for a contractor shop / yard. There are also plans to expand the building. There are no proposed access changes involved at the site. At this meeting, the Planning Commission will review the site plan. The Commission will review the Conditional Use application on Thursday, June 25. The building conforms to standards as is, and as proposed.

James Hendrickson, prospective buyer, was available for questions. He is a residential builder looking not so much to expand, but to organize. He feels the building is big enough to house 90% of his equipment – it will be more of a contractor's shop than a contractor's yard. Future expansion would include a maintenance and wash bay so he can maintain equipment in house. He would also like to add an office in the future.

Bohjanen asked if there would be customer interface in that building – people coming in to consult on projects. Hendrickson stated that would be his ultimate goal – to meet with the customer in the office, rather than at their homes. He wants to establish a professional business location. Bohjanen indicated that he thought that was a good thing, because that impacts exterior appearances.

Milton inquired if there will be access to toilet facilities during the 12-month renovation. Hendrickson stated he does not have any inside facilities at this point.

Mahaney asked about accessory equipment, such as trailers – would they be parked outside? Hendrickson stated that occasionally small trailers would be parked outside, particularly in the off season, but typically most of the equipment is at the job site. He said there is a buffer between the building and the residential use.

Sikkema inquired who had put up the fences. Lee Blondeau, current owner, responded that the original fences were put up by someone else, and he added another 150' section on the east side recently.

Sikkema asked Hendrickson if he would be using the north and east side for storage of equipment or materials (the sides abutting residential areas). Hendrickson said that would be possible if he had something of value that would only be there temporarily.

Smith asked about the current Conditional Use Permit and how many vehicles are permitted. Blondeau explained that the original conditional use encompassed several parcels, with less intensive use of this parcel. This parcel was used for the storage of trucks and trailers, snow storage, and one row of truck parking. Smith asked if JB Hunt is using it – Blondeau indicated they are not.

Mahaney asked Woodward about a shared driveway. Woodward indicated that the

trucking company would continue to access the highway via an existing easement over this parcel. Mahaney asked if the Dry Dock would need any permission for access. It would not. Blondeau indicated that this parcel was split, with the remaining portion added to the trucking company parcel because it had no street frontage. Sikkema asked about the location of the 30 foot driveway within the easement, and if it's located on this parcel. Blondeau said he and Hendrickson agreed to change the alignment of the easement but it would encompass the existing driveway. Sikkema asked if that was going to happen – Blondeau affirmed.

Sikkema indicated he is concerned with maintaining a good buffer with the residential properties on the north and east sides. He asked if restrictions pertaining to maintenance of the buffer would be a problem. Hendrickson indicated it would not be a problem. Hendrickson suggested it could be restricted for use as employee parking or there could be a height restriction for storage. Sikkema indicated that it is more than visual – construction businesses start early in the morning, so noise could be more of a problem. It might be ok if it isn't used for equipment storage. Hendrickson indicated there is other storage space on the parcel, so he can keep his distance. His operation usually runs from 7 AM until 6 PM, with 90% of work done at the project location. In the winter, they would probably work inside the shop.

Mahaney asked if Hendrickson would be starting the remodel project right away. Hendrickson indicated it would be done this year, before winter. It is all contingent on the sale of the property. It is a simple addition that he'd like to start in the second half of summer, and it won't take too long. Blondeau indicated that Hendrickson is planning on making the building congruent with the design of the existing building.

Meister asked if the lighting would be extinguished at 11 pm – Hendrickson affirmed. Milton asked if a dumpster would be required – Woodward indicated that a dumpster would already be appropriately buffered by the fencing. Sikkema wants the issue of the access easement straightened out. He would also like a condition about the storage of equipment.

Moved by Bohjanen, seconded by Milton, that after review of Application #SP15-02, a site plan review for applicant James R. Hendrickson for parcel #52-02-107-009-00; and staff report dated 6/10/15; the site plan dated May 2015 as contained within the June 15, 2015 Planning Commission packet be approved having met all requirements of the Ordinance with the following conditions:

- 1. The lights on the west façade shall be extinguished between 11 pm and sunrise.*
- 2. The east fence will be finished so that the entire 8' tall façade shall be of solid materials.*
- 3. The driveway easement will be settled.*
- 4. The north and east side of the building will not be used for storage of motorized construction equipment.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Discussion on Land Acquisition by Nature Conservancy and others

Bohjanen, both personally and on behalf of the Township, feels that this project would be fitting with a lot of the criteria defined in the Master Plan and the Recreation Plan, with utilization by various ages and groups of people, available money, etc. It would score high according to the priority decision criteria. He feels that it is a prime opportunity. Bohjanen indicated that he was surprised to hear that they preferred that the Township own the property, but he agrees that would be the preferred scenario. He feels if the Township can own and maintain the property within the Recreation Plan it would be ideal, rather than have someone else in control.

Smith asked about the appraisal dollar amount – why is it so high? Maynard indicated that there are only a few people in the Upper Peninsula who can do this level of appraisal which is required for the grant money. The property is zoned R-1. Smith indicated that it must be a more in-depth appraisal. Sikkema asked if there was a residence on the southern parcel. Maynard indicated there was not. Emerson indicated the south parcel would provide access and vehicular parking. Mahaney asked about the terrain. Maynard stated there is a drainage basin between Hotel Place and the bayou that would probably need to have a boardwalk. Mahaney asked about other interest in this property.

Maynard indicated that there are probably some problems with development. The parcel (2.8 acres) fronting Main Street is probably developable but would not have water frontage. The back parcel (11.3 acres) has no street access. The back parcel has all the waterfront property, but has wetland issues.

Smith questioned the odds of obtaining the property if the Township approves payment of the appraisal. The response was that grant money is available, and the grant administrator indicated that this type of purchase would be an ideal use for the money. Mahaney stated that it sounded like the appraisal could get done, but the land could still be sold to someone else. Maynard said that is possible. Sikkema asked Woodward if she knew if it is unusual for the Township to pay for an appraisal on property they don't own, or if anything would prevent them from doing so. Woodward indicated that she did not have any prior experience with a situation like this in the Township.

Meister indicated that he thought it would be great for the Township to have this property, and he felt it was worth the risk of the \$3,300.

Sikkema asked Bohjanen what the Township Board would be looking for in regards to this parcel. Bohjanen indicated they would be looking for a vote of confidence from the Planning Commission and a request for funding.

Sikkema asked if there should be anything in the motion as to the final ownership of the property by the Township. Bohjanen indicated that it could be an item of

discussion by the Board, but until such time a final decision is made, it may be a moot point.

Mahaney asked about the timing of the purchase if the appraisal is completed. Emerson indicated he thought it would be pretty immediate because the money is available and the appraisal is the roadblock. Maynard said he'd like to see it completed this year. There are other possible grant sources, but they typically take a year to process. This money is available almost immediately and it could be topped off with other foundation grants.

Sikkema said he has seen situations in which money passed through the conservancy and then the property was resold to a local agency. But there will need to be an ultimate decision on who will negotiate the purchase and who will be the grantee. Smith asked if there was any way to tie the property up, such as with a purchase agreement, while securing the funding or the grant money. Maynard indicated that this would be discussed at the meeting that the organizations are having on Thursday, June 18.

Mackin indicated that the County is looking for opportunities to expand the County's role in area recreation, which is partially funded by timber sales in the County forest. He would like to discuss this at their next meeting on June 22. Woodward wondered if there would be a joint ownership opportunity, with the County taking care of maintenance. The Township could serve as the fiduciary in the grant process. Emerson asked if the County has funds available. Mackin indicated that the County has staff, which is the biggest asset. He did not know what kind of funds may be available. Emerson indicated that he did not feel there would be a problem of maintenance of the property with available volunteers. Mackin indicated that there also may be some funding available from the KBIC, and mentioned the idea of a Treaty Park since the Chocoday River is the treaty boundary.

Bohjanen moved, and Meister seconded, that the Planning Commission submit a recommendation to the Board for consideration of the Township funding the appraisal costs so the UP Land Conservancy can apply for funds to purchase the two parcels for a nature park.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Review potential revision of Ordinance #55 related to parking of vehicles and storage of vehicle parts

Woodward indicated that the highlighted portions are the changes discussed at the last meeting. (In these minutes, only significant discussion and text changes are documented.)

In the "Purpose" statement, Bohjanen mentioned the need for a definition of blight. The word "blight" only appears in the purpose statement. Bohjanen stated that he

doesn't feel the word "blight" is appropriate when referring to junk cars – he gets blight on his tomatoes, for example. Woodward suggested the word "nuisance". Sikkema asked if a decrease in property value would be covered by a "nuisance". He feels there are two things: (1) a person being able to enjoy their own property, and (2) being able to stabilize their property value. Bohjanen suggested the word "degradation". Woodward looked up the definition of "blight" in regards to land use, and found that in most ordinances, it is defined by a long list of qualifying conditions that constitute blight, not by a simple definition. The Commission decided to change the wording within the purpose statement (eliminating the word "blight") to read "and the improper or inappropriate storage or parking of vehicles can be unsafe, unsanitary, and unsightly, constituting a **degradation of** surrounding properties. In order to prevent such **property degradation** ..."

- A. "Agricultural Vehicle" – Sikkema questioned the definition of motor vehicle or conveyance or parts – would farm implements like a plow be covered by this? Bohjanen felt that the word "conveyance" would cover implements. Sikkema suggested, "... *motor vehicle or conveyance, **implement**, or parts* ...". All agreed.
- C. "Front Yard" – "... the nearest portion of the principle structure". Bohjanen felt this needed clarification, as this portion of the definition also appears in item L and N. Bohjanen stated that if you have an L-shaped structure, such as an attached garage that extends forward, there would be a portion of the property that does not fit into any definition. This could cause confusion. He feels if you just delete "***the nearest portion of***", it would work better. This change will be made in items C, L, and N.
- E. "Main Components Parts" – Sikkema indicated that this would be applicable to only motor vehicles which could be licensed. What about something like a mini-bike that you take the motor out of – it wouldn't cover that, because it is not covered under the Motor Vehicle Code. No changes were made.
- I. "Plow Truck" - Bohjanen had an issue with the portion of the definition that stated, "...from residential premises", as plow trucks could be used for commercial properties, as well. This definition was changed to, "...*used for the sole purpose of removing snow.*" Remove "***from residential premises***".
- L. "Rear Yard" – Remove "...***the nearest portion of***..."
Bohjanen is concerned about properties on the lakeshore which have a house located on the dune with no usable "rear" yard, and whose front yard may not be 100' deep (pertaining to the statement, "*Provided, however, that properties with rear water frontage or front yards greater than one-hundred feet in depth may consider the portion of the front and side yards that are at least one-hundred (100) feet distant from the front property line to be a rear yard.*") It was decided that those who did not qualify under this would still have to follow the front and side yard parking provisions. Woodward pointed out that there are waivers

available from the front and side yard provisions for things related to terrain or topography, but this would not have the effect of allowing inoperable vehicles to be parked in the front or side yard. It was decided this was sufficient.

N. "Side Yard" - Remove "...*the nearest portion of...*"

The Commission discussed Section 4A, dealing with parking of vehicles in the right-of-way. Bohjanen questioned what is allowed per the referenced codes. Abandoned vehicles on highways were discussed. Sikkema said he thought the Township could pass a rule that is more strict than the State law. Sikkema also pointed out that many road right-of-ways are privately owned. The provision as currently written does not specify that the rule applies to inoperable vehicles. Milton said his entire driveway is in the road right-of-way, and Bohjanen said there are many properties like this. Bohjanen is not in favor of the wording in 4A, unless we add the words "unlicensed or inoperable". Sikkema said "unless those are allowed by the referenced codes". The Commission asked Woodward to contact Police Chief Zyburk regarding the content of the codes (what is a permitted vehicle?) and enforcement practices for vehicles parked in the right-of-way, whether licensed, unlicensed, operable, or inoperable.

Section D1 – Bohjanen thinks "open space" is pretty nebulous. Mahaney asked if three RVs could be parked in the front or side yard. The answer was "yes" as currently written. Milton likes a nebulous definition of "driveway". Sikkema didn't think there was much issue with front yard parking. Woodward said the issue is usually how near people are parking to the property line. Bohjanen said he doesn't know if it serves a function, and then said, "Why do people park on driveways and drive on parkways?" The Commission decided to eliminate this provision, and to require instead that vehicles shall not be parked or stored within the required structure setback. Woodward said it's hard to know exactly where the property line is when you're out in the field. Sikkema said the complaining neighbor would identify the property line. Woodward said most people don't know the location of the property line. Bohjanen said the complainer can have a survey if there's a question. Woodward pointed out that the effect would be to tie this ordinance to the zoning ordinance. Sikkema said the zoning setback table could be added to this ordinance. Woodward said she'd prefer that was not done, because then if one ordinance was amended, they would both need to be amended. She prefers to reference the zoning ordinance if the Attorney doesn't think this is a problem. Sikkema said the required setbacks don't necessarily have to be the same.

Section 4D3(b) – delete "**vehicles may be parked in locations other than the continuously connected driveway, and in that case,**".

There was a question about the 50' buffer. Smith felt that if the vehicles are completely screened by a fence, then there is no need to meet structure setbacks. The feeling is out-of-sight, out-of-mind. It was decided to reword the buffer requirement to match that in 7A2, thus – "The area of the front or side yard used for

parking can exceed fifty (50) percent if the front and side yard areas are **at all times substantially screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by a solid fence or wall meeting all requirements of the Charter Township of Chocolay Zoning Ordinance, or by terrain, landscaping, or other natural barriers of ample height and density so that the vehicles are barely discernable**".

B. Land Use Classification Table – Discussion

Motion by Mahaney, second by Milton, to table item 8B until the next meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Pete Mackin, P.O. Box 904, Chocolay Township, secretary of the County Planning Commission. He is visiting Townships to see everyone in action, and appreciates all the work. He said the County Board unanimously commented that the Chocolay Township Master Plan is a great example and is inspiring. He would like to invite the Urban Land Institute or other larger planning organization for a County-wide event to facilitate more collaboration.

X. COMMISSIONER'S COMMENT

Mahaney said that the latest enforcement activity report indicates that Woodward is busy, especially with junk violations. He would also like to have packets a few days earlier so he would have more time to review them.

XI. DIRECTOR'S REPORT

Woodward informed the Commission about steps that staff is taking to implement the master plan. Strategies are being collaboratively discussed and incorporated into the budget, and progress will be reported in the annual report. She said she will report back on staff comments about priorities.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 9:05 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES
SPECIAL MEETING**

Thursday, June 25, 2015 at 5:30 PM

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 5:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Kendell Milton

Members Absent: Andy Smith (Vice Chair), Tom Mahaney

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

None

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

*Motion by Ventura, seconded by Bohjanen, to approve the agenda as corrected (correct day- showing Monday, change to **Thursday**)*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Mark Maki, 370 Karen Road – said vacation rentals have not been allowed in the Township since 1977. He handled inquiries from appraisers and realtors about weekly rentals of properties on Lakewood Lane and he consistently told them it was not allowed, and he never issued any permits. Maki said much of Attorney Roger Zappa’s opinion is predicated on the idea that the Township can’t completely prohibit this use in the Township. Maki feels the Township does provide for vacation rentals in the AF zoning district, and at one time, the Township did allow them as a conditional use in the WFR district, which was only in the Shot Point area. In 2008, the Township Planning Commission and Board changed the zoning district on Lakewood Lane to WFR, but the reference to resorts in those districts was deleted. Maki thinks Mr. Zappa should be invited to a future Board discussion to discuss possible enforcement of violations. He thinks that if the Township wants to have resort rentals, there will have to be an amendment to the zoning ordinance. Maki is not in favor of allowing residential resorts on Lakewood Lane. He contacted Marquette Township and the City of Marquette, and said in those communities you cannot rent a house in a residential area by the week because that’s considered commercial.

Maki also commented on the recent decision on the Verizon communication tower. He said Section 13.2.b of the ordinance requires cohabitation instead of a separate tower. There are ways to get around that but based on the minutes he doesn’t think the

Planning Commission addressed the requirements. Also the applicant is supposed to provide documentation regarding the height of their tower but he doesn't think this was addressed or that they provided alternatives. He doesn't feel that approval should have been given until they produced this. He also stated that the lease does not contain the minimum 20 acre lot size in the AF district.

The third item for comment was the Conditional Use for the contractor's yard. He discussed past permitting practices for the Blondeau Trucking operation. He questioned if the building met zoning requirements for height. He feels there should be access management review because there is a change in use from storage building to contractor's yard, and a land division was involved. There is a requirement for site review if these things happen. He hopes that outdoor storage will be addressed.

Maki's fourth topic is the Blondeau land split and the status of the groundwater contamination which could be an issue of concern. He wonders if the rear parking was previously approved. The current application indicates that there are no hazardous materials on site, but the previous application indicated there were, and he thinks this needs to be clarified. He is also concerned about how the Township monitors the groundwater because of the potential for leaking fluids. He does feel that Mr. Hendrickson's business will be a nice asset to the Township.

V. PUBLIC HEARINGS

A. Conditional Use CU15-02, PID 107-009-00, 5023 US-41 South

Woodward indicated that this Conditional Use was for reuse of a building that is currently used for storage, but is part of a previously approved conditional use for a contractor yard. Proposed use is contractor yard and shop with 90% of activity to be contained indoors or performed off-site.

Sikkema asked for comments regarding the Conditional Use permit. As there were none, the Public Hearing was closed.

B. Conditional Use Amendment #80, CU15-03, PID 107-007-20, 5025 US-41 South

Sikkema indicated that this would be a change in the Conditional Use permit previously issued to Lee Blondeau for a contractor yard on land currently partially leased by J.B. Hunt Trucking. The original conditional use was approved with conditions, and these conditions will still be met, however the property boundaries have changed with the sale of a portion of the land for the proposed use in CU15-02.

Sikkema asked for comments regarding this Conditional Use. As there were none, the Public Hearing was closed.

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Conditional Use CU15-02, PID 107-009-00, 5023 US-41 South

Woodward reminded the Planning Commission that they had approved the Site Plan associated with this conditional use at the June 15 meeting. Draft minutes including discussion from that meeting were distributed.

Sikkema indicated that the original permit required maintenance of a 30-foot buffer. During site plan review, storage was allowed on the north and east sides of the building, encroaching on the buffer. The nature of the required buffer was discussed.

The original permit requires the maintenance of a 30-foot buffer, with indicated plants, where the use abuts residential property. Sikkema said if this condition is not renewed in the new conditional use it would be a change. Conditional Use #80 includes, "Approved plantings will be maintained throughout the duration of the permit." Sikkema thinks the intent was that the 30-foot buffer would not be used. He feels the new approval should address this.

Ventura asked Woodward if a buffer is required to be planted, or can it just be an empty space. In other words, does the Township's definition of a buffer require plantings? Woodward said that per Ordinance definitions, a buffer strip is *"a strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and / or sound barrier between properties, often between abutting properties and properties in different zoning districts"*. Woodward said within the commercial district, when a parking lot or outdoor storage area or a conditional use lies within 50 feet of a residential district, a planting screen or fence that interferes with the view is required. This property already meets the screening requirements with the existing fence and trees. Also, the Zoning Ordinance states that within the commercial district, no structure shall be maintained within 30 feet of a residential district. Sikkema asked if Hendrickson planned on building a structure in that area? Hendrickson indicated that he was not planning on building a structure there.

Sikkema asked what would be allowed in the 30-foot buffer strip? The Planning Commission previously approved the site plan with outdoor storage not to include motorized equipment, although not necessarily in the buffer. Woodward indicated there is a limitation on structures there, but she doesn't interpret a limitation on storage, although the Planning Commission can make this a requirement.

Sikkema asked if the intention was that everything in the previous conditional use permit would carry forward. Woodward indicated that would be true for the Blondeau conditional use amendment, however, this is a new conditional use for Hendrickson. Sikkema stated that the Planning Commission would then need to go through and decide on conditions for this new permit.

Sikkema indicated that the previous permit had 12 conditions, some of which may not be applicable anymore. He proceeded to read through the conditions.

1. *Blondeau Trucking maintains a 30 ft. buffer where it abuts residential property. TriMedia will provide Chocolay Township with an "as planted" plan*

showing what was planted and where. Approved plantings will be maintained throughout the duration of the permit.

- 2. That Blondeau Trucking is permitted to keep 25 trucks on site. (Sikkema indicated this is not applicable)*
- 3. Approved hours of operation will be from 5:00 AM to 9:00 PM.*
- 4. That Blondeau Trucking keep Chocolay Township apprised of their correspondence with the DEQ. (Sikkema said this is not applicable)*
- 5. During construction, the applicant should make sure that best management practices are placed onsite. Blondeau Trucking will need to fill out an application with the Marquette Conservation District for their Soil Erosion Control Permit.*
- 6. Blondeau Trucking will provide the Fire Department with a set of plans indicating where utility shut offs are located and where flammable / hazardous materials will be stored. All flammable liquids shall be kept in metal cabinets. Finally, the Fire Chief will tour the facility upon completion.*
- 7. If the Police Department determines that Blondeau Trucking is making too many left-hand turns after 7 AM, Chocolay Township will be allowed to revisit the issue.*
- 8. Once comments are received from the MDOT Corridor Committee, these comments will be reviewed by staff and TriMedia and incorporated into the plans.*
- 9. TriMedia will work with Chocolay Township staff and our Engineering Consultants, Mike Pond from STS to ensure that all Township concerns are met and to work with Mike Pond and our DPW supervisors through this process. (Sikkema thought it probably dealt with drainage from the site)*
- 10. That any lighting shall be designed to reflect light downward and away from adjoining residential properties in accordance with the requirements of Section 500 of the Zoning Ordinance.*
- 11. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.*
- 12. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal, State, and Local Agencies, are acquired.*

Sikkema asked the Planning Commission if they could see any of the above conditions that should be carried over. Bohjanen felt there should be a change on requirement #6 from “Blondeau Trucking” to “Current occupant”. Meister asked if the permitting process requires the Fire Department to be notified? Woodward indicated this is not required as part of the zoning permit, but could be a County Code requirement, or it might have been something that was recommended by the site plan review consultant. Meister indicated it would make sense for the Fire Department to know where these things are. Hendrickson felt it is a good thing for any business to contact the Fire Department – they would then know what to expect if they were ever called to that site. Sikkema suggested #6 be changed from “Blondeau Trucking” to “Hendrickson Builders”. Ventura indicated that instead of

specific companies, it could be changed to “Owner” so this would not have to be changed again. Everyone agreed.

Sikkema asked about thoughts on Condition #1. Ventura indicated that by looking at the photographs that Woodward provided there appear to be trees inside the fence around three sides of that area, so there is a buffer, which may be more than 30 feet in width. Ventura stated condition #1 could be included with a name change as in #6. Sikkema stated that a buffer is only needed on the east and north sides. Blondeau sought to clarify the buffer requirements – if only 30 feet is involved, it leaves 10 feet on each side of the building (since the building is set back 40 feet). Milton said the “buffer” includes a fence, so he thinks Hendrickson should be able to use the area as he sees fit. Ventura stated that as long as whatever is being stored doesn’t project above the fence height of 8 feet, there should be no problem, unless there were odors. Meister wondered if they can just require the applicant to maintain the current buffer, while including the prohibition on the storage of motorized equipment as approved in site plan review. Sikkema asked if there was any possibility an exhaust system would be added for mill work. Hendrickson indicated that he had only considered venting an HVAC system, but that wouldn’t negatively impact the neighbors. He sees the logic of restricting outdoor storage over 8’ tall because of the fence on both sides. Right now Hendrickson has no plans to use the 30 ft. space, but there may be some future use. He thinks he could use it and keep the peace with the neighbors. .

Sikkema asked if Hendrickson would have a problem with a condition that prohibited noisy exhaust systems on the north and east sides in the buffer area so it doesn’t detract from the neighbor’s property. Hendrickson indicated that the building currently has no heat, and one of the heating systems that he is considering is an infrared heating system, ceiling mounted, with exhaust. Sikkema indicated this was not much noisier than a high efficiency furnace; he’d be more concerned about a dust collection system. Hendrickson said he would agree to not putting any noise producing systems on the north and east sides of the building. Ventura indicated that there are some dust collection systems that sit inside with only a bag outside, so it can be done.

Sikkema asked how #1 should be re-written. Meister indicated you may want to say “Maintain current fence and buffer ...” and then include the noise conditions that Sikkema had suggested. Sikkema asked if something should be in there about not storing motorized equipment on the north and east sides of the building. Meister indicated that this had already been a condition on the Site Plan. Woodward indicated that she had already included this as a condition in the proposed motion.

In the recommended motion, former #6 condition as revised could become proposed condition 2e; former #1 condition as revised could become proposed condition 2f; no storage over 8’ tall can be added at the end of proposed condition 2d; noise and fumes can be addressed in proposed condition 2g. Ventura stated 2g could read “noise, dust and fumes shall be contained on the site”; there is similar wording in the

City of Marquette. Meister asked if they address noise level. Ventura stated you could measure decibels, but he hasn't seen any ordinance that uses this. Milton indicated that you could say anything above "ambient levels". Woodward indicated that she had understood the Commission's intent was to prohibit noise, dust, or fumes from being discharged into the buffer areas. Ventura thought it would be a good idea to preface it by saying these things are environmental hazards, which signifies a level above the ambient or what may be expected. Meister indicated that it's a commercial property, so there are going to be things that make noise. Sikkema indicated that was not the concern he brought up – he was thinking that if you put in a dust collector, you may want to put it on the other side, even if it may look better on the east side. Woodward suggested that the requirement deal with directing noise, dust, and fumes away from the residential area. This was agreeable to the Commission and applicant.

Permitting for things such as vents and dust collectors was discussed, along with other former conditions. Only former conditions 1 and 6 were deemed applicable.

Moved by Bohjanen, seconded by Ventura, that after review of Application #15-02, a conditional use for applicant James R. Hendrickson for parcel #52-02-107-009-90 at 5023 US 41 South; and staff report dated 6/19/15; the conditional use of contractor shop and contractor yard as presented at the June 25, 2015 special meeting be approved having met all requirements of the Ordinance with the following conditions:

1. *The conditional use will be developed according to the site plan dated May 2015 as presented and approved with conditions at the June 15, 2015, Planning Commission meeting.*
2. *Permit approval is conditioned upon satisfaction of all site plan review conditions as follows:*
 - a. *The lights on the west façade shall be extinguished between 11 pm and sunrise.*
 - b. *The east fence will be finished so that the entire 8' tall façade shall be of solid materials.*
 - c. *The Zoning Administrator shall be presented with the legal agreement addressing access for parcel #52-02-107-007-20 and the recording of this agreement with the Marquette County Register of Deeds.*
 - d. *The north and east sides of the building shall not be used for storage of motorized construction equipment.*
3. *Permit approval is also conditioned upon satisfaction of the following:*
 - a. *Outdoor storage on the north and east sides of the building shall be less than 8 ft. in height.*
 - b. *Owner will provide the Fire Department with a set of plans indicating where utility shut offs are located and where flammable / hazardous materials will be stored. All flammable liquids shall be kept in metal cabinets.*
 - c. *Owner maintains a 30 ft. buffer where it abuts residential property.*

d. Noise, dust, and fumes shall be directed away from residential properties.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

B. Conditional Use amendment #80 CU15-03, PID 107-007-20, 5025 US 41 South

Woodward indicated that a portion of one parcel previously approved as part of this conditional use has been split off. The conditional use would continue as previously approved, but with a slightly smaller land configuration. If the conditional use meets all the original conditions of approval, it should be re-approved.

Bohjanen said that it seemed like it was just a case of tying up loose ends of the revised property description. Ventura said it seems that Blondeau Trucking has met all the conditions of approval as previously discussed, so there is no reason to use the change in property shape as a denial.

Moved by Ventura, seconded by Meister, that after review of Application #CU15-03, an amendment of conditional use #80 for applicant Lee Blondeau for parcel #52-02-107-007-20 at 5025 US-41 South; and staff report dated 6/19/15; the conditional use of contractor yard as approved at the May 12, 2008 meeting, having been found to meet all original and required conditions of approval, be amended with a revised legal description with the following condition:

- 1. Dust will be managed so as not to negatively impact the adjacent residential uses.*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 6:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, July 20, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Bruce Ventura, Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant), Brad Johnson (DPW Foreman), Gary Walker (Township Supervisor)

II. MINUTES

June 15, 2015

Motion by Meister, seconded by Bohjanen, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 Abstain: 1(Ventura) MOTION CARRIED

June 25, 2015 (Special)

Motion by Ventura, seconded by Milton, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 Abstain: 1(Smith) MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

A. Complete Streets – Scott Ham, Marquette County Health Department, Community Outreach division

Scott Ham, Health Educator at the Marquette County Health Department. One of his responsibilities is fulfilling a “Building Healthy Communities” grant, which is through the Michigan Department of Health and Human Services. One of the goals of the grant is to provide local municipalities with funding for planning new projects that meet the criteria for “Complete Streets”. “Complete Streets” is a movement and concept to include all forms of transportation, especially non-motorized transportation, and to promote projects that might not happen otherwise. It normally includes projects such as sidewalks or widened shoulders to accommodate activities such as biking and walking.

The grant provides \$3,000 per municipality on behalf of the Marquette County Health Department. The money would need to be used for a Complete Streets project such as improving pedestrian access to businesses and residential areas. Mahaney asked if matching funds were needed – Ham indicated they were not. Ventura asked about the time frame for receipt – Ham indicated that this grant cycle expires September 30. Mahaney asked about what other municipalities are planning to do with the money. Ham indicated that Marquette Township already has a Complete Streets ordinance. Their project is to expand access to Northstar Academy so students can walk or bike – they needed some money for the planning process.

Woodward asked if this money could be used for planning a project. Ham said yes – it can be used for engineering, architectural planning, etc. The grant needs to be tied to some type of legislation, ordinance, or plan adopted by the Township, such as a Complete Streets ordinance, resolution to include Complete Streets elements in future projects, or policy/project in the Master Plan. The Health Department would need to have something on paper to show the grant underwriters.

Sikkema indicated that the Master Plan has references to Complete Streets in its transportation section. Ventura asked if the money could be used for planning connectors for pedestrian bike trails, as well as paths alongside streets. Ventura indicated that the Master Plan recommends connecting areas, which are not connected now, with trails. Ham said yes – the purpose is to encourage cardiovascular health, with exercise as part of people’s daily routine.

Sikkema indicated that the Master Plan has identified a number of projects that could be implemented, such as extensions of existing bike trails. He feels the money could help with project planning, if the Township could obtain other funds through such sources as enhancement grants.

Ham indicated that the projects do not need to be completed by September. Once the projects have been identified and a Memorandum of Understanding executed, the funds could be accessed whenever needed.

Sikkema asked Woodward to put this item on the August agenda.

B. Silver Creek Recreation Area planned improvements – Brad Johnson, Chocolate Public Works

Brad Johnson, Department of Public Works Foreman, updated the Planning Commission on happenings at the Silver Creek Recreation Area. Over the last 4 – 5 years, he has been working with Marquette Little League in an effort to get them to utilize the Silver Creek ballfield. With a change in leadership, they are now in a position to use the field. Improvements were needed to bring it up to Little League standards, such as covered dugouts, pitcher’s mound, clay pile around home plate, improved infield and outfield. When Little League came to talk with Johnson in February, Johnson indicated that the Township did not have the money to make the improvements. Little League lined up workers and donations to complete the

necessary changes to accommodate league play and tournaments. They plan to do more work this fall, such as sod, irrigation, gates on the dugouts and field entrances, new backstop, permanent benches in the dugouts – all at no cost to the Township. They will pay for the power necessary for an LED scoreboard, announcement booth, and concession stand. They are also planning on replacing the existing bleachers with 4-tier safety bleachers. Little League is asking for a 10-year agreement with first choice of use. We would then waive the fee.

Other future work at Silver Creek includes the tennis courts –there are 2,435 lineal feet of cracks. Johnson has contacted a couple of contractors about a product called “Crack Armor” for cold climates – a floating fiberglass mesh that lays over the crack and is guaranteed for 5 years. The nearest place that will install this product is based in Minnesota. The cost is about \$49,000 unpainted – including paint it’s \$65,000. Johnson is currently looking at other options for repair.

Johnson indicated that he is considering reconfiguring the current 4 tennis courts to include 2 tennis courts, a full basketball court, and 2 batting cages and 2 bullpens for Little League use. Little League would be willing to pay for the batting cages and bullpens to be used by the District.

There is increased use of the Silver Creek Recreation area for disc golf, soccer, and Little League. Johnson wants to improve the playground in the future with grant money to meet new playground safety standards. With the increased use, improved access (new entrance) and traffic flow is needed. It is a tight area for two way traffic.

Johnson provided the Planning Commission with visuals of the current driveway. The Township owns properties at either end of the park along Silver Creek Road, and has another 66’ utility easement in the middle across from Willow Road. Johnson suggests talking to the landowner to the right of the easement to see if the Township can get a driveway easement through there, as this would also improve access for emergency vehicles. He also suggests rerouting/straightening the driveway and making it a one-way. Johnson would like to eventually add bathrooms near the soccer field – this is near where the AT&T tower will be going in, so there would be some clearing. He also suggests another well be added. He would be doing a prefab outhouse, which would be closed down in the winter. There should be no problem hooking into the sewer. The new well could also be used to supply irrigation to the soccer field. The well that is currently supplying this area is 45 years old and needs to be rehabbed. Johnson also indicated that he would like to add a pavilion to that area.

Smith asked if the landowner had been contacted on the driveway easement. Johnson indicated he had not – he wanted to run the plan by the Planning Commission first before proceeding. Sikkema asked how large the parcels are and if anything is currently on them. Johnson indicated the easement is being used by adjacent property owners as a driveway. Ventura asked about ownership of the sewer easement – Johnson indicated that the person to the right actually owns the

property. Smith asked about the western Township-owned parcel adjacent to Sands Township – Johnson indicated that creating a road through that parcel would disrupt a large portion of the disc golf course.

Johnson also indicated he wants to open a ski trail at the park this winter. The one on Kawbawgam was destroyed with the clear cutting last year.

Sikkema asked if there was anything that was needed from the Planning Commission. Johnson indicated his purpose was to keep them informed and to solicit suggestions from them.

Mahaney asked if additional parking was needed with upgrades to the ballfield. Johnson indicated he would like to create parking on the east parcel adjacent to Silver Creek, and another row near the soccer field. Also, if the road was one-way, it might accommodate angle parking.

Meister asked if this was a priority over Beaver Grove field. Johnson said “yes”, due to the Little League desire to fund park improvements.

Smith asked if the disc golf holes could be moved to another area to accommodate a road. Johnson indicated there is not enough land to do this.

Mahaney said he liked the idea of reducing to two tennis courts and things that would satisfy the demand and be easier on the Township budget.

Johnson said the new surface for the basketball court would be similar to that used on the court at St. Michael’s Church, which has held up well for 10 years. The fenced space for the bullpens and batting cages will probably have indoor / outdoor carpet with a net over the top.

Mahaney asked if there was potential for conflict in use of the ballfield. Johnson indicated that it is too small for softball, so Little League is the ideal use.

Sikkema indicated there are new thoughts on playgrounds, so Johnson may want to look into creative and rustic play areas containing moveable things kids can use to build things. Johnson indicated that he is also looking into things that are low maintenance because of staff time and resources. Sikkema said we should consider what the modern family wants.

Milton asked if the bullpens and batting cages will be open to the public. Johnson indicated they would not be, due to liability issues. The main reason they will be installed is so the League can accommodate district tournaments.

The Planning Commission felt that Johnson is on the right track in going forward with improvements to the Silver Creek Recreation Area.

VII. NEW BUSINESS

- A. Site Plan Review SP15-03 – Dollar General, PID #106-004-00, 4067 US-41 South**
Woodward indicated this is a pretty extensive site plan review on a proposed commercial use for a property that contains a vacant residence. This property is

zoned for commercial only use, and is 1.15 acres. The proposed development meets the required setbacks. The main concern is that the Access Management Overlay District Standards cannot be met on this parcel, and focus should be on improving access conditions through a shared access arrangement or interconnected driveways with adjacent uses. The Commission was provided with the minutes from the meeting where a parking variance was granted. Revised site plans were submitted on day of meeting (July 20). Woodward would like the applicant to point out the site plan changes. The last sheet in the new site plan shows the truck circulation, which had not been shown on the original plans. Woodward pointed out that Lee Blondeau is still the owner of the adjacent property to the south with which a shared access arrangement would be negotiated.

Andrew Rossell, AR Engineering – represents both the seller (Freeman and Halvorson) and the potential buyer (Greg Oleszczuk, President of Midwest V, LLC, the development company), and Scott Knowlton (Midwest's general counsel). Rossell is the civil engineer who prepared the site plans. The plans were recently revised with mostly housekeeping items and are considered to be 95% complete.

The plan is for a Dollar General with a Prototype F footprint, which is 9,100 sq. ft. with a corner entry on the southwest corner. There are 30 spaces for parking along the front and side. As part of the parking variance, they have added 3 banked spaces along the south side in case there is ever a need for more parking. The retention basin is located on the north side of the building. All the storm water will be directed by catch basins into the retention basin. Rossell reviewed the plan for truck circulation. There is no loading dock, only double doors for receiving. In this same area, there is a fully screened dumpster on a concrete pad.

Dollar General's original plan as submitted to MDOT was to have the drive closer to the location of the existing drive. After meeting with MDOT and the Corridor Advisory Committee, Dollar General changed the plans by moving the drive as far south as possible and reducing the width of the drive. Dollar General is still in compliance with MDOT's suggested turn radius. Dollar General is center grading the parking lot so that water flows to the retention basin. There is also a slow release outlet in the structure to the right-of-way. The proposed well is indicated on the site plan with a W in a circle, and they have submitted for a well permit. They plan to tie into the sanitary sewer line. Stormwater will be retained on site with no runoff.

One of the topics at ZBA was snow storage – with the design as is they would be able to push most to the retention basin.

Lee Blondeau, 2001 N. Traci Lane – asked if Dollar General is planning on raising the elevation of the lot. Rossell indicated that the only thing that might be raised is the building pad. Blondeau asked if the retention pond for the overflow would be flowing towards the right-of-way. Rossell indicated that once it would get to a certain elevation it would start flowing into the MDOT right-of-way, into the storm system.

Rossell stated that Dollar General had looked at different options for the drive, such as coming into the store off Corning, but that would present problems with the property owners there, especially with the intermix of traffic. He has had several discussions with MDOT, and as far as he can tell, they are comfortable with the placement of the driveway.

Mahaney asked if MDOT had approved the driveway placement. Rossell indicated that technically MDOT cannot approve it until the site plan has been approved. His feeling is that when it went to the Corridor Advisory Committee, the site plan was "blessed". Woodward indicated that she had received a letter from the Corridor Advisory Group, dated July 16, 2015. The letter read thus, *"Due to the proposed commercial drive proximity to the existing signalized intersection at Silver Creek Road, the group suggests the following: (1) The Developer / Applicant pursues shared / combined access with the property to the south and shows proof of an unsuccessful effort to gain approval, and if Chocolay Township subsequently approves all necessary variances for a site plan with a direct access drive to US-41, it is recommended the two-way-left-turn-lane be converted to have a dedicated left turn lane meeting MDOT standards and storage requirements for northbound US-41 left turns to Silver Creek Road. This will prevent conflicting left turns between southbound US-41 traffic turning to the proposed business and northbound US-41 traffic intending to turn left onto Silver Creek Road. The storage requirements and subsequent markings may or may not leave room for SB left turns into Dollar General. Additionally, MDOT should reevaluate storage needs at the signalized intersection in the event of increased volumes on Silver Creek Road in the future, and make changes to increase storage as needed. There should be no expectation of direct left turns permitted into this site (proposed Dollar General) now or in the future."* Rossell asked if they could obtain a copy of this letter.

Mahaney asked if the shared driveway had been discussed with the adjacent landowner. Rossell said that the real estate broker indicated they made an effort to contact the landowner. In the process, the real estate broker talked with several people, and felt there was issues with the cross parking arrangement to the south, and the use of that drive. Sikkema asked what Rossell meant by "there was an effort made to contact". Does this mean a message was left on a phone or a letter was sent? Rossell said he could contact the broker to find out exactly what type of contact was made. Sikkema asked if any effort had been made after the ZBA meeting. Rossell indicated there had not been, because at that time he felt MDOT had made it pretty clear that they accepted the placement of the driveway. Sikkema explained that MDOT and Chocolay Township will not issue permits until they confer to make sure they are consistent. Rossell indicated that the Dollar General site plan had first gone before the Corridor Advisory group in May. Sikkema said he originated that group, and he used to work for MDOT. He said that almost every business in the Township works off a shared driveway. This is a strategy used in access management to try to minimize the number of driveways, and to make

conditions as safe and convenient as possible for the people of the Township. Sikkema asked what is different about Dollar General that makes it so they cannot make a shared drive work. Rossell explained that Dollar General has over 12,000 stores, and the only way they will share access is if they own it. Dollar General wants the control for liability and maintenance concerns. Sikkema wondered why other businesses (i.e. Holiday Gas Station or McDonald's) would not have those same concerns – what makes Dollar General so unique that they cannot do what everyone else is doing? Mahaney felt that Dollar General should take a look at the Township and see how things are being done here. Knowlton indicated the uniqueness may have to do with the use of the property to the south – Dollar General is a retailer that is being forced to share access with a trucking company. Ventura indicated that there are only 15 trucks, at the most, that would use the access each day – they go out in the morning and come back at night. That is all they are allowed to have, according to the Conditional Use permit they were issued from the Township. Ventura does not see how the truck traffic impacts this site. Knowlton indicated that the use of the trucks is inconsistent with general retail. Sikkema said Gordon Food Service also has a trucking company that uses the same driveway. He indicated those are not good arguments for the Planning Commission to go against their zoning requirements. Ventura stated that the lay of the land is conducive to a shared drive. Smith stated that the trucks are not moving in and out continuously throughout the day. Knowlton indicated it's a tough sell to the company, that this isn't going to change, it's going to be like this forever – the likelihood of Dollar General agreeing is remote. Oleszczuk said they respect the Township's position, and would like to get it done, but they must operate within Dollar General's parameters. They know of situations like this where the truck traffic has damaged the drive. The retail customers are inconvenienced by this, and there would be dangers in the winter associated with incompatible use. He can't control what happens on the adjacent property. A future use may be even more incompatible. That's why Dollar General does not allow shared access, unless it is under the most extreme conditions. Ventura said he feels this is an extreme condition, due to the volume of traffic on US-41, with the intersection being 130 feet away from the proposed driveway, and a left turn across two lanes of traffic. Overlay district parameters take precedence over having a direct driveway that close to an intersection. This is why the overlay district was created – for the safety of the people using the highway and the safety of the community, not for the convenience of a store. Sikkema indicated it would be hard for the Planning Commission to approve, as this driveway is going to be nearly 200 feet short of the requirement, and at a busy intersection. Dollar General is going to be located on a highway with lots of truck traffic – but they can't make that work in the driveway? Sikkema feels there should be an attempt made – this is a great addition to the Township, and he doesn't want to see it go away, but he doesn't feel that the Township should give up its principles and standards of the Ordinance. He knows of other companies who have changed their thought process, such as Holiday Gas Station. Ventura said those

businesses are busier than ever. Knowlton stated that he agreed there is value to a shared driveway, and he doesn't feel that the Township should throw away its values, but the reality is that if the shared drive is required the deal probably goes away. Sikkema said he'd hate to see that, but he can't say that's ok. The development would support the community greatly, but he does not feel that Dollar General has an open mind in being a good community partner. Ventura said they want people to get in and out of the property safely.

Knowlton indicated that they'll work on it, but the reality is that Dollar General is going to ask for restrictions on the use of Blondeau's property for perpetuity. Sikkema said shared driveways are standard now. Oleszczuk said the Planning Commission has every right to feel that way, but they haven't pursued this option to a large degree because of Dollar General's restrictions. Shared access makes it very restrictive for both parties. Sikkema stated that he did not want it to seem that the Planning Commission or Township is anti-business or anti-Dollar General. Knowlton stated that he did not want the Township to view Dollar General as anti-safety or anti-community, but it is company protocol. Meister indicated that he feels a shared driveway would be beneficial for Dollar General – in a recent driving experience involving this location, the traffic conditions would not have allowed him to turn into the existing driveway to the proposed site – he would either have had to turn around or keep on going and get what he needed at Snyder Drug. Sikkema indicated that the proposed driveway, if approved at all, would have to be a right in, right out driveway – there would be no left turns in or out according to MDOT.

Rossell indicated that they had already explored all those options and thought they had MDOT support of a modified plan. He said the gas station to the north has 3 curb cuts, the trucking company has their access and the restaurant to the south has their own access – maybe further south there is more shared access, but not in this particular area. Sikkema indicated those were all constructed before Access Management Zoning was implemented. In this case, the opportunity is there, and he would hope that Blondeau would be cooperative in working this out. Rossell indicated they will be sure to get Blondeau's number before they leave.

Ventura said that a simple connection could be created in the southeast corner of the parking lot, where there are banked parking spots, to an area not even used by the trucks but by the residential builder who has proposed to locate there. Rossell said the driveway would have to be as close as possible to the highway for their semi truck to maneuver. Ventura asked him to consider that if there was a driveway in the southeast corner, they would be able to back the truck right in without having to do a double back and forth – it would be a simpler maneuver than what is proposed.

Oleszczuk indicated that any plan has to be brought before the tenant and the tenant's legal team must agree with it. Dollar General will not even consider the property if there is a chance that a larger retailer or competitor will go into a property associated with it. This would limit an adjacent property owner. He said Rossell put

together a workable plan with MDOT. Sikkema indicated that MDOT permits driveways – local governments manage access.

Woodward asked about the access for the Dollar General in Negaunee – Knowlton indicated that they do have their own access, but they have barriers against cross access.

Bohjanen said there were concerns about the trucking business and the number of left turns and the potential hazard, and a limitation was placed on the number of turns, and there was the option to revisit the use in the future if there were problems. Now the proposed shared driveway would have the usual trucking flow, plus that for Hendrickson Builders, plus all of Dollar General's traffic. Limiting left turns might be helpful for access concerns, but limiting left turns may not be so good for Dollar General, but that's their problem. He feels the safety issue is more encompassing than Dollar General and their patrons, it impacts the general public that is passing by at the same time, as well. Sikkema agreed – if there are people waiting to make a left turn on Silver Creek you may create a shield situation where people have to guess if they can safely get out of the parking lot. These are things that you try to limit with driveway spacing.

Knowlton indicated that he will work with Blondeau and Dollar General. He wondered what happens if they are not able to reach an agreement. Sikkema said that MDOT would then become involved – they would notify the Township and the Corridor Group that they were modifying the pavement markings to make an exclusive left hand turn onto Silver Creek Road, which would not allow people to make a left hand turn into Dollar General. Sikkema indicated that you would still be able to make the left into the potential shared driveway.

Sikkema asked about sales per hour – Rossell indicated that their peak hour traffic is 11-12 cars per hour. Knowlton asked if the Planning Commission would consider granting approval with a condition of shared access. This would make them feel more comfortable knowing that they were down to the last issue.

The potential motions provided by Woodward were discussed. Woodward reminded the Commission that written documentation of the findings is required by the Access Management Standards. Bohjanen asked about 3 of the required parking spaces that are within the 50' setback from the right-of-way. Knowlton indicated that shared access may change parking layout. Oleszczuk said that they would like to have all letters of documentation that are available, noting they had not received the MDOT letter. Woodward said it was all available online last week, but she would give them a copy of the packet materials. Sikkema asked if the plan would need to go back to the Planning Commission if there was a significant change in the parking. Woodward stated that if there is a need for a waiver from standards, they would need to come back for final approval. This could serve as preliminary approval. Parking layout was further discussed. Sikkema indicated they would write the motion to include up to 6 or 8 spaces within 50 feet of the right-of-way for the misplaced parking.

Woodward asked how the potential parking and access change would impact snow storage. Rossell indicated it could be pushed to the retention basin. He feels they will probably be hauling some out anyway.

Mahaney asked about the photo that was provided of a Dollar General store with the storage of shopping carts outside. The applicant indicated that was not necessary. Meister said he had noticed on the landscaping plan that some of the plants were for Zone 5, and the survival rate would not be good for those plants. Mahaney asked about the outside lighting. Woodward indicated that they would need to submit the required specs before they got their Zoning Compliance Permit. Woodward asked the applicant about the security lights that were indicated on the elevation plans, but not listed on the photometric plan. Rossell indicated that the security lights are not included – they are using only wall packs.

Moved by Sikkema, seconded by Ventura, that after review of Application #SP15-03, a site plan review for Midwest V, LLC for parcel #52-02-106-044-00, 4067 U.S. 41 South; and staff report dated 7/13/15; and the site plan dated 7/20/15, that the development as proposed be approved with the following conditions:

1. *Developer must successfully negotiate shared use driveway with the adjacent property owner south of the proposed development for the following reasons:*
 - a. *The access to the site does not meet the requirements of Sections 5.3R3) and 5.3R7);*
 - b. *The Ordinance in Sections 5.3R8) and 5.3R9a) authorizes the requirement of a shared driveway or service drives as the only option when direct access consistent with the referenced standards cannot be achieved;*
 - c. *The Ordinance in Sections 5.3R11) requires that “Where a proposed parking lot is adjacent to an existing parking lot of similar use, there shall be a vehicular connection between the two parking lots where physically feasible”, and applicant has not supplied such connection or submitted evidence that such a connection is not physically feasible;*
 - d. *The applicant has submitted no evidence that adjacent development renders adherence to these standards economically unfeasible or that there is no other reasonable access due to topographic or other considerations, or that the standards have been applied to the maximum extent feasible to justify a waiver per Section 5.3T;*
 - e. *The US-41 / M-28 Corridor Advisory Team advises that the developer / applicant should pursue shared / combined access rather than direct access to US-41;*
 - f. *The Planning Commission believes that the absence of shared access or property interconnections poses a likely negative impact to the safety of vehicular traffic; and shared access and property interconnections would result in improvements that are more closely aligned with the goals of Section 5.3.*
2. *Approval is conditioned upon MDOT approval;*

3. *The signage and lighting will meet all requirements of the Chocolay Township Zoning Ordinance, with additional information as needed being submitted to the Zoning Administrator and necessary permits obtained;*
4. *No more than six (6) parking spaces can be constructed within the 50 foot right-of-way setback requirements per Section 5.3Q3) at the northwest corner of development.*

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Preliminary concept meeting on potential development of parcels #114-003-00, #114-001-00, #114-001-10, and #114-001-20 as a retirement community / RV park – Paul Smith

Woodward indicated that Paul Smith has approached her several times with his desire to build a seasonal housing development for people 55 and older, possibly with an RV park as well. During their conversations, Woodward and P. Smith had discussed several options for development. Today she was notified that P. Smith had sold a portion of the 160 acre parcel south of the Chocolay River to someone else, essentially creating a land division. Woodward is currently researching this to see if this was a legal split or not, and to determine how it will affect the buildability of the parcels. Woodward said P. Smith seems to prefer the option of developing the parcel as a mobile home park, which would require rezoning to multi-family residential. She asked P. Smith to come to the Planning Commission to get input on the preferred mechanism to pursue in association with this development plan. The only option that wouldn't require a rezoning is the Rural Cluster Subdivision. All other options that she included in the staff report would require a rezoning.

Sikkema asked for clarification of the existing zoning district and permitted uses. Woodward said the parcel is in the AF district, which allows a rural cluster development subdivision as a conditional use. Woodward was not certain how many units he could build with that option, as he would have to subtract the area used for roads and wetland areas. If the entire 240 acres made up of 4 parcels was developable, he would need to preserve 120 acres in perpetuity for non-development, and could probably get about 54 units on the other 120 acres, which is a density of 2.2 acres per unit. These could be developed on smaller lots with Health Department approval. Regarding other options, Planned Unit Developments are not allowed in the AF district. Right now the multi-family residential district is scattered across the Township similar to spot zones. It would not be unreasonable, based on current land use configuration, to rezone these parcels to a mobile home park. Mobile home parks also need to go through State licensing procedures.

A. Smith indicated that he did not know for sure how much of the land is developable, as approximately 140 acres are wetlands. Sikkema indicated that a Rural Cluster Development would allow you to put a higher density on the developable acres. The Commission asked Woodward for clarification of the calculations related to Rural Cluster Development Subdivisions. Wetlands can be used as part of the reserved open space, but are subtracted during the calculation

for allowed number of units.

Woodward asked P. Smith how many units he envisioned building. P. Smith indicated that he had not really established a number. He figures he could get approximately 120 lots for RV's in the high ground. Sikkema asked if P. Smith was looking more at doing something with RV's. P. Smith indicated he would like to do RV's and modular homes. He would like to be able to offer the homes for under \$100,000. He would also like to be able to offer overnight parking for RV's. Meister asked if P. Smith would be offering units for people to live year round. P. Smith indicated that would be an option. Sikkema asked P. Smith what he is referring to when he is talking about "modular" homes, as there is a distinction between a modular home and a double-wide trailer trailer – the trailers would be licensed. P. Smith indicated he was looking at modular homes – he will have a sample by the end of the month, as one is being built right now.

Mahaney asked if P. Smith specifically wanted a mobile home park. P. Smith indicated that he wants to have modulars on the first ½ mile, and RV parking on the second ½ mile. Mahaney asked if people would be able to leave their RV there year round. P. Smith indicated they would be able to do this. Mahaney asked if there was access to the golf course. P. Smith indicated there was. His plan is to keep the area private as a retirement community. Meister asked if P. Smith was planning on putting in some type of buffer between the golf course homes and the RV park. P. Smith indicated he was planning on a buffer of 700'.

Sikkema asked if P. Smith had talked with the golf course about the proposal. P. Smith indicated he had sent some letters, but has not received answers yet.

Sikkema restated what he feels that P. Smith is proposing – permanent homes and then more of a transient / resort area. Meister asked if campgrounds are allowed in the AF district. Sikkema indicated that campgrounds are allowed in the AF district with a Conditional Use permit. Sikkema asked P. Smith if he envisioned having more than 48 modular homes. P. Smith didn't think so – he wants to put 2 modular homes per acre – something like they have at The Bluffs in Gladstone. Milton asked if one well would service more than one house. P. Smith responded it would. Mahaney asked if people can stay one or two nights, as well as staying year round. P. Smith responded that there are a lot of people who travel around and live in their RV. He feels that people in the south, such as Texas, would like to be up here in the summer months, rather than fighting the extreme temperatures there. P. Smith also feels like there are plenty of activities to offer, such as access to golf and RV trails.

Sikkema clarified with Woodward that the area allowed for RVs would be a permitted Conditional Use, but then the other parcel phase would be residential homes. Woodward agreed. Sikkema then asked that if something is zoned WFR, would they need to connect to the waterfront. Woodward indicated that they currently would not have to be waterfront property to be in the WFR district. Sikkema asked what the adjacent golf course is zoned. Woodward indicated that the parcels around the golf

course are currently zoned R1. Sikkema indicated a preference for rezoning to R1 zoning like the adjacent parcels, which has a 25,000 sq. ft. minimum lot size. Woodward indicated that if it was rezoned to R1, P. Smith could do a PUD incorporating both the RV park and homes. Sikkema indicated that the problem would be that he has to have access to a public road at the front. Sikkema also stated that if it was zoned R1, P. Smith could do a site condominium with a master deed – he could do what he wants to do on a private road.

Sikkema asked P. Smith if he was familiar with site condominiums. There is a master deed, and each lot is a sub-deed. Each person owns their lot, but it is attached to the master deed. It stays as one parcel. P. Smith indicated that they wanted to keep access to age 55 and older, and Sikkema indicated that would be possible. P. Smith also stated that he wants to retain property control. Sikkema indicated that was also up to the time that a Homeowner's Association would manage it. P. Smith indicated that he wants to keep property control so that it will be kept as a retirement village without children.

The Commission discussed rezoning a portion of the parcel to R-1 and retaining the remainder in AF as needed to accommodate the various uses. Meister asked if P. Smith was planning on selling or renting the lots for the modular homes.

Sikkema indicated to P. Smith that he feels there are some options to accommodate the development. He feels it is a good way to keep the senior population in the Township. It would give snowbirds another option for maintenance free living.

Sikkema asked about access – would it all go through the easement at the golf course? P. Smith indicated that his parcels also connect to BU Road, which is a seasonal County road. He does not want people to be able to come in one road and drive out the other. He does not want a gated community, but he also does not want through traffic.

Sikkema asked what P. Smith was looking for from the Planning Commission. P. Smith stated he does not want to put any more money towards the project if it's not something wanted in the Township.

Meister indicated he thought it was a good idea, and that it works with the Master Plan. Mahaney thinks it's a great idea. A. Smith thinks it's a great idea. Ventura stated there could be water concerns, but does think it would be a good idea. Ventura indicated that if P. Smith decided to go with the site condominium, there is an expert in Marquette that deals with this type of development. P. Smith indicated he wanted to stay with modular homes. Woodward pointed out that the term "site condominiums" makes it sound like you are building condominiums, but the term refers to the mechanism for development.

P. Smith indicated he wanted it to be like the development in Gladstone. That development was discussed. Sikkema asked if multiple zoning districts are allowed on one parcel. Woodward indicated there currently parcels with multiple zoning

districts.

Milton expressed concern was that the Health Department may determine there needs to be an operator for the wells. This was discussed.

Bohjanen indicated he thought it was doable, and that the nuances needed to be decided by P. Smith. Sikkema said depending on where he wants to put the various elements, that would decide the best zoning district to accommodate it. Mahaney said it's a good use of the property.

Woodward indicated that what she heard the Planning Commission tell P. Smith is that some of the land could be rezoned to R1 and some could stay as AF – this will drive the types of decisions that he will be able to make. P. Smith indicated that he will continue looking at his options for how to go forward on this project.

VIII. UNFINISHED BUSINESS

A. Review potential revisions of Ordinance #55 related to parking of vehicles and storage of vehicle parts.

Woodward indicated that she highlighted the changes she made in the ordinance based on what was decided at the last meeting. She had also researched State law regarding parking in the right-of-way. The police only deal with vehicles parked on the paved portion of the right-of-way in most cases, unless there's a clear vision issue. The applicable standards from the Michigan Vehicle Code and the Uniform Traffic Code were provided. She feels that if the Commission wants to regulate parking on the unpaved portion of the right-of-way, they would be able to. Basically, State regulations don't prohibit this.

Sikkema indicated that from his past experience, those two codes only deal with the improved portion of the roadway, such as shoulders and travel lanes, and possibly a ditch. If a complaint is received about a vehicle in the right-of-way, the local planner notifies the County Road Commission or MDOT, and the road agency directs the police to address it. The police then direct the citizen to remove the vehicle. In his experience the only thing he ever found that could be utilized in the unimproved portion of the right-of-way relates to litter – if people were parking junk on the right-of-way, the State Police would possibly issue a ticket for litter. The Commission decided not to change Section 4A.

Bohjanen questioned the wording of Section 4.D.1, "*Vehicles shall not be parked or stored within the required zoning ordinance setback for structures*", as to clarity. This was changed to read, "*Vehicles shall not be parked or stored within the required zoning ordinance setback for structures **and the property lines.***"

Bohjanen does not like the idea of putting a number on the quantity of trailers allowed in the front or side yard. After discussion, no change was made.

Section 7.C was changed to read, "*Semitrailers and similar types of vehicles, **or containers designed to be carried on those vehicles,...***"

Moved by Ventura, seconded by Bohjanen, that after review of the potential revisions made to Ordinance #55 Vehicle and Trailer Parking and Storage, that a Public Hearing be scheduled for the August meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Land Use Classification Table – Discussion

Woodward asked if anyone had done their follow up on the item. She also indicated that if they wanted, they could submit their input to her for compilation of the final results. Woodward would especially like to have the Planning Commission go over the uses for the AF district. A citizen had planned on being at this meeting to discuss a use that is not currently designated in the ordinance that relates to agri-tourism – such as using a farm structure for weddings.

Sikkema questioned changing zoning classifications. Meister thought it was important to address recommended changes along the corridor relating to mixed-use. Woodward explained that she has not suggested changing all zoning classifications – most of the districts in the draft matrix relate to current zoning districts, just with a different name that relates to the future land use areas of the master plan. For example, the RW (Residential Waterfront) is equivalent to the current WFR, RV (Residential Village) is equivalent to the current R2, RN (Residential Neighborhood) is equivalent to the current R1, RR (Rural Residential) was discussed as a separate Rural Residential category for some smaller parcels in the AF district, AF is unchanged, etc. Sikkema sees no reason for change. Woodward indicated that the most important thing about this exercise is thinking of the different uses and where they fit into the Township – some of the uses are not covered by the current ordinance. Mahaney asked what was being accomplished by doing this. Woodward explained that they are accomplishing clarity – so that citizens can better determine what is allowed. Bohjanen stated that he would like some clarification on a statement made by a previous Zoning Administrator to the effect of, “if something isn’t listed as permitted, it is prohibited”. He feels it would be close to impossible to address every possible use. He feels that this is what this exercise is to accomplish.

Bohjanen suggested that maybe it is time to go through each district and find out if any of the uses need to be different. Bohjanen would like to review the Zoning Ordinance one zoning district per month until done. Sikkema asked what should be worked on first. Meister suggested the Commercial district. Smith suggested the R2 district out by Foster Creek. Sikkema indicated that these were both very specific things. Ventura indicated that he would like to look at the corridor area. Milton would like to go one district at a time – one each month. Sikkema indicated that what Woodward has is a broader view. Ventura suggested that the Planning Commission look at one district per month, and then go to the complete matrix that Woodward has laid out. To go through the whole matrix at one time tends to be overwhelming. By doing one at a time, it may take a while, but it will be easier.

Sikkema suggested that at the next meeting they focus on commercial and industrial district uses. The amendment process was discussed. Woodward clarified with Ventura that he was suggesting to consider current uses in the commercial and industrial districts, and compare to the list of other uses that are possible and see if changes are needed. Woodward asked the Planning Commission to keep their copy of the matrix.

IX. PUBLIC COMMENT

Pete Mackin – wanted to update the Planning Commission on the status of the County helping with the project to acquire the land on Chocolay Bayou for a nature park. They will not be able to help with the project as he had hoped.

X. COMMISSIONER’S COMMENT

Mahaney was pleased to see there may be some potential development. Milton was glad to see that someone wanted to give us money. Bohjanen indicated to the Commission that the Board did approve the payment for the appraisal of the Bayou property to facilitate the acquisition.

XI. DIRECTOR’S REPORT

Sikkema asked if there was a way that Woodward would be able to date the report as to when the violations occurred – Woodward indicated that she highlighted the newest but the highlighting did not show up very well.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 10:24 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 17, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:02 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney (arrived at 7:22 pm), Bruce Ventura, Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

July 20, 2015

Moved by Ventura, seconded by Bohjanen, to approve the minutes as corrected – page 3, 4th paragraph, change “The is increased use” to “There is increased use”. Ventura commented the minutes were very thoroughly done and reflect all discussion items.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, seconded by Milton, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Site Plan Review SP15-04 – Alder Storage, PID #121-071-15, 6590 US-41 S

Woodward said this is a site plan review for an expansion to a mini-storage facility. The development, consisting of two buildings with access from S. Big Creek Rd, was first approved in 2000. Those two buildings were constructed with alterations, including a change in access location to US-41. In 2007, the conditional use was modified to include two additional buildings; however, only building #3 was constructed at that time. The applicant now wishes to build the previously approved building #4, however, the site plan is now expired. The applicant has not proposed any changes to the original site plan or conditions for approval. However, based on site measurements collected during an inspection, Woodward does not believe the original site plan can be achieved while maintaining the required 100' setback from the small waterbody. She addressed this concern in the suggested motion, along with the previously approved condition requiring a 20' separation distance between buildings #3 and #4.

Woodward presented the staff analysis comparing the development to zoning standards. Other concerns, besides waterfront setback and building separation, include traffic circulation (particularly using an informal dirt path around building #3 in the buffer area), retaining or extending existing buffer areas, outside lighting, and a requirement to obtain a County Soil Erosion permit before the Zoning Compliance Permit is issued.

Sikkema addressed the 30' buffer from the original approval. He doesn't believe the language indicates that the entire 30' width is required to be maintained as a vegetated buffer; he thinks a road could be located within that buffer area, but not a building.

Milton asked for clarification on a mention of building #5. This was a mistake in the application – the application is for only one additional building, for a total of 4.

Bohjanen said that if the applicant rotated building #4 by 90 degrees, it would comply with all spatial requirements. Woodward's measurements were discussed.

Ventura asked if the waterbody is a natural or man-made feature. Woodward said that the previous decision body made an interpretation that it was a waterbody as defined in the Ordinance, and therefore subject to the 100' waterfront setback requirement, and said she felt consistency was important. Ventura said he does not consider this man-made feature to be subject to the waterfront setback provisions, and he suggested the applicant could revise the dimensions of the pond to achieve the required setback. Bohjanen said the point was well-taken, and the placement of the building would not adversely impact the pond. Sikkema said he felt the proposed building location would result in a lesser disturbance to the natural area, and Milton said it would result in less pavement as well. Vegetation and topography were discussed. Sikkema asked if the Planning Commission is allowed to modify the 100' setback requirement – Woodward said her opinion is that the Zoning Board of Appeals would have to grant a variance from that requirement. Ventura asked about the mean high water mark of the pond. Meister agrees it's unfortunate, because the extra 6' separation isn't going to make a difference for the pond/borrow pit.

Sikkema discussed the suggestion that the existing lights should be shielded. He asked for comments on the suggested motion. Meister suggested changing condition #1C to say "Revisions to include a **change in building dimension** sufficient to preserve a minimum of 100' setback from the water's edge ...".

The Commission decided not to address the informal dirt drive that is within the 30' buffer area in the conditions for approval.

The remaining recommended conditions were accepted, with a change to #4 to read, "The 6' tall fencing and required plants as approved in the 2007 plan shall be extended as far south as necessary to **substantially screen** the new structure from the residential area."

A motion was made as below. During discussion, the Planning Commission decided to add an additional option in item #1, that the applicant can seek a variance for the 100' waterfront setback requirement from the Zoning Board of Appeals. The Planning Commission also added the words "licensed surveyor **or engineer**" in #1.

Moved by Meister, seconded by Bohjanen, that after review of Application SP15-04 Site Plan Review; and review of the staff report dated 8/10/15; the site plan dated

7/27/07 for additional improvements to Alder Storage located at 6590 US-41S, parcel #52-02-121-071-15, be approved with the following conditions:

1. *The applicant will present a site plan, prepared by a licensed surveyor or engineer, indicating one of the following options:*
 - a. *Confirmation that the placement and configuration of building #4 as presented, including the 30 feet separation from building #3 and 40 foot building width for building #4, will achieve a minimum of 100' setback from the water's edge of the existing pond and minimum of 30' setback from the west property line.*
 - b. *A revised placement for building #4 (with specified dimensions) that will achieve a minimum of 20 feet separation from the existing building #3 as approved in 2007, and a minimum of 100' setback from the water's edge of the existing pond and minimum of 30' setback from the west property line as required by the Zoning Ordinance.*
 - c. *Revisions to include a change in building dimension sufficient to preserve a minimum of 100' setback from the water's edge of the existing pond, and minimum of 30' setback from the west property line as required by the Zoning Ordinance.*
 - d. *Or obtain the necessary variance from the 100' waterfront setback requirement from the Zoning Board of Appeals;*
2. *Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the approved plan, however, the existing vegetated buffer within 30' of the west property line shall not be disturbed;*
3. *The 6' tall fencing and required plants as approved in the 2007 plan shall be extended as far south as necessary to substantially screen the new structure from the residential area;*
4. *The applicant shall obtain a County Soil Erosion permit before being issued a zoning compliance permit;*
5. *All new lighting or replaced lighting shall be shown to be in compliance with the current ordinance before a zoning compliance permit will be issued;*
6. *Existing lighting shall be shielded from the adjacent residential area;*
7. *Alder Storage Properties shall maintain the landscape areas that are shown on the plan dated 7/27/07;*
8. *Alder Storage Properties shall clean-up said property upon completion of construction including removal of brush, trees, debris, etc.*

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

- B. Complete Street Project Recommendation for Health Department grant
Woodward summarized the criteria for the Building Healthy Communities grant as sent to her by Scott Ham. The grant stresses policy-making or implementation of projects related to new non-motorized pathways. She feels we have the necessary policy in the Master Plan to support such projects. It is anticipated that the grant would help with design/construction documents for the project.

Sikkema said he thought the project to connect the businesses on the west side of US-41 to the existing bike path would be useful. Smith was concerned about the grade change from the tunnel to the right of way. Sikkema said there are two options: 1) use

the existing Village street adjacent to the tunnel to get to road grade, 2) go across the top of the tunnel (but this would be questionable for space). Meister said that in keeping with a walkable community, the ability to get to those businesses would be beneficial. Ventura said he would also support this as a first priority.

Meister asked if there is an existing easement for potential public access to Lake Superior, as he feels this would be a priority. Woodward said that in the original Hiawatha Shores plat there were two road easements, but that land may now be privately owned, potentially requiring negotiation/purchase. The entire lakeshore is abutted by private property, so this could be controversial. Accordingly, the waterfront access would be limited to the shoreline area because of private ownership. Ventura said he prefers the US-41 project, as Lakewood Lane residents can access the Iron Ore Heritage Trail at several existing locations.

Moved by Ventura, seconded by Mahaney, that the Planning Commission recommends that the first priority project to be submitted for a "Building Healthy Communities" grant as facilitated by the Marquette County Health Department is the planning and design of a non-motorized connection along west side of US-41 from the northern-most business parcel south to the existing pedestrian tunnel accessing the main urban pedestrian/bike paths.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

Because interested parties were in the audience, the Planning Commission agreed to move agenda item VIII.D to VIII.A.

A. Update on Site Plan Review SP15-03 - Dollar General, PID #106-004-00, 4067 US-41 South access negotiations

Woodward received correspondence from Scott Knowlton, General Counsel for the development company involved in the proposed Dollar General. In the correspondence, the company asks the Township to internally reconsider the stand-alone access. Woodward suggested possible Planning Commission actions to include 1) No response, since there is no formal request for reconsideration by the Planning Commission; 2) Ask Staff or a Commissioner to prepare a response reflecting the Commission's thoughts since a response was requested, which could include informing Mr. Knowlton that thoughts remain unchanged in keeping with findings as expressed in the motion for approval, and offering alternative solutions; or advising Mr. Knowlton to bring his clients in for a meeting to reconsider the site plan and proposed access.

Lee Blondeau, 2001 N. Tracie Ln – In his discussions with Dollar General, Dollar General proposed that they own the frontage currently owned by Blondeau, with the adjacent uses to be accessed via easement. However, then they were informed about the Ordinance requirement for all new parcels to front on a public or private road. He wondered if there is a variance process for this. The Planning Commission asked him to negotiate shared use for that driveway and he did – Dollar General will buy it, they will all use it. Woodward clarified the Ordinance requirements – lots of record can be accessed via easement, but new lots must have direct frontage. Dollar General's purchase of the frontage attached to the Blondeau parcel would make the newly

formed Blondeau parcel nonconforming. Blondeau is concerned this will negatively impact negotiations, and he would like to see new development on that parcel. Opportunities don't come along very often.

Laurie Freeman, and Sally Halvorson, property owners of 4067 US-41 S, said that they have a piece of property that is basically land locked if no access is allowed. They asked for help. Their impression is that Dollar General doesn't want to pay the price established by Blondeau for the highway frontage.

Woodward said there are four options: 1) new property owner would not require ownership of the Blondeau access, and would utilize an easement for access (then both parcels would still have frontage on the public road), 2) create a private road meeting County Road Commission standards to access all parcels, 3) create a public road to access all parcels, and 4) keep the existing stand-alone access but connect the parking lots between adjacent parcels to give people the option of using the safer access over the Blondeau parcel.

Blondeau's plan was to install a curb between his easement and the Dry Dock Bar, and for the Dollar General driveway to be placed back far enough to allow a sign on the front portion of the property to advertise the use on his parcel. The property owners pointed out the tax benefits for the Township.

Mahaney pointed out the safety concerns associated with the existing stand-alone access. Smith asked for further clarification of the Township frontage requirements. Woodward clarified. Sikkema asked about the process for creating a private road. Woodward said the road, meeting County Road Commission standards, would come before the Planning Commission for approval. Smith said a 66' wide easement with 80' cul-de-sac at the end would be required by the County.

Sikkema further pursued the option of making it a private road – he thinks the driveway would meet County Road Commission standards. The costs could be shared by the adjacent property owners. Options were discussed with the property owners, who said Dollar General doesn't want their customers to be circulating with truck and bar traffic. The owners said it seems their only option is to have Blondeau create a private road. Ventura said it's not the only option – most companies negotiate access via easements, without ownership requirements, such as the agreement between Holiday Gas Station and Snyder's. It would be simple if Dollar General would accept an easement, as Blondeau has said he is willing to negotiate shared access.

Smith asked if the Township has the ability to waive the Corridor Committee's recommendation and MDOT recommendation and approve a driveway on US-41. Sikkema said it's our Ordinance we would be waiving – MDOT would not be involved in that. The Corridor Committee gives the Township recommendations. Meister discussed the MDOT recommendation for the driveway, if the Township allows direct highway access, including the Corridor Committee's recommendation about a dedicated left turn lane onto Silver Creek Road, which may also result in a prohibition against direct left turns into the subject parcel. Mahaney wondered if Midwest LLC approached the owners of Quiznos regarding shared access. He said it seems that Midwest has not fully pursued their options. The distance of the Holiday driveway from the intersection of M-28/US-41/Cherry Creek Road was compared to the distance of the subject property driveway from the intersection of M-28/US-41/Silver Creek Road. Sikkema said the Silver Creek Road intersection is busier than the M-28/US-41/Cherry

Creek Road intersection, and the proposed driveway is closer to the Silver Creek Road intersection than the Holiday driveway is to their intersection.

The possibility of a variance from road frontage requirements was discussed; in that way, Dollar General could own Blondeau's road frontage.

The property owner asked if they could rezone the property to residential, and use the existing driveway. Sikkema said they could make the rezoning request, and the driveway issue wouldn't come before the Board because it wouldn't be a change in use.

The Commission discussed their response to Midwest LLC and Mr. Knowlton. Ventura made a motion as below, including options 1-4. Smith urged another option including direct access via right-turn only. Sikkema said this would also have to be acceptable to MDOT, and he doesn't think that's the best solution. Mahaney said they should exhaust the other options. Sikkema would support a variance from Ordinance frontage requirements to allow Dollar General to own the access. Smith said that the only way the first four options can be achieved is through successful negotiations with Blondeau. He supports a fifth option, as below. Sikkema asked Ventura if he accepted the revised motion with the addition of the 5th option. Ventura asked if there was a second to his motion. Mahaney seconded the motion. Ventura agreed to amend the motion at Smith's request, adding a fifth option, but with a caveat that the first four options should be pursued first. Mahaney rescinded his second to the motion. Smith offered a second to the amended motion.

Moved by Ventura, seconded by Smith, that the Planning Director draft a letter to Midwest LLC, for signature by the Chairman, stating that the Planning Commission position remains unchanged, and the desire is for Midwest LLC to develop the property in a safe way through one of the following options:

1. *Utilize shared access with adjacent property via easement.*
2. *Direct access via a new public road.*
3. *Direct access via a new private road meeting County Road Commission standards.*
4. *Apply to the Zoning Board of Appeals for a variance from the frontage requirements of the Zoning Ordinance, allowing the developer to own the access and provide access to adjacent property owners via easement.*
5. *Allow direct access to the subject parcel via right turn only; with the caveat that the first four options must be pursued first.*

Vote: Ayes: 5 Nays: 2 MOTION CARRIED

Woodward said that if the applicant pursued option #5, they would have to return to the Planning Commission for a revised site plan review approval. This was affirmed.

- B. Final draft Ordinance #55 Vehicle Parking and Storage – revisit before public hearing
Woodward said the Attorney input was summarized in the staff memo, and incorporated into the draft, with the exception of his comment regarding the omission of the "one inoperable vehicle that is under restoration for the purpose of a hobby" clause. If the Commission wants to add that back into the Ordinance provisions, she suggested adding it as item #2 in Section 6A, with the current item #2 to become item

#3. Section 6A(2) would read, "One inoperable vehicle that is under restoration for the purpose of a hobby may be stored outside, provided all requirements of Section 4 are met." Sikkema was concerned about the amount of time such vehicle could be stored outside. It was decided to revise Section 6A(2) to read, "For a period not to exceed one year, one inoperable vehicle that is under restoration for the purpose of a hobby may be stored outside, provided all requirements of Section 4 are met." Bohjanen suggested a possible extension upon demonstration of progress. Woodward was skeptical about her ability to determine progress on car repair. However, the Ordinance already has a waiver provision. It was determined this would suffice.

Bohjanen didn't like the proposed syntax change in Section 5 A, B, and D, resulting in a sentence beginning with "Provided however ...". It was decided to accept the changes as indicated by the highlights except that the ". Provided" would be changed to ", provided".

Moved by Bohjanen, seconded by Milton, to approve draft Ordinance #55, The Charter Township of Chocolay, Marquette, MI, Vehicle and Trailer Parking and Storage Ordinance as changed, and to hold a public hearing on the proposed draft at the September meeting, with corrections to include grammar in Section 5 and the addition to Section 6 as discussed.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Sikkema recommended discussing item E before proceeding to items C and D. This was agreed.

E. Trustee Maki faxes of 8/4/15 and 8/6/15 for discussion

Sikkema said the Planning Commission had received two communications from Mr. Maki, one dated August 4, the other dated August 5 and received on August 6. He said the Commission is under some obligation to respond to written requests within 14 days, so he sent a response signifying that he would request that the items come up for discussion, with the possibility of being added to the meeting agenda. He said it isn't clear how or if the Commission has to respond. He did respond with an acknowledgement. He asked the Commission if they want to discuss it.

Sikkema introduced the topics of the August 6 information request, along with findings. It was determined there was no need for site plan review for the enlargement of the Silver Creek Church parking lot according to site plan review standards, as this was an expansion that did not result in an increase over 20 percent. A series of lists were requested by Mr. Maki; for the first three items, no such lists are maintained, nor did the Supervisor request the generation of those lists. The fourth list of zoning violations was provided to Mr. Maki in the same manner as provided to the Planning Commission monthly. Mahaney said this was available on the website as well, and Woodward said the information is summarized in the Board update every month.

The lot size for the communication tower approved for Verizon Wireless was discussed – the lot upon which the tower is placed exceeds the minimum lot size requirement of 20 acres. Mahaney said that Mr. Maki's interpretation must be that the leased area constitutes a new lot, however it doesn't. It is not required that the leased area meet the minimum lot size requirement.

The Planning Commission was not asked to take action on a revised Silver Creek

Recreation Area access.

Meister asked if Mr. Maki had received the staff responses. Woodward said Gary Walker had directed her to respond to the fax that was sent to the Township Board and Planning Commission, and that response was sent to Mr. Maki along with a response from Gary Walker and Andy Sikkema. Sikkema said he can draft a letter to Mr. Maki referencing that response and any new responses, should the Commission feel the need to address any of the issues.

The contents of the August 4 communication to the Planning Commission were discussed. The first item asks for information dealing with the approval of an accessory building on the Blondeau parcel in 2006, and the groundwater contamination on that parcel. Item two is in regard to the Verizon Tower leased area size, as already discussed. The third item is a question about why the property north of Lakewood Lane was changed from R-1 to WFR in 2008. Sikkema said he didn't think any of the current members were on the Board in 2008. The fourth item is in regard to a suggested revision of the Planning Commission minutes of 6/25/15.

Sikkema could envision no response to the third item other than reviewing the minutes pertaining to zoning changes in 2008. Bohjanen asked if that was a result of a zoning ordinance change. Sikkema affirmed. Bohjanen posed the answer, "Why was it done? It was part of a zoning revision." Woodward said she had reviewed the minutes, and found confirmation of the change, but no associated reasoning. Sikkema said the old minutes are available to anyone, and the Commission has no more information than Mr. Maki in this regard. The Commission asked Woodward to refer Mr. Maki to the appropriate minutes where the change was referenced if known.

Regarding item #1, Woodward said there was no information about building height contained in the application, plans, and memorandums for the Blondeau building at the time of approval in 2006. However, she said this is irrelevant as the building is now a principal structure conforming to height requirements. Formerly the lot may have been considered to have multiple principal buildings. The Commission asked Woodward to check with the DEQ to see if there are any outstanding issues on the Blondeau property.

Sikkema asked for confirmation of Mr. Maki's exact words as reflected in the 6/25/15 minutes regarding WFR vs LSR. Woodward said the minutes reflect what was actually said. Sikkema said they should respond that the minutes from public comment are correct as written. He suggested that he would work with Woodward to draft a response to both letters. The response to the August 6 letter would reflect the previously prepared response from staff and the Township Supervisor.

Moved by Bohjanen, seconded by Ventura, to have a letter drafted by the Chairman and staff to respond to Mr. Maki per the discussion.

Vote: Ayes: 6 Nays: 1 MOTION CARRIED

C. Land Use Discussion – "C" Commercial & "I" Industrial zoning districts

Woodward encouraged the Planning Commission to consider updates to the use provisions of the Zoning Ordinance to address problems of clarity and omissions, resulting in increased expenditures of time, citizen confusion, lack of consistency, and complicated process. She gave examples of the difficulties as presented in the staff memo. Woodward suggested that when the Commission is ready to move forward

with zoning ordinance amendments related to master plan implementation, they had three options to proceed as follows:

1. Amend Section 4 Use Standards without changing current zoning districts or rezoning parcels.
2. Amend Section 4 Use Standards while changing zoning district names to reflect mixed-use options, without rezoning all parcels that are indicated for mixed-use.
3. Amend Section 4 Use Standards while changing zoning district names to reflect mixed-use options, and also rezoning all parcels that are indicated for mixed-use (all at once or in phases).

The Commission had agreed to discuss the land uses allowed in the Commercial and Industrial zoning districts at this meeting.

Sikkema posed the question whether residential should be allowed as a principal or accessory use in the Commercial district. Meister said the commercial frontage is too valuable to let it be converted to residential, so he'd prefer residential uses as accessory to commercial. For example, apartments could be above or behind commercial uses. Sikkema said it would generate supplemental income and double the use of the property, making the development more viable. Bohjanen envisions two levels – the corridor would be commercial with accessory residential, and the adjacent residential area could be residential with accessory commercial. This would enable the outward expansion of the commercial district while not depriving people of their places to live. Sikkema asked if some commercial properties might become viable for multi-family uses – allowing greater density and affordable housing. This might retain residents going through life changes by making rental properties available. Bohjanen prefers multi-family to be located in adjacent residential areas. He doesn't understand why duplexes are allowed on the small lots in Harvey (R-2 district), but not on bigger parcels in the R-1 district or the countryside. He thinks that needs to change. The corridor and neighborhood mixed-use areas make sense to him. Meister sees residential as having the same effect as storage buildings, taking away prime commercial space. He thinks they should be allowed, but located with an increased setback. Bohjanen said he envisions an overlay district where all the residential is 10 feet off the ground, and commercial is in the space in-between. He said many old communities have ground floor commercial and upper floor residential. Sikkema said it's also important that the downstairs not turn into underutilized commercial, being vacant because there is no demand. That space could be repurposed for apartments, although he still envisions residential as an accessory use.

Sikkema asked how to go about the changes per Woodward's suggestion. Meister prefers option #3, but with rezoning in phases. Bohjanen asked about potential public reaction to proposed zoning changes. Woodward suggested sending a letter to property owners who might be impacted by proposed changes to obtain their input. Or this could be done through a special meeting to which they are invited. Sikkema said it would be good to know why some underutilized properties are not being redeveloped. Mahaney thinks it's related to the speed of traffic through Harvey. Sikkema cautioned against requesting a speed survey, because it would likely result in an increase in speed limit. Ventura said Marquette Township is developing like crazy even with highway speed. Mahaney said we don't have the larger parcels available. Ventura

agreed, but said he thinks the bigger limitation in Harvey is the lack of public water supply. Smith agreed in reference to fire suppression requirements.

Sikkema said people want to see Harvey more vibrant, so either we need bigger businesses to serve as regional draws, or need to develop more local-serving businesses. The assembly of larger parcels might infringe on existing residential areas. Meister said the mixed-use option makes smaller lots more viable with supplemental income. Smith cited the reuse of the residential building for Iron Bay Computer as a good example.

Blondeau asked if the Township offers tax incentives. Bohjanen said the Board discussed a DDA district years ago, but it wasn't a popular idea. It would mean reinvesting incremental tax revenues. Woodward said the proposed corridor study would involve a feasibility study for a corridor improvement district. Sikkema asked if the corridor study should be done before revising the zoning ordinance. Woodward said that would be the ideal process; however she was asked to put together recommendations for a temporary fix while more comprehensive fixes were being considered. The Commission asked Woodward to research the amount of money it would take to develop such a corridor development plan, and to develop recommendations for changes to Section 4 based on the discussion.

D. Discussion of potential zoning ordinance revisions pertaining to future development along the Harvey corridor

At the April 20 meeting, Woodward had expressed concern about the number of potential properties that could be redeveloped, and the lack of appropriate regulations for buffers and screening for uses that would involve exterior impacts. The Commission asked her to draft ordinance revisions for the prime redevelopment area that would incorporate a mix of uses and improve the pedestrian environment, with special attention to buffering of outdoor storage, display, or sales areas.

Woodward proposes to revise the existing Access Management Overlay District to address these issues, because most potential redevelopment properties would be contained within that District. The District regulations have a well-crafted, transparent process which would keep applicable regulations together in the same portion of the Zoning Ordinance. Woodward also strongly recommends revising the 50' setback requirement of the Access Management Overlay District, which has the effect of making most existing properties noncompliant, and results in a large area of vacant space between the road and the development since the right-of-way is so large. Allowing buildings closer to the right-of-way would create new development more in character with existing development, a more accessible pedestrian environment and more pleasing public space, and make businesses more visible to passers-by. The current setback requirements limit development potential.

She wants feedback on the recommended approach so she can write some sample regulations pertaining to front yard landscaping, parking lot screening, screening of outdoor storage, parking lot connections for non-motorized infrastructure, etc.

Sikkema said he agrees with this approach and the revised setbacks to reduce building setback and encourage parking on the side and rear. Meister agrees. Sikkema said the intent was always that municipalities would revise the access management standards to address community aesthetics. Woodward will continue to work on recommendations. Bohjanen thinks the façade is also important – a nice

appearance may not require trees. Woodward said she will promote filtered views and screening.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Ventura said Bohjanen's comments regarding facades are well taken and could be addressed with form based codes or hybrid codes. Meister said they need to address the minimum lot size for PUD development and allow PUDs in the AF district. Sikkema said that's a good point and it should be put on a to-do list.

XI. DIRECTOR'S REPORT

Woodward mentioned the budgeted training for webcasts and the Citizen Planner Program. Sikkema is interested in the Citizen Planner program, and possibly Bohjanen. Woodward will see when the training will be in Marquette again, and check on the length of the webcast and send information to the Commissioners.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None discussed.

ADJOURNMENT

Sikkema adjourned the meeting at 10 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 21, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Tom Mahaney, Bruce Ventura

Members Absent: Richard Bohjanen (Board), Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant), Gary Walker (Township Supervisor), Steve Lawry (Township Manager)

II. MINUTES

August 17, 2015

*Motion by Ventura, seconded by Mahaney, to approve the minutes as corrected (page 4, 3rd paragraph in motion, 4th line down, addition in bold "... planning and design of a non-motorized connection along **the west side of US-41 ...**").*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Randy Hubinger, 214 Riverside Road – provided written and verbal information to the Commissioners related to constructing a privacy fence along their side lot line. The Zoning Ordinance Section 18.2 (D)1.d provides that a 6' privacy fence cannot be placed any further toward the road than the front of the house. Waterfront houses are often placed near the water, and therefore a privacy fence would not be allowed in most of their yard. They would like to put up a privacy fence to screen their lot from their neighbor's, which is a rental property. The fence would still be located 40 feet from the road. He would like to see the Ordinance changed to accommodate these kinds of situations.

Public Comment closed.

Sikkema asked if the information provided could be added to the agenda. Woodward indicated it could. Sikkema asked for motion to put this item on agenda – none was made.

V. PUBLIC HEARINGS

A. CU15-04, PID 123-011-00, 488 Mangum Road, Chiodi, Recreational Use

Public comment was opened.

Sarah Monte, 201 Green Garden – she is about one mile away from the Chiodi farm through the woods. Monte loves what is happening with the farm being open for events. She does not feel that there has been any problem with noise or traffic. Monte stated that thinking of this as recreation not totally accurate because this is a working farm – a better term would be agri-tourism. She thinks it is a great way to expose people to agricultural systems, and the proposed use is fitting for the district. This creates a different venue for people who do not want to have a wedding in a basement or hotel. She feels that it is good for all the farms in the area. As a nearby farmer, she appreciates the increased interest in agriculture that results from people visiting Chiodi's farm. Monte stated it is an excellent use of a farm that is a little bit non-traditional, but still fits within the zoning requirements. It should be encouraged as part of the County's Master Plan which has stated that we should focus on agriculture in all aspects.

Debbie Mahin, 774 Greenfield Road – she applauds these excellent entrepreneurs. It is really difficult to make a living, and they are doing it because of their great idea. She is also a small entrepreneur – she has a food truck and horse-drawn wedding carriage which she would like to bring to their events.

Charlotte Dameworth, 550 Mangum Road – they have been there since 1969. She agrees with everything the other two have said. She and her husband fully support Chiodi's and all they do on their farm.

Bob Mahin, 774 Greenfield Road – he reiterates everything that has been said. This young family has done a wonderful job with upkeep of the farm and it enhances the community. Part of the charm of Chocoy Township is the old farms, and he feels that Chiodi's have done a beautiful job and he hopes they can continue this use.

Sandra Peterson, 401 Green Garden Road – she also supports this use. Her son and daughter-in-law were one of the first couples married there. This supports the use of local food and the hiring of local people.

Tom Ballreich, 447 Mangum – wanted to know if his property tax will go up or down if this gets approved. Sikkema stated that the Planning Commission is not involved in taxes and that would be a question for the Assessor.

B. Proposed amendments to Ordinance #55 Vehicle Parking and Storage

Dick Arnold, 312 West Branch Road – this is the third time he has come before the Planning Commission on a change in the Ordinance, and each time it gets worse. Arnold cited Section 4.C states "*Vehicles over 8 feet tall should be stored at least 10 feet from the lot line*". Then in Section 4.D.1 it states that "*Vehicles and vehicle parts shall not be parked or stored within the required zoning ordinance setback for structures and property lines.*" He feels there is a conflict between these two

provisions. Another concern is Section 4.D.3 which states, “*The designated enforcement officer shall have the authority to grant a waiver from this Section ...*”. Arnold doesn’t feel that this should be possible – that’s what the Zoning Board of Appeals is for. He doesn’t like Section 7.C that allows for the parking of up to 3 semi-trailers on a property for residential use. He feels this means that every place on M-28 would have 50 foot semi-trailers or container boxes parked in their yard and it doesn’t make sense to him. He stated that even though they are supposed to be parked in the back yard, backyards are where people hold get-togethers. He also wondered why the Planning Commission proposed that fully operable agricultural vehicles can be parked in residential areas.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. CU15-04, PID 123-011-00, 488 Mangum Road, Chiodi, Recreational Use

Woodward stated that this is a request to use what is principally a farm and a residence for the owners for a temporary seasonal recreational use involving a farm accessory building and portion of the grounds. A recreational use is a conditional use in this district. This is a 20 acre conforming lot of a size which also meets the minimum requirements for a recreational use. The surrounding properties are mostly vacant farms and forest lands. There are no site plan concerns in relation to soil, floodplains, wetlands, or terrain. The nearest residence is approximately 1,300 feet away with a forested separation. Woodward reviewed the staff use analysis for categorization of this use based on Ordinance provisions. Woodward also stated that she had consulted with the Township Attorney regarding this land use classification, and they are in agreement. It is anticipated that this will be a low intensity use in comparison with some of the other uses allowed in the AF district, such as race tracks, contractor yards and shops, and kennels. Woodward stated that this is basically a short term rental of a farm structure and portion of the farm grounds. Public assembly is not clearly addressed in the zoning ordinance. This use is clearly accessory to the principal use of farm.

Woodward reviewed some recommended conditions for approval involving exterior lighting, on-site parking, potential future parking lot screening, and required amount of public parking in relation to occupancy, etc. The Zoning Ordinance requires 0.35 parking spaces per occupant for various public assembly uses, but occupancy is hard to determine when people are using open space on a farm. The applicant has stated that he currently has room for about 90 parking spaces, so when using the above formula, that would accommodate approximately 257 occupants, and so far he has not had that number of people. Woodward also suggested that the issue of noise be handled per the Noise Ordinance, and the hours of operation be set to coincide. Woodward recommended that the Planning Commission require that the property owners make sure that the clients are adequately served with public facilities and services meeting Health Department requirements, and that before

commencement of use they will provide proof of compliance with the other applicable regulations and statutes.

Ventura asked if Chiodi had determined the maximum capacity of the barn. Chiodi stated that they are limited to about 150 – 170 for safety and exit requirements.

Sikkema asked if Chiodi had contacted the Health Department for review of the facility. Chiodi indicated he had not, because they do not provide drinking water or food, and porta-potties are provided for a charge.

Chiodi indicated that the concept started with friends and neighbors coming out to have an event. Then other people started calling. The reason for coming to the Planning Commission is to make sure that they are following the laws and ordinances and have approval, especially since the Township has no “special event” permit available at this time.

Mahaney asked Woodward if what Chiodi is doing is considered illegal. Woodward stated this was a tough question, since people do have events and gatherings on their properties without permits, but this is a more frequent occurrence. Woodward agrees with Chiodi that there is a need to get things “ironed out” so the characteristics of this use and the conditions under which they can operate are clear. Mahaney asked if this is currently prohibited under our Ordinance. Woodward indicated that she thought there was strong support for the idea that it is a use that is permitted in this zoning district. Sikkema indicated that he struggles with this, based on the fact that the people that come there use it for recreational use, but the owners use it for commercial use. Woodward indicated that there are a lot of commercial uses allowed in the AF zoning district. Chiodi indicated that was why they were here, to see how they could be “labeled”. There is a demand for this activity, and they want to know how they can do this for the community. Even if the barn wasn’t there, people would still be using the facility, as they spend most of their time outdoors when the weather is good. Chiodi compared the use to Gitch-Gumee, where the owner has a business for people to pursue recreation.

Mahaney asked about the size of the largest event held there. Chiodi stated about 200 people.

Sikkema asked how many events had been held this past year. Chiodi indicated about 12. Sikkema questioned this based on information on the website, and this was further discussed, as some events were concerts. Sikkema indicated that he just wanted people to understand the level of intensity, and he asked for a projection on the number of events per year. Chiodi replied there would be no more than 25, based on the number of weekend days between May and October. There are 2,100 working hours per year, and they would be open for 150 hours potentially. He figured this was less than 10% of working days per year. It’s a seasonal use, and since that’s their home, that’s all they want it to be. If there was a permitting system for individual events he would have taken that route.

Mahaney asked about potential numbers of people attending each event. Chiodi indicated that they like to keep them as small as possible, so possibly 200. Mahaney asked if he was planning on enlarging the events. Chiodi stated he did not know – but he is open to yearly review. Mahaney asked Woodward about placing parameters on Conditional Uses.

Sikkema asked if the Conditional Use runs with the property. Woodward indicated yes, if the use continued to meet the same conditions as specified. Sikkema clarified that if the property was sold, it would stay with the property and new owners, not with the old owners.

Sikkema asked Woodward how she or the attorney came up with “Recreational Use”, as that needs to be tied to recreational structures, and there are no real recreational structures as defined in the Ordinance in this case. Woodward said that Recreational Use/Structure is interpreted as meaning Recreational Use or Recreational Structure. Sikkema reiterated that the recreational use is for the renter and their guests, but it is a commercial use for the permanent owner. Woodward pointed out that the Recreational Use is intermittent. Woodward further explained that land use classification relates more to what is actually happening on the property than to the impact to the owner. Sikkema asked if that means that someone could be in the AF district and put in a bar, and consider it recreational. Woodward indicated that use is not intermittent. Sikkema argued that you would close at night, and then open the next day. Woodward indicated that there would not be the same standards for a bar as for this use.

Meister indicated that he thought this use is related to agri-tourism. People go there because it is a farm, and they want their event on a farm. Sikkema indicated that agri-tourism is not mentioned in our zoning, but it is mentioned in our Master Plan.

Sikkema asked Chiodi if he felt like he was running a business – Chiodi indicated that he felt like he was running many businesses, with the farm being the primary business. He said that agri-forestry is a commercial use, historically from day one. 1974 is the first time that Chocoy had zoning. Prior to that, people were running commercial farms. Chiodi indicated that he could log his 60 acres and not get a permit, and that would be a commercial venture. Chiodi also indicated that they could be viewed as a park, such as Lakeneland or Gitch-Gumee.

Meister indicated that he felt it was better if they do have a Conditional Use, because that way it would not have to be allowed everywhere in the AF. Sikkema indicated that there are really no criteria to judge where this type of use should be. Ventura indicated that he feels there are criteria in that they have to look at how close the neighbors are and how they will be impacted. He said they’re also talking about a present event, not a future event.

Ventura indicated he had looked over the list of criteria that Woodward had recommended. He feels they are reasonable. As far as the lighting, dusk to dawn lights can be irritating to neighbors, but if they are shielded properly they are fine.

The report from the County Road Commission suggest there be no vehicle parking on Mangum Road, Woodward made that recommendation, and there is room for parking on-site. Chiodi has identified the parking area and the ingress and egress points. Woodward had commented on the frequency of use and the effect on groundcover, which has been addressed in a recommendation for future vegetative screening. Woodward suggested a specification on 0.35 spaces per occupant for parking requirements, which would allow for 257 occupants at maximum, so he feels that the parking being provided is adequate. The hours of operation should be satisfactory for both the family and the neighbors. The question largest in Ventura's mind is that the property owner will insure that clients are adequately served by public facilities. He asked Chiodi about the provision of porta-potties, and if there was some type of formula for this. Chiodi said they are rented and emptied as needed, but he would check with the Health Department. Ventura indicated that this would be covered in the next condition as Woodward suggested – that the applicant provide proof of compliance with all applicable standards. Ventura indicated that the Planning Commission needs to look out for public safety, health and welfare.

Moved by Ventura, seconded by Meister, that after review of Application #CU15-04 for applicants Jeff and Kristin Chiodi for parcel #52-02-123-011-00 at 488 Mangum Rd; and staff report dated 9/8/15; the conditional use of recreational use, specifically the hosting of occasional seasonal public gatherings as an accessory use on a parcel primarily used for agriculture and a single-family dwelling, having been found to meet all required conditions of approval, be approved with the following conditions:

- 1. All exterior lighting (both existing and new) shall be approved by the Zoning Administrator as being in conformance with the applicable standards of the Zoning Ordinance before a Zoning Compliance Permit is issued; and*
- 2. All parking for the proposed use shall be provided on-site, with no parking allowed on Mangum Rd; and*
- 3. If use increases in frequency so that the ground cover of the designated parking area is compromised, and it becomes necessary to use something other than vegetative cover for the parking area, the applicant shall provide a vegetative screen between the parking area and the roadway sufficient to significantly screen the parking lot from view while not obscuring clear vision of the access points; and*
- 4. On-site parking shall be provided at a minimum level of 0.35 spaces per occupant; with the number of parking spaces designated for this use not to exceed 90 as shown on the site plan (90 cars would accommodate 257 occupants per this formula); and*
- 5. The hours of operations shall not exceed 7 am to 11 pm, with the majority of guests to depart by 11 pm; and*
- 6. The property owner will ensure that their clients are adequately served by*

essential public facilities and services meeting health department requirements; and

- 7. Before commencement of the use, the applicant will provide proof of compliance with all other applicable statutes, regulations, and ordinances and proof that they have obtained all other necessary licenses or permits to the Zoning Administrator; and*
- 8. Failure of continued compliance with those federal, state, or local statutes, regulations, and ordinances as they existed at the time the conditional use was issued may result in Planning Commission review and revocation of the Conditional Use Permit.*

Vote: Ayes: 4 Nays: 1 (Sikkema) MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Recommendation on the adoption of amendments to Ordinance #55 Vehicle Parking and Storage

Woodard indicated that last month a few changes were made, and those have been incorporated, and at that time the Planning Commission had agreed to go forward with a public hearing.

Sikkema addressed the concerns of D. Arnold that were stated in the public hearing. Sikkema asked about the section dealing with the three semi-trailers. Woodward indicated that they could not be used for storage. Ventura referred them to Section 7.C, which states “*Semi-trailers and similar types of vehicles, or containers designed to be carried on those vehicles, even if currently licensed and operable, shall not be used as storage containers (with or without wheels) on any premises primarily used or zoned for residential occupancy unless they are located in the rear of the property and are at all times substantially screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by a solid fence or wall meeting all requirements of the Charter Township of Chocoday Zoning Ordinance.*”...) Sikkema explained that states they can have them, but they must be in the back yard where neighbors cannot see them.

The next comment concerned Section 5.D, “*Fully operable agricultural vehicles may be parked, stored, maintained, or placed upon premises that are primarily used or zoned for residential occupancy if all requirements of Section 4 are met, provided however that such vehicles and associated parts or attachments shall be parked or stored only in the rear yard. The rear yard restriction does not apply on premises used exclusively for agriculture or forestry activities.*” Sikkema indicated this would mean if you are in a residential area, they would need to be in the rear yard and substantially screened from the road or adjacent properties. If you are in the AF district, this would not apply. Arnold asked who would decide – Sikkema indicated that first it would go to the Zoning Administrator, and then to the Township Supervisor. Arnold questioned how many vehicles you could actually have on your

property – it could be filled up.

Woodward mentioned Section 4.C and Section 4.D.1 which Arnold feels are conflicting. She explained they are not in conflict, and the prevailing section would be that which is more restrictive.

Sikkema asked for any more suggestions. Smith indicated that he felt they had covered most things. Ventura stated that he feels that the Planning Commission has made substantial improvements.

Smith moved, and Ventura seconded, that after holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the draft changes to Ordinance #55 Vehicle Parking and Storage as written for the following reasons:

- 1. More clear purpose statement highlighting the relationship between health, safety, and general welfare and the types, location and condition of vehicles parked or stored on properties primarily used or zoned for residential occupancy; and*
- 2. Limitation on the area of the front and side yards that can be used for the storage of vehicles and vehicle parts, and provision for more separation between such storage areas and the property lines; and*
- 3. Limitation on the number of trailers that can be stored in the front yard, and provision that additional trailers be stored in the rear yard and substantially screened from view; and*
- 4. Regulation of the use of RV's for temporary living quarters, and the use of semi-trailers or similar containers for storage; and*
- 5. Provision from improved enforcement in cases where license plates are obscured from view.*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

B. Mixed-Use zoning districts draft amendments for "C" district

Woodward stated that last month the Planning Commission had discussed possible updates to the Use Provisions of the Zoning Ordinance to address the mixed use options that had been discussed in the Master Plan. The other recommendation was to modify the provisions of the Access Management Overlay District to address the aesthetics and buffering for potential development in the Harvey area. The Planning Commission agreed this could be addressed by revising the Access Management standards. She was not able to create draft changes for this meeting. The other topic discussed was whether to proceed with the corridor study to get input from the residents before adopting changes. Woodward recommended adopting use changes as soon as possible to improve the opportunity available to property owners in this corridor for implementation of mixed-use development. Woodward drafted

use changes for the commercial district.

The Planning Commission had discussed allowing dwellings as secondary to commercial use, as they did not want valuable commercial land to be converted to residential use.

Woodward suggested dwellings that are above the ground floor or behind the commercial use as a permitted principle use. She also addressed civic assembly uses and outside sales, merchandising and dining areas. Also addressed are light indoor assembly and packaging uses. Type I and Type II Home Occupation are added to the list as permitted principal or conditional uses respectively. The Planning Commission had discussed the placement of storage buildings and low-intensity uses involving larger equipment behind other uses. Woodward suggested a 150 ft. setback for these uses, unless they are entirely screened by another building. Woodward added ground floor residential as a conditional use with multiple family only if located on the same lot as a commercial use. Woodward added daycare facilities as a conditional use.

Ventura asked about Item 10 Outdoor Civic Assembly as a principal use, but it's listed as a conditional use. Woodward stated that would refer to places that are used only for outdoor gatherings such as concerts as the only use. Accessory Outdoor Civic Assembly is suggested as a permitted principal use.

Sikkema asked why a day care would be a conditional use, rather than a permitted use. Woodward explained it was for considerations of compatibility with adjacent uses.

Sikkema then asked about the permitted principal use of indoor animal care and boarding. He is okay with the animal care, but not sure on the boarding – possibly a conditional use. Woodward indicated that this could refer to a vet or an animal groomer – the boarding would all be indoor.

Sikkema asked about crematoria being added to funeral homes. Woodward indicated there were probably other regulations that would apply to this. Woodward had done some research on this and was not able to find anything on evidence of a nuisance impact.

Meister pointed out this is a first draft, so there will be some changes made. Mahaney asked about breweries.

Sikkema asked about options for public input on the suggested changes. Woodward indicated that there could be a Special Meeting where we would invite the impacted property owners. Township Manager, Steve Lawry indicated that Chocoley Township is a member of Chamber of Commerce, and they may be able to do the outreach for us. Sikkema also stated that without a Planning Director, the process may be delayed. Lawry indicated that, if possible, a candidate would be going before the Board at the October meeting. This would still mean a November starting date. Lawry indicated that if they think the Mixed-Use policy is close, it could go to public

hearing. Sikkema did not think the Planning Commission would be comfortable doing that – he would like to get something out to the business owners to see what their thoughts are. Sikkema also did not think it was wise to tackle this until a new Planning Director has been hired so they can hear the input.

Ventura moved, and Mahaney seconded to table discussion until the new Planning Director has been hired and had time to acclimate to the position.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Ventura also indicated that he did not want to lose this – he wanted to make sure that after a new Planning Director is hired and up to speed that it gets back on the agenda.

IX. PUBLIC COMMENT

Tom Ballreich, 447 Mangum Road – his wife had written a comment letter on the Chiodi property, and he wanted to make sure that the Planning Commission had been given the opportunity to review it. Sikkema indicated that they had received the letter.

Sikkema then discussed the request by Randy and Amy Hubinger, 214 Riverside Road, on construction of a fence. He wondered if this would be a Zoning Board of Appeals matter. Woodward indicated that she felt it would be better resolved through a zoning ordinance amendment that would allow equal treatment for similar situations. With the ZBA, there are very specific standards for adopting variances which may not be met. Sikkema's feels that it would be more of a ZBA decision because of the front yard / back yard issue on lakefront property. Woodward said a ZBA interpretation could be considered in this regard, but this is usually done when the language is vague, and in this case, the language is very clear what is allowed.

Sikkema indicated that if they did a Zoning Amendment, all residential waterfront would need to be notified – Woodward indicated that if it is over 14 properties they would not need to be notified individually – notification would be done through the newspaper. Sikkema didn't feel that was very fair.

Woodward indicated that through a zoning ordinance amendment, they could make such fences in front of waterfront homes a Conditional Use requiring Planning Commission review – their standards are a little more flexible. Woodward indicated this would just require a change to the "Fence Section" of the Zoning Ordinance. Sikkema indicated that this would take some time – possibly 6 months.

Meister indicated that this is the Master Plan, so it probably is something that needs to be worked out. It will take time to do, and there are lots of other things to be working on.

Sikkema indicated to Hubingers that they could take it to the ZBA, as it could be spring before the Planning Commission is able to tackle it. Woodward will leave the letter and a note for the new Planning Director.

X. COMMISSIONER'S COMMENT

Meister thanked Woodward for all the high-quality, excellent work that she had done. He

is sorry to see her leave.

Smith thanked Woodward and was sorry to see her leave.

Sikkema was sorry to see Woodward go. He was glad to see the list of accomplishments in her resignation letter, as sometimes you tend to forget what has been accomplished.

Ventura thanked Woodward for the things that were “outside of the box” or “inside a garden fence”.

Mahaney enjoyed have Woodward at the Township, and stated he has learned a lot from her, and it will be hard to fill her shoes.

Woodward expressed that she will miss them, also.

XI. DIRECTOR’S REPORT

Woodward indicated that she had put information in the packet on the Citizen’s Planner program. It will start on September 29 from 6 – 10 PM. This is in the budget and a good opportunity.

Sikkema and Ventura asked about the grant for the trail. Woodward stated that she had sent memos to the Board to see what they would like to do. The option they chose was to construct the trail by Cherry Creek School. Part of this decision was based on the possibility of being able to get additional money from the Safe Routes to School funding. Woodward also indicated that the Township had received more money from the grant than originally anticipated.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

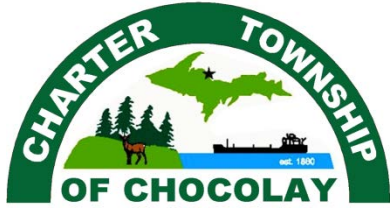
None

ADJOURNMENT

Sikkema adjourned the meeting at 8:35 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on October 19, 2015.

The meeting was cancelled.

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 16, 2015

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Kendell Milton, Tom Mahaney (arrived at 7:03)

Members Absent: None

Staff Present: Thomas Murray (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator), Steve Lawry (Township Manager), Suzanne Sundell (Administrative Assistant)

II. MINUTES

September 21, 2015

Motion by Ventura, seconded by Meister, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, seconded by Ventura, to approve the agenda as amended (deletion of "Item VIII.C Update / discussion on Dollar General Access" as petitioner had asked to be removed).

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Jon LeGalley, 132 Brewer Drive stated that he would like to comment on the Smith property by Chocolate Downs. He brought along a petition that was signed by many of the neighbors against the changing of the zoning from Residential to Rural Development. He feels doing this will bring in lower income houses, which would reduce the property values of current homeowners. There is also a water table issue, and the fact that they may be building a road right by hole #1 of the golf course. LeGalley does not see a need for it – the Township has Gitchee Gumme Campground a couple of miles away which is never full, and there is Silver Creek Trailer park which has open pads.

Ron Bennetts, 116 Chocolate Downs Dr. – (handed out a letter to all Commissioners). Bennetts is concerned about his property value. If a road was to come through the area, there would be increased noise and travel, especially with large trailers. There are also concerns about sewage from the potential drain field that will need to be put in to support this. He feels there would be a number of homes along the headwaters of the Chocolate River that would be affected by this. There are already issues with the drinking water in

that area, so this would also need to be addressed. Restated that the big concern is property values – Bennetts does not feel something like this is needed or something that the homeowners in the area want.

Candee Varvil, 144 Brewer Drive – she was one of the first to build in that area. Part of the reason for building there was that she felt it was going to be a very nice, upscale sub-division, with single family homes and condos. Varvil has the same concerns about the decrease in her property value. Varvil stated that she has traveled a lot during the winter, and has stayed at many of the 55+ campgrounds and mobile home parks. The reason you don't see them up here is because people have tried them, and they have failed. She feels the type of places that people want to go to have clubhouses with amenities, such as dining, dancing, swimming pools, etc. She feels this would not be added to Smith's property, as it would not make sense. Varvil encouraged the Commissioners to drive down that road at night, or for that matter during the day, when someone would be teeing off there. Varvil also wondered about the access, as she thinks the easement was only granted to the Barbierre family. Varvil foresees many problems, especially related to the campground portion with people in and out. Most people who do camping in the U.P. do not stay in one place for two – three months at a time. Varvil would envision that people showing up there would only be staying a night or two, which would add to the traffic.

April Koski, 127 Brewer Drive – Koski is highly opposed to having a mobile home park in their community. Koski feels that she lives in a pretty upscale neighborhood in Chocolay Township. With the mobile home park, traffic would increase and the value of the homes would decrease.

Henry Bothwell, 110 Chocolay Downs Drive – Bothwell is a relatively new resident in Chocolay Township. They bought their house a couple of years ago on the golf course, as it was a quiet community with a great environment for him and his family. Bothwell is concerned about the traffic and the easement. The easement was designed for residents and members of the golf course. Bothwell is not supportive of the Smith proposal. He hopes that the Commission will look at all the issues. His understanding is that nothing has been submitted by Smith, as yet. Bothwell feels that this would dramatically alter the intent of a no outlet road, and a departure from the original intent.

Public comment was closed.

V. PUBLIC HEARINGS

A. HO-15-02, PID 117-062-00, 168 Sandy Lane, Schlorke, Home Occupation

Tom Murray opened by explaining the application. This is a pretty straightforward request for a Type 2 Home Occupation to use one of the bedrooms in her single family dwelling to operate a medical Qigong treatment room. The area to be used is 170.5 sq. ft. There have been no calls or communications received at the Township office. Murray has given the Planning Commission the Ordinance Requirements for Home Occupations in his Staff Analysis.

Sikkema asked the applicant, Tammy Schlorke, if the operation was contained within the home. She stated it was. Sikkema asked how many clients per day would be expected. Schlorke indicated there would be 2 – 3 clients per day. Schlorke explained that she does medical Qigong, which focuses on the entire person – mind, body, spirit, emotions. The sessions usually last 1 ½ - 2 hours, so she would anticipate approximately 10 clients per week.

Mahaney asked if this is a new business or is it an existing business. Schlorke indicated that she had looked at a couple of places in Marquette for leasing, but they did not give her the quiet and calm that was needed for her clients. Schlorke started about a year ago seeing clients in Marquette, and then did a trial in her home to see if this would work.

Mahaney asked if the business was expected to grow. Schlorke indicated that if it did, she would not anticipate that it would be more than 15 clients per week total. She would only be doing the sessions 5 days per week.

Sikkema asked Schlorke if there would be a problem if there was a limitation on the number of clients to be seen per week. Schlorke indicated it would not be a problem, but she would like to be able to grow to 15 clients per week, if possible. This would be a comfortable number for her.

Sikkema opened the floor for public comment – hearing none, public comment closed.

B. HO-15-03, PID 118-007-00, 428 Cherry Creek Road, Stanley, Home Occupation

Murray opened that this request is for an accommodation of a Type I Home Occupation with a very small portion of the home being used as an office and minimal food deliveries. An additional correspondence memo from Scott Stanley, which was received just prior to the meeting, has been placed before the Commission. There is also correspondence in the packet from Doug and Celeste LaBar, in opposition to the Food Truck.

All the food preparation will be done in the truck, with the truck proposed to be parked in the driveway. Murray has not seen the truck in operation yet, but there is a barbecue operation located on the back of the truck, which is why the truck is extended by an extra 3 ½ feet. The curing of the meat will be done in the truck, and this has risen some concern with residents. There is a requirement in the Ordinance that states no fumes shall be detected outside the property lines. Murray has some concern that depending on the wind direction, the fumes will leave the property lines.

Sikkema opened public comment.

Doug LaBar, 415 Wildwood Drive – LaBar and his wife are concerned about the fumes and possible noise. They are concerned that the smells and food waste will attract insects and vermin.

Frida Waara, 309 Lakewood Lane – Waara is the Real Estate Agent for Scott

Stanley / Keith Kepler. Waara has done some pretty intensive chats with the potential homebuyers, and she wanted to point out that this is not a barbeque operation, it is a smoker operation. The operation is contained in an insulated environment, which is where meat is for an 8-hour period while the smoke rotates. The cooking aromas are very minimal, and they are operating within the truck. The real reason for being before the Planning Commission is because the truck is 28.5 feet long, and the longest allowable is 25 feet. The extra 3.5 feet is the smoker operation that is contained on the truck. Waara also pointed out that the prospective homeowners have been looking to relocate back to the Upper Peninsula because of family, and she has been working to find a home that suits their needs for family and business.

Public Hearing closed.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. HO-15-02, PID 117-062-00, 168 Sandy Lane, Schlorke, Home Occupation

Ventura indicated that this seems like a pretty straight forward home occupation use, with little or no impact to the surrounding neighbors. There would not be any traffic impact. The house sits back from the road, so is pretty isolated.

Bohjanen also stated that due to the nature of the business, the three cars that would be there during the day would not all be there at the same time, as this would be a one-on-one practice.

Sikkema asked if there should be a cap on the number. Meister indicated that he would not want to limit it any more than anyone else, such as barber or beauty salon businesses.

Moved by Bohjanen, seconded by Ventura, that after review of Application #HO-15-02 with attachments for applicant Tammy L. Schlorke located on parcel #52-20-117-062-60 at 168 Sandy Lane be approved as presented per the staff report dated November 16, 2015 for a Type II Home Occupation consisting of a Qigong treatment room.

Ayes: 7 Nays: 0 MOTION CARRIED

Ventura also indicated that given the nature of the treatment that Schlorke provides, he does not feel there would be a need to put a cap on the number of clients per day.

B. HO-15-03, PID 118-007-00, 428 Cherry Creek Road, Stanley, Home Occupation

Murray pointed out this is almost a variance – the Ordinance does allow for a 16,000 G.V.W. truck, with a maximum of 25 feet in length. The proposed food truck is 18,500 G.V.W., with a length of 28.5 feet. Murray pointed out the proposed location

(which is in the driveway) of the truck on the screen display. Murray had asked the applicants about alternate parking, but the access and elevation of the property would prevent parking anywhere other than adjacent to the garage.

Sikkema indicated that Section E.2 of the Ordinance states, “*All work areas and activities associated with the home occupation shall be located either inside the dwelling or in an accessory building.*” He feels that if they are working inside the truck, this would not be consistent with the Ordinance. Sikkema also cited Section E.1, which states “*Restaurants ... are prohibited as home occupations in all districts.*” Sikkema indicated that catering is a permitted use, and this was more likely to fall under that category, as they would not be serving food out of their house.

Regarding the size of the truck, Sikkema referred to Section 6.11.C, which states “*Any larger commercial vehicles or equipment, or more than one (1) vehicle as specified in Item B above requires review and approval by the Township Planning Commission under the Home Occupation provisions of the Ordinance.*” Sikkema indicated that this would not be a ZBA or variance issue.

Ventura indicated that it is also stated in the Ordinance that there should be no evidence of the Home Occupation as viewed from the street, and this would obviously be viewed from the street, with the truck parked in front of the garage, 30 ft. off the street.

Bohjanen indicated that he thought the concept of no evidence would be like signs, where this would be no different than someone working for Swick’s Plumbing and Heating and keeps his van parked in the driveway. Sikkema indicated that it would be the same for someone that did carpentry work at his home, and parked his company truck in the driveway. The only thing different with this one is that some of the work will happen in the truck. In this case, you would have to disregard the portion that says all activities will be inside the dwelling or accessory building.

Ventura also discussed the portion of the Ordinance that relates to no odors leaving the property. It does not say whether it is pleasant aromas or noxious fumes, just odors detectable to normal senses.

Sikkema asked if the applicant was in the room – Scott Stanley’s wife responded. She indicated that the smoker was run by propane, with a couple of pieces of wood added. There would be very minimal fumes, and no charcoal would be used.

Mahaney asked about home deliveries of their supplies. Mrs. Stanley indicated that this has not all been worked out yet.

Ventura asked how many pounds of meat would be worked with in a day or week. Mrs. Stanley indicated that she had no idea.

Mahaney asked if the smoker is contained in the truck. Mrs. Stanley indicated that it was. She explained that the smoker looks like a refrigerator – it is fully contained and insulated. Keith Kepler (father-in-law) also stated that there is just a tiny bit of wood put in for flavor – the heat is from propane.

Ventura questioned the Conditional Use application – the name on the first page shows the owner as Patricia Laine, but is signed by Keith Kepler. Ventura wondered how this all fit together. Murray explained that the actual truck belongs to Scott Stanley, the property is currently owned by Patricia Laine, and Keith Kepler is the father-in-law who is financing the property. Ventura questioned who is actually getting the permit. Murray stated that Stanley would have the actual permit.

Sikkema stated that this has come up before, and it was decided that the person getting the permit should sign it as agreeing to the provisions of the permit.

Celeste LaBar, 415 Wildwood Drive – she is concerned about the aroma / odor that they would have to smell daily.

Mahaney asked for clarification of the application – it looks like the homeowner, Patricia Laine, is applying for the permit, but yet someone else is operating the business. Mahaney stated that this would be non-transferrable, so would they need to apply again. Murray stated that if the application is approved, the owners and operators will be one and the same, because the sale would take place immediately. Ventura stated that if the permit is approved, the Planning Commission would need to put a condition on it to straighten out the permit. Sikkema asked if the Conditional Use Permit is what is needed to be able to park the truck there. There seems to be two different things going on – one deals with the approval for parking the truck and the other is a Home Occupation, so there needs to be a Home Occupation permit. It was decided that Stanley would also need to fill out a Home Occupation application. Murray stated that the information on the Home Occupation and Conditional Use were similar and will suffice for now.

Sikkema stated that the approval of a Home Occupation would deal with the office inside, and then there is the issue of the oversize truck, which is just an approval.

Mahaney asked for clarification on if the Planning Commission was just approving the truck parking now. Murray stated that this is for permission to park the truck, along with a Home Occupation that is somewhere between a Type I and Type II. Sikkema indicated they would be looking at approving a Type II Home Occupation, along with the parking for an oversize truck. Mahaney asked if the Home Occupation could be approved without the actual application filled out. Sikkema indicated that it could be a condition of approval in the motion. Bohjanen stated that the information is all on the Conditional Use application, and would just need to be transferred to the Home Occupation application.

Sikkema indicated the Planning Commission will deal with the Home Occupation first, and then with the oversize truck.

Sikkema stated that this would not be an accessory building, even though it had been suggested that it was a “movable” accessory building. Smith felt this would be the same as building cabinets in your garage and then putting them in your truck every day. Mahaney questioned if there was a cooking odor – it may not be

offensive, but if you have it on a daily basis it could become offensive. Mrs. Stanley indicated that there was a Plan B, that if the odor became offensive they would have to look into cooking during the day. The only problem is that it can only reheat once, so it could only be used the next day, whereas if you are cooking at night it is ready for that day, and could still be reheated the next day.

Ventura stated he was torn because the woodstove that he heats with at home probably puts out more smoke than the truck would, and his neighbors may consider it offensive, but it is legal.

Bohjanen suggested that since there is a Plan B, the Home Occupation could be approved with a condition.

Sikkema stated that the only reason this is coming up is the cooking aspect – the fumes that may or may not be there, and the fact that it is not contained in an accessory building or within the dwelling. Meister indicated that catering is allowed as a suggested use for Type II Home Occupation.

Mahaney asked if the long term plan is to continue to park and cook in the driveway. Mrs. Stanley indicated that is what they are planning, rather than a brick and mortar building. They would also want to keep it a family business. Kepler indicated that Stanley is not sure if there will be noticeable odors – there will only be a little wood put in, it is propane cooking, and the truck is really well sealed.

Moved by Bohjanen, seconded by Milton, that after review of Application #HO15-03 for applicants Scott Stanley and Keith Kepler for parcel #52-02-118-007-00 at 428 Cherry Creek Road, having been found to meet all required conditions of approval be approved with the following conditions:

- 1. The 28.5' commercial vehicle be parked as close to the existing garage as possible to ensure maximum clear vision on Cherry Creek Road.*
- 2. In the event there are substantiated complaints that unacceptable odors are occurring from the cooking / meat smoking operation, the Home Occupation permit would be revised to not allow cooking or meat smoking on the premises.*
- 3. Approval is contingent on appropriate application for Home Occupation by Scott Stanley.*

Ayes: 5 Nays: 2 (Sikkema, Ventura) MOTION CARRIED

Meister suggested that vehicle size be addressed in the Ordinance at some point.

C. Silver Creek Road extension to County Road 553

Murray stated that this item is for review only. Sands Township is looking to extend Silver Creek Road from Teaching Family Homes to M-553. The proposal is to improve it with a gravel based road according to County requirements. This

would be good for both Sands Township and for Chocolay Township as a second outlet. Dale Throenle explained the aerial photo and where the roads would be.

Sikkema thought it would be a road built to County standards, and then be maintained year round. Ventura questioned how this would affect Teaching Family Homes, with buildings on both sides of the road.

Steve Lawry, Township Manager, stated that this goes from Teaching Family Homes to M-553, and he prepared this based on a request from the Sands Township Supervisor as a courtesy for any comments or concerns as they go through the planning steps for this project. One of the concerns from the Police Chief was the speed limits. There may be a need to do a speed study on the proposed road to see if it warrants posting lower speed limits. The proposed road crosses land owned by Sands Township, Marquette County, and a portion crosses the Heartwood Forest property. Sands Township and the County already have a 100 - 150' easement across the two parcels that Heartwood Forest owns. Sands Township does want to make sure that it is maintained as a gravel surface to discourage cut through traffic from M-553 to US-41 and to control speeds. The other factor is that Sands Township budget would not allow them to pave. Sands Township has had preliminary discussions with the Marquette County Road Commission engineer, and if built to Road Commission standards the Road Commission would be willing to accept ownership of that road with the gravel surface on it.

Smith asked if the current speed limit on Silver Creek Road is 35 mph. Lawry stated he had not heard back from the Chief, but felt there were no posted speed limits over there. **If there are no posted speed limits, the speed limit is 55 mph.** Ventura indicated that it was posted 35 mph by the Sands Fire Hall. Lawry indicated that most of the road is not in Chocolay Township, so it would not be under our jurisdiction, but it would be much easier to get it posted before the road is complete. Lawry indicated that there were some curve issues and grade issues, as well as setbacks from the roadway.

Lawry indicated what he needed from the Planning Commission were any comments that they may have. The same offer will be made to the Township Board on their December 2 meeting, and any comments made by the Planning Commission will be forwarded to them.

Sikkema indicated his concerns would be the Township residents that live on Silver Creek Road – he feels that the Township should hold a Public Hearing, conduct a survey, or both to find out what the residents think. The need is probably there more for Sands Township, than for us.

Lawry indicated that this is more of a courtesy from Sands Township – the Chocolay Township residents will probably not see much use for it, unless they were going to the ski hill. He feels that Sands is looking for this mainly for safety concerns, especially with firefighting and location of the fire trucks. There may also

be police concerns.

Sikkema asked about keeping it gravel – was this a Chocolay Township concern or a Sands Township concern. Lawry indicated that it was a Sands Township concern, and he felt that County Road 480 would still be the route of choice, as the proposed extension would be longer, curvier, and more of a problem to drive.

Sikkema stated that it might be a benefit to Chocolay Township to have the road paved. It would not only give Chocolay another access out, but it might alleviate some of the traffic on Silver Creek Road when going to Marquette. Sands may want to consider this when going through their study.

Lawry pointed out that there are two forest management parcels that the road would go through, and if the properties are sold, a developer may potentially push for paving. Lawry also indicated there were other potential outlets, such as Timber Creek, which is behind the Sands Fire Hall.

Smith indicated that he grew up on Silver Creek Road, and likes the idea of having another outlet. He doesn't see why it would generate more traffic on Silver Creek Road, or the worry about a cut across road, as not everyone would be cutting across at the same time. The majority of people using it would be traveling to the ski hill, or people that lived at the Crossroads to get to US 41. Smith is for the road. His first concern would be speed limits on the road.

Milton indicated that he thought this was long overdue.

Bohjanen likes the idea.

VIII. UNFINISHED BUSINESS

A. Update on the adoption of amendments to Ordinance #55 Vehicle Parking and Storage

Murray stated there will be more review on this at the next Township Board meeting on December 2.

Sikkema indicated that in the November 4 draft minutes of the Township Board that there were public comments that prompted the need for questions in writing. Also, on page 8, the Township Board will be reviewing questions prepared on this decision at their next meeting, and then make a decision to either continue or send it back to the Planning Commission.

Bohjanen indicated that it was agreed at the Board meeting that there would be specifics answered in response to D. Arnold's comments, but looking through past meetings it appears that these have been addressed many times. These questions / comments will go back to the Township Board for further comment.

B. Update on access to Smith parcel

Murray indicated that this is strictly informational. The first item is a communication from Kendricks Bordeau law office stating there is no easement. The following piece of information was brought to the office by Andy Smith for his father, which is a letter from O'Dea, Nordeen and Burink, P.C. to Laura Katers-Reilly of Kendricks Bordeau. It is not necessary to make any decisions on this. Murray feels that this is for the attorneys to work out, and then we can begin to review the property if there is a proposal.

Sikkema asked if there were things that the property owner could do for development that would not require approval from the Planning Commission.

Murray indicated that at this point, there should have been a Zoning Compliance permit and a Grading permit, both of which have not been applied for. These would have covered the pad that is placed on the property, the wells, the grading, and the stumping.

Sikkema questioned how much work has been done on the property.

Murray indicated that the area was cleared of trees a number of years ago, and the stumps are being piled now for burning. There are minimal roads put in that are not entirely passable, and a couple of test wells have been put in. The test holes for the septic (PERK test) have been dug. Murray indicated that there has not been any formal proposal given to the Township as yet.

Bohjanen asked if there is some effort being made to make sure they are in compliance with the current zoning. Murray indicated that he had not been on the property yet.

IX. PUBLIC COMMENT

Jon LeGalley, 132 Brewer Drive – expressed concern about a conflict of interest for Andy Smith, as he is Paul Smith's son and sits on the Planning Commission. He feels A. Smith should not have a vote or say in this issue.

Candee Varvil, 144 Brewer Drive – had a question about the easement, and her understanding that it was only for the property that Barbierre's owned. Sikkema indicated that was a legal issue between the property owners, and the Planning Commission would not be involved. Murray indicated that as soon as he knows more he will be keeping the Planning Commission informed. Varvil indicated that it seems like a lot of work and expense if he doesn't even have a way to get to the property.

Unnamed person – wondered if there was access to Mangum Road from this property. Murray stated there may be possible access on Gordon Road off of Kawbawgam Road – possibly County Road BU.

A. Smith indicated that if there was any voting action on the Smith property issue, that he

would be abstaining from the vote.

X. COMMISSIONER'S COMMENT

Mahaney – none

Smith – none

Ventura – wanted to comment that Tom Murray is filling in, and came in the middle of the process concerning the food truck – glitches are understandable.

Milton – none

Bohjanen – none

Sikkema – thanked both Tom Murray and Dale Throenle for stepping up as the Township is working to fill the vacant position.

Steve Lawry, Township Manager, wanted to clarify that before Murray started, he was the one filling in and had suggested the applicants with a food truck fill out the Conditional Use permit. Murray indicated that all the same information would have been required.

Sikkema asked for an update on the Planning Director / Zoning Administrator position. Lawry indicated that we are running a couple of parallel courses right now – the Board of Trustees has authorized Tom Murray to fill the position temporarily on a part-time basis for up to 6 months, while the Township continues to advertise. Murray is familiar with Chocolay Township, and has done this type of work for the City of Marquette. While Murray is here he is working with Dale Throenle on the procedures as well, so Throenle would be one of the candidates looked at. There may also be some changes in staffing in-house to see what would provide the best option.

XI. PLANNING DIRECTOR COMMENT

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 8:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES
Monday, December 21, 2015**

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Kendell Milton, Tom Mahaney

Members Absent: None

Staff Present: Thomas Murray (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ELECTIONS

Motion by Smith, and seconded by Mahaney to nominate Sikkema for another term as Chair.

Vote Ayes: 7 Nays: 0 Motion Carried

Motion by Meister, and seconded by Sikkema to nominate Smith for another term as Vice - Chair.

Vote Ayes: 7 Nays: 0 Motion Carried

Motion by Mahaney, and seconded by Smith to nominate Meister for another term as Secretary.

Vote Ayes: 7 Nays: 0 Motion Carried

III. MINUTES

November 16, 2015

Bohjanen questioned at the bottom of Page 1 where it refers to the "headwaters of the Chocolay River". It was confirmed that this was taken off the audio tape.

Motion by Bohjanen, and seconded by Ventura, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, and seconded by Bohjanen, to approve the agenda as written

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

V. PUBLIC COMMENT

None

VI. PUBLIC HEARINGS

Combined with New Business

VII. PRESENTATIONS

None

VIII. NEW BUSINESS

A. ZA-0001-15, 141 Maple Road, PIN# 52-02-018-035-00

Staff Introduction

Murray recapped the Staff Analysis. Included in the packet materials are the application and cover letter, 5 pages of survey information, legal descriptions of separate parcels along with a combined legal, information from Marquette County Health Department, site and soils evaluations, and PERK test. There is also a communication from Township Manager, Steve Lawry, regarding the Marquette County Road Commission right-of-way. This right-of-way is an “over and across” right-of-way, which means the right-of-way could possibly move a little bit over the years. Milton indicated that the road will commonly follow the section line, with the section line being a theoretical thing, so it could possibly wander off the section line. Murray went on to explain the maps that were included in the packet, including the wetlands map. Murray reiterated that the staff analysis talked about the proposed building site, and proposed use of the property. Murray indicated that this should not be part of the decision – after the decision is made, the property owner can use the property for any one of the permitted uses in the district.

Murray indicated he had received two phone calls asking questions about the rezoning, but neither one was opposed.

Murray stated that, if approved, the information would then go to the Marquette County Planning Commission as a courtesy for their comments, and then to the Township Board for first and second readings.

Sikkema asked if the rezoning was specifically requested to allow for the combination of the two properties into one parcel. Murray indicated that the building setbacks in the AF and the WFR district are different, so the same zoning would provide for consistency. Sikkema also stated that this would be of benefit if the applicant would ever want to build an accessory structure.

Public Hearing

Nathan Hoffman, 625 Lakewood Lane – Hoffman is the owner of the property. Hoffman indicated that the primary reason for wanting to combine the parcels is setbacks. By combining the parcels, they would be able to move their house up the hill, which would allow a better view. Mr. Brown is the largest land owner of surrounding properties. According to an email received from Brown, the two parcels had been combined at one time and then split. A copy of Brown’s email was given to the Planning Commission, voicing support of the parcel combination. Hoffman has also been in contact with the Marquette County Road Commission regarding snow removal. The previous owners had a “handshake” agreement. Hoffman is working with the County to get a legal easement. The driveway skirts around the plow truck

turnaround, so the easement would allow the County to move snow, and would also allow Hoffman to move it elsewhere. He has talked with neighbors, and has not received any negative comments. Hoffman has done a considerable amount of work on the property. He also has a Soil Erosion permit to make sure that the potential build site was okay.

Discussion

Mahaney stated that it looks pretty straight forward.

Meister indicated that the property in AF is a non-conforming lot, with only 2.75 acres, so this would be a bonus in eliminating a non-conforming parcel.

Hoffman also indicated that all three test sides for septic were positive.

Ventura indicated that he also thought the request was pretty straight forward. He feels that the Staff Analysis is right on. It makes sense to combine the parcels.

*Moved by Ventura, and seconded by Bohjanen, that after conducting a public hearing, review of the staff analysis, application for rezoning case #ZA-001-15 for 141 Maple Road, the Planning Commission finds that the proposed rezoning is **consistent** with the goals of the 2015 Master Plan, and hereby recommends that the Township Board **approve** ZA-001-15 as presented.*

Ayes: 7 Nays: 0 MOTION CARRIED

Milton questioned if Hoffman would be providing a plow turnaround, and if so would it be at the top or bottom of the hill. Hoffman indicated that it would be at the top of the hill. This is where Hoffman is willing to give a legal easement. The driveway will come in on the 2.75 acres. Hoffman indicated that there are several options that could be explored.

B. Discussion – #35 Firearms Ordinance

Murray indicated that this was brought to him by the Township Supervisor. The Ordinance appears outdated, with the biggest problem being in Section 3 (f) referring to the old zoning districts and LS-R (Lake Superior – Residential), but does not include the new zoning of WFR (Waterfront Residential). LS-R included just Lake Superior – Lakewood Lane. WFR also includes the parcels along Kawbawgam Lake, which were AF before the rezoning. The restricted firearm zone would include the Kawbawgam Lake area, which is a popular duck hunting area. Lake Levasseur is not designated as WFR, so you would still be able to hunt there.

Murray stated that the map indicates that only parcels zoned AF would be able to discharge firearms. Murray had also given the Ordinance to the Police Department, and they indicated that it did not include pneumatic guns. Pneumatic guns are not like they once were – they are extremely high powered. The only other changes in the Ordinance would be correcting a few typographical errors. Murray indicated that this was just at the discussion stage, and he was looking for comments from the Planning Commission.

Sikkema indicated that the Ordinance does not prohibit the use of guns, but prohibits the guns within 500 feet of any building. Murray indicated that there is also a provision in the Ordinance which states that consent of property owner is needed.

Sikkema indicated that Section 4 (a) and (b) that the first one is a general statement, and the second refers to the Restricted Zone.

There was much discussion concerning pneumatic guns, such as paintball guns and pellet guns used for pest control. Murray stated that the only time the police would get involved is when you start shooting across someone else's property.

There was some concern about Kawbawgam Lake being in a Restricted Zone and the number of people that duck hunt there. Sikkema pointed out that a shotgun with birdshot is not prohibited.

Sikkema indicated that State Law should be checked regarding the 500 foot restriction – he thinks the State only requires 450 feet – to be consistent. Bohjanen also stated that maybe a better indicator of the type of weapon would be a “muzzle velocity” (i.e. a BB gun has a muzzle velocity of 100 feet per second, versus a rifle that has a muzzle velocity of 800 feet per second or more).

Sikkema also indicated that there are residential properties that are zoned R-1 and R-2 and have 40 acres, but you would not be able to shoot a handgun or rifle.

Ventura indicated that he has had experience with persons shooting across his property, but other laws would be able to take care of that problem – things such as game laws – shooting geese with a pneumatic gun. Ventura also indicated that some of the pneumatics of today have a muzzle velocity approaching that of a 22 cal. short. Murray indicated that it will also go through siding and penetrate into the OSB, as he had an experience with this.

Meister also indicated that he did not want to put a restriction on a PUD plan. Murray will rework the wording.

The Planning Commission decided that if there are no complaints on pneumatics, there would be no reason to change the ordinance to include pneumatics at this time. Murray will make zoning changes, check on State Law for restrictions, and make clerical corrections.

C. 2016 Meeting Schedule – review and approval

The Planning Commission was given a copy of the meeting dates for 2016 – 3rd Monday of the month at 7:00 PM.

IX. UNFINISHED BUSINESS

None

X. PUBLIC COMMENT

None.

XI. COMMISSIONER'S COMMENT

Mahaney – none

Meister – none

Smith – none

Sikkema – none

Ventura – extended Holiday greetings

Milton – none

Bohjanen – none

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

The Planning Commission addressed the correspondence that had been received from Trustee Maki, for comments from the Planning Commission and response by Murray and Sikkema. Sikkema indicated that some of these items may have been dealt with before, and some things are not a Planning Commission issue. Bohjanen indicated that many of the things that are on the list require research.

Issues:

1. Our previous Assessor granted several land division which were not in compliance with the State Land Division Ordinance and the Township Land Division Ordinance.

The Planning Commission does not have any involvement with this.

I am also requesting a complete list of all land divisions approved since 1997.

Does this list exist? The information may be available for specific parcels. It was determined a list does not exist. Questions on specific parcels can be looked at.

I also think that land divisions approval should be done by the Township Board.

The Planning Commission has no control on this. Murray indicated that he thinks what Trustee Maki is referring to are lot splits for platted lots, and these are approved by the Township Board.

2. Access Provisions

Sikkema indicated that this happened before the current Planning Commission. Ventura questioned the four lot access on an easement. Murray indicated that it could be done. The Planning Commission determined that this was just a statement and no response was needed.

3. Contractors Yard in AF Zoning District

This has been addressed previously – just a statement, no response required.

4. Contractors Yards and Mini-Warehouses

This has been addressed previously – no response required.

5. Flashing Signs

This is an enforcement issue. Staff has been asked to review. The five signs include Togos / Michigan Made, Wetmore Hydroponics, Moyle buildings, Welcome Center, and the computer repair shop. Murray has talked with all businesses, and this has been resolved.

6. Display the Zoning Ordinance Map

There are two located in the Township Hall Meeting Room – and there would also be one shown on screen if need in a presentation.

7. Ordinance #55 – Junk vehicles

Smith indicated that this was discussed by the Planning Commission for a number of months. There was a question as to why Trustee Maki did not show up with public comment during that time. On the leakage, we can only take action if you know about it.

8. Groundwater Contamination

Ventura indicated that this had been responded to – there was some type of device put in to skim off the oil on the water.

9. Enforcement of Planning Commission and ZBA Decision

This is not a Planning Commission job.

10. Vacation Rentals

The Planning Commission does not do enforcement.

11. Zoning Ordinance Violations and Nonconforming Uses

a. Does the Township have a list of zoning violations that it is working on?

Yes, there is a list

b. Does the Township have an inventory of nonconforming uses?

This does not exist.

Murray will look at previous correspondence and put something together. He will put together a short letter to let Trustee Maki that the fax has been received and discussed for Sikkema to sign.

ADJOURNMENT

Sikkema adjourned the meeting at 8:10 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 18, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Kendell Milton, Tom Mahaney

Members Absent: Andy Smith (Vice Chair)

Staff Present: Thomas Murray (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, and seconded by Ventura, to approve the agenda as written

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

December 21, 2015

Motion by Meister, and seconded by Ventura, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PRESENTATIONS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

None

VIII. UNFINISHED BUSINESS

A. Continued discussion – Ordinance #35 Firearms Ordinance and discuss a possible February 15, 2016 Public Hearing

Sikkema asked Murray if the Planning Commission would be holding the Public Hearing. Murray indicated that in non-zoning ordinances, this would usually be the case.

Murray indicated the changes that had been made to Ordinance #35 included some spelling corrections, changing old zoning districts to the new zoning districts, and then updating the signatures and dates when approved. Murray indicated he was looking for any changes that may be proposed, and date when the Planning

Commission would like to have the Public Hearing.

Ventura indicated that the State regulations for the distance from a building for discharging a firearm was 450' and we were still using 500', so he thought we may want to correct that to bring it in line with the State.

Bohjanen asked about the introduction paragraph, which states "... *the Charter Township of Chocoday, a Municipal corporation of the State of Michigan ...*" and if this was correct. Murray indicated that this is a correct statement, as far as he knows, but he will check to make sure.

Bohjanen also pointed out there is a clerical error in the definition of "Shotgun", it states "...commonly used to fire multiple ~~projectile~~ *projectiles* ..." It also goes on to say, "...on each discharge from a single barrel." This is technically correct, but a double barrel is also a shotgun. He proposes changing it to state, "...on each discharge from a *single* barrel."

Bohjanen also discussed that portion of the minutes where Meister had indicated he did not want to put a restriction on a PUD plan. Bohjanen indicated he agreed with this and felt that Section 3.(f) on Restricted Zone should be changed to not include PUD as that comes with its own restrictions. Sikkema restated the change on Section 3 (f) to read, "...*R-1 – Single Family Residential District, R-2 – High Density Residential District, MFR – Multi-Family Residential District, WFR – Waterfront Residential District, MP – Municipal Properties District, C- Commercial District, and I- Industrial District, and ~~PUD – Planned Unit Development~~ ...*"

Bohjanen also indicated that he also has a problem with the wording of Section 8 – Repeal, which states "*All ordinances or part of ordinances in conflict with the provision of this Ordinance are hereby repealed.*" He feels to be able to make a statement such as this that all the other ordinances need to be reviewed to make sure there is nothing in them that may cause this to be repealed. Sikkema indicated that he could see there could be a possible conflict with a noise ordinance.

Section 6 – Penalties was discussed concerning the wording of misdemeanor versus a civil infraction. The consensus was to leave the wording as is.

Section 8 – Repeal was discussed, and Sikkema indicated that there was a recent ordinance (Burn Ordinance) that should have this same type of statement. Sikkema asked that Murray and Throenle check into the wording of the repeal portion of that ordinance.

Bohjanen questioned if this ordinance was ready to go for Public Hearing based on the changes. Sikkema asked if Bohjanen wanted this held off until March. It was decided that this Ordinance will go to Public Hearing in February.

B. Commercial Zoning District Uses / 2016 Priorities

Murray indicated that this is being brought before the Planning Commission, as this was something that was discussed at a meeting in August of 2015.

Concerning the Commercial Zoning, Sikkema indicated the thought is to increase the flexibility to allow some form of residential use inside the commercial area, such as apartments on the second floor or behind the business. This would be seen as an accessory use to the property. Sikkema questioned if Woodward had previously found any mixed use ordinances from other jurisdictions that could be used as a model or example. Sikkema felt it would be helpful if some research could be done on this. Murray indicated that a large percentage of the commercial zone is along the highway, so traffic speed may be a problem. Milton thought there may be some problem with fire protection. Sikkema indicated that this is a way to encourage development of some of the vacant property we have, as he doesn't know for sure if they are just not putting things on the market, or if the zoning is keeping development from happening. Murray proposed that a mailing could be sent to all business owners in the next month or two, and have an informal work session to get business owner input. Meister indicated that he thinks part of the idea is to bring more businesses in, and to make it easier for them to succeed. This would give them additional revenue, so it may get some businesses to come in that may not come otherwise, and it would help encourage growth. Bohjanen indicated that even though the majority of commercial is along the highway, there are some that are a block or two off the highway. Because of the way it is situated right now with only one use, the situation keeps coming back to the Planning Commission to rezone the parcel between commercial and residential. If there was mixed use, the rezoning would not be happening as much. Sikkema indicated that this is one of the top priorities for the Planning Commission for 2016, to revitalize the Harvey location. He feels getting ideas down on paper may be difficult because it's hard to know what it will look like. Sikkema feels that having business owners come in is important, but he also feels that owners of vacant property should be included in the discussion also. Sikkema feels that this will be a complex thought – he feels there needs to be something out there as to what the Planning Commission is considering. Ventura indicated that it is important that the Planning Commission have a better idea on what they want to see, and propose that as a starting point. Mahaney pointed out that the Planning Commission does need to be careful with the residential district that butts up along a commercial district, especially with the mixed use – the type of business may have a bigger impact as you are encroaching on a residential neighborhood. Murray also reminded the Planning Commission that they would need to remember the setbacks on the different zoning, especially in the transitional uses. Ventura indicated that we already have this. Bohjanen indicated that he would envision four zones – a commercial zone on the highway, a commercial with residential as a conditional use as the next tier, a residential with commercial as a conditional use as the next tier, and a residential. Bohjanen indicated you could incorporate buffers into the conditional use approval. Sikkema indicated that the zoning may be more of leaving it commercial, and having a residential as a conditional use. Instead of making it a mixed use, the Planning Commission could look at it on a case by case basis. Ventura asked if that is how downtown Marquette

is – primary use is commercial, with a secondary use of residential. Mahaney feels mixed use should be pursued. Meister agreed, and felt that it could expand later if needed. Meister wondered about an area such as Corning Street, which is zoned commercial, but has residential along it. Sikkema indicated that if you made it conditional use, people may just look at the zoning, see it as commercial, and not pursue looking into the ordinance to see that it is a conditional use as residential. If it was truly a mixed use, they would be able to look at it and see what the uses were. Sikkema felt the easiest way would be to make residential a conditional use, otherwise you are trying to rewrite the ordinance. Sikkema indicated that possibly there could be an interim addition to the ordinance, which would add residential as a conditional use. Ventura indicated that would be good, as it would then give the Planning Commission time to research and develop their own mixed-use.

Bohjanen indicated that Woodward had put together a chart for the Planning Commission to go over and indicate what they thought should be in each area. It was very complex, and was tabled quite a few times. He feels a similar type of matrix (not as complicated) dealing with one zoning district at a time may work.

Meister indicated that before a letter is sent out to businesses and residential, it would be good if the Planning Commission has a chance to take a look at what they would like to see happen. Meister also indicated that it would be a good idea to touch base with some of the land developers in the area on thoughts to what may be needed. Murray also indicated that possibly in the discussion to have input on what may be stopping people or businesses from coming to the area. Bohjanen indicated that one thing that comes up in every conversation is that Chocoy does not have a municipal water supply.

Sikkema asked that the matrix be brought forward at the February meeting, with a focus on the commercial district. Also, he suggested some research be done on other jurisdictions that may have mixed-use and a listing of what is in the Harvey commercial district that is vacant and could be developed. Meister asked for a zoning map that focuses on the commercial district.

2016 Priorities – Murray went over the priorities that were established in 2015, and the proposed 2016 priorities.

Review and adopt amendments in the Zoning Ordinance to implement the Zoning Plan of the Master Plan, beginning with mixed use options in the commercial zoning district, short term rentals of single family dwellings, zoning classifications, and accessory homesteading activities.

Sikkema indicated that in the zoning ordinance amendments, he thinks most of those have been cleaned up. Woodward had a list on what the Planning Commission had decided on the amendments that needed to be looked at. Sikkema indicated that this priority was to clean up some actions that had been taken.

Meister questioned the zoning classifications, as he thought the Planning

Commission had decided they were not going to change the classifications, as they did not feel a need.

Meister asked about short term rentals – is this the term for the vacation and resort rentals. He suggested that since City of Marquette is going through this right now, it be put at a lower priority until they see how things work out in the City. The Planning Commission came to the consensus that this should not be a top priority at this time, but it should not be taken off the list. This will be moved to Priority 4.

Sikkema asked about Accessory Homesteading, such as chickens, should be taken up in 2016. This was discussed quite a bit when writing the Master Plan. Murray indicated that the Planning Commission should review this section in the Master Plan.

Reconsider property access via private roads, easements and driveways.

Sikkema indicated that this has come up in public comment a couple times, but nothing that the Planning Commission has discussed. Ventura indicated that it would have been discussed when Dollar General was trying to get access. Sikkema indicated that there is something on this in the Zoning Ordinance, and Murray indicated that a private road can be access for up to four (4) properties. Meister asked if the current ordinance includes anything about maintenance. The Planning Commission remembered talking about this, but no action was ever taken. The Planning Commission will take a look at this ordinance at the February meeting.

Meister asked about fences for areas such as the front of the house on Lakewood Lane – should this be brought before the Planning Commission. Murray indicated that rather than change the ordinance, which would allow all properties to do this, it would be better to through the Zoning Board of Appeals on individual issues.

Consider a zoning amendment regarding seasonal rentals.

This will be considered under the short-term rentals after the City of Marquette has worked through it there.

It was decided that **Priority 2, Priority 3, and Priority 4** will stay the same.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Mahaney – felt this was a good meeting

Meister - none

Ventura – will not be available for the February meeting

Milton – none

Bohjanen – wondered about the Beaver Grove permaculture park. Throenle indicated

he would be making contact with people involved. Throenle also discussed things going on at the Recreation Areas.

Sikkema – asked for updates on the Planning Director vacancy. Murray indicated that Throenle is the new Planning Director / Zoning Administrator as of Monday, February 1. Sikkema extended his congratulations.

XI. DIRECTOR COMMENT

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

ADJOURNMENT

Sikkema adjourned the meeting at 8:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 15, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Tom Mahaney

Members Absent: Bruce Ventura (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant), Brad Johnson (DPW Foreman)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, and seconded by Bohjanen, to approve the agenda as written

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

January 18, 2016

Motion by Bohjanen, and seconded by Meister, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Mitch Koetje and Mark Pantti from Marquette Little League expressed interest in commenting during discussion of VII.B Silver Creek Little League Proposal.

Public hearing closed.

V. PUBLIC HEARINGS

See VII.A (Firearms Ordinance #35)

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Firearms Ordinance #35

Public Hearing

Sikkema opened the public hearing for the Firearms Ordinance. Throenle indicated that there was a written comment included in the packet (Item VII.A.2) that should be included. No other comments received. Public hearing closed.

Commission Discussion

Sikkema indicated that there had been language received from the DNR that expanded the definition of "buildings". He felt that this made sense. Sikkema also brought up the

definition of a “firearm” in the ordinance as reading, “...*any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet, or other mass or masses by means of an explosion.*” The next definitions include “*Rifle*”, “*Shotgun*”, and “*Handgun*”, but the only time any of these terms are used in the Ordinance is the word “shotgun” in Section 4.b. He feels that this could add confusion to the ordinance, as a firearm would also include a shotgun using bird shot. Mahaney questioned why shotgun is the only firearm mentioned, when the term “firearm” also includes handguns and rifles.

Throenle asked if he should rewrite the definitions and eliminate the separate definitions of shotguns, rifles, and handguns. Sikkema felt this would be a good idea, as the words rifles and handguns are not used in the ordinance.

Mahaney wondered if the firearm definition meant that a pellet gun or BB gun is okay. Sikkema stated he felt they were okay.

Throenle asked if the purpose of this ordinance is to say that you cannot fire a firearm within 450 feet of any building or in a restricted zone. Sikkema indicated it was.

Meister indicated his thoughts are that the building part is for any zone, and then 4.b takes it a step further with the restricted zones.

Throenle indicated that the goal is to make this ordinance easy to understand and enforce, and likes the concept of adding “rifle, shotgun, and handgun” under the definition of a “Firearm” in Section 3.a, and eliminating the definitions of “Rifle” under Section 3.b and “Handgun” under Section 3.d. Throenle does not want the ordinance to become so restrictive you can’t shoot anywhere.

Sikkema stated that the definition of Section 3.a which currently reads, “*The word “firearm” as used in this Ordinance, shall mean any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet, or other mass or masses by means of explosives.*” be changed to **Section 3.a – Firearm, “The word “firearm” as used in this Ordinance, shall mean any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet, or other mass or masses by means of explosives, and shall include, but not be limited to rifles, shotguns, and handguns.”**

Sikkema then discussed Section 4.a, and rewrote it to include citizen comments. Section 4.a currently states, “*Discharge any firearm within 450 feet of any building located in the Charter Township of Chocolay without the consent of the owner or occupant thereof ...*” and is proposed to read “**Section 4.a – Discharge any firearm within 450 feet of any occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property.**”

Section 4.b currently reads, “*Discharge any shotgun loaded with slug, ball, buckshot, or cut shell load, rifle or handgun in a Restricted Zone as herein above defined.*” and is proposed to read, “**Discharge of any firearm in a Restricted Zone, as herein defined**

above, except that shotguns shall be permitted in the Restricted Zone if it is not loaded with slug, ball, buckshot, or cut shell load.”

Sikkema asked if the definition of “Residence” needs to be expanded. It was decided that Section 3. Definitions will be expanded to include, “**Section 3.d Residence – Residence shall mean a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.**”

Section 3. Definitions will now include, (a) Firearm, (b) Shotgun, (c) Building, (d) Residence, (e) Restricted Zone.

*Meister moved, Bohjanen seconded that after holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the draft changes to Ordinance #35 Firearms as **changed** for the following reasons:*

- 1. To designate zoning districts consistent with the zoning districts identified in the current zoning ordinance.*
- 2. To make editorial corrections to the ordinance text.*
- 3. To make consistent with State of Michigan Department of Natural Resources regulations.*

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

B. Silver Creek Little League Proposal

Throenle opened with Staff Analysis introducing representatives from the Marquette Little League, Mitch Koetje and Mark Pantti.

Koetje stated that Marquette Little League is in the process of expanding their numbers – they increased by 50 players last year and they expect to keep increasing. To make sure they could accommodate all that wanted to play, an investment of approximately \$35,000 was made in upgrades to the field at Silver Creek, with \$7,500 of that coming from Marquette Little League. These improvements allowed 9-12 year olds to be able to play full baseball, in comparison to the time-limited that they were allowed prior.

Since there is limited time and field space for all the divisions, and they have a grant opportunity through Little League International, they have developed a concept for the T-ball and rookie ages (5-8) for developing a “rookie complex”. This is smaller in size and would allow the younger players to play proper positions on the field, and to improve their skills. They are suggesting that the rookie field be developed where the soccer field presently sits. Pantti indicated that based on the registration numbers of last year, approximately 43% of the children were from Chocolay Township.

Throenle explained that Marquette Little League is looking to put the “rookie complex” where the current soccer field is. Little League already has approval to reduce the fence on the current field from 312’ to 210’. Part of the consideration of this project is the also

depends on the plaque that is located near the soccer field. As part of the build of the soccer field, the field was dedicated to Jack Urbaniak. A conversation will need to be held with the Urbaniak family to determine if this can be changed. The current soccer field is not being used for league play. Other considerations are the traffic flow through the park, and restroom facilities. Throenle stated that if the grant that Marquette Little League has applied for goes through, they are looking for permission to move forward with the project.

Koetje indicated that right now Little League is playing on the field 3 nights per week, and with the addition of the new field, they would be at 5 nights per week. Mahaney asked how long the season lasts. Koetje indicated that it starts sometime in May or June and last until the end of July. Koetje also said another goal for this field is to have a State certified field, which does not exist at this time. The original game plan is to get the main field up to State regulations for tournaments.

Mahaney asked about enrollment numbers. Koetje indicated that they continue to increase.

Brad Johnson, Chocoley DPW Foreman, indicated that another consideration to make this happen is the need to get in touch with Superiorland Soccer Association, as he believes that they are the ones that paid for the irrigation system at the soccer field. Johnson also plans to contact Larry Gould, former DPW Foreman. Another contact would be Al Beck.

Koetje indicated that their plan is to be self-funded. It was also indicated that Marquette Little League is planning on this being long term.

Throenle indicated that this is a redesign of where recreation can happen, and if there is a demand for soccer, there is room for soccer to grow at Beaver Grove. Throenle also pointed out that the Township Board has granted Marquette Little League first use of the field for the next ten years. Disc golf would still exist around the perimeter, and the portion that has the tennis courts would be redone in quarters to have two tennis courts, a full size basketball court, and baseball batting cages and bullpens.

Mahaney asked about the feelings of the soccer association for this project. He feels this is a good idea. Koetje indicated that the soccer association has a very strong commitment from the City of Marquette.

Koetje indicated that 100% of the money that Marquette Little League takes in goes back into the field, equipment, and the kids.

Smith asked if the field at Silver Creek was enough to get a tournament in. Koetje indicated that if they host a District or State tournament, one field is enough.

Mahaney asked if it was anticipated that the project would get done this summer for use next year. Koetje indicated that if he is able to get this approved, he would have it done by June 1 of this year. Provided the grant comes through, Koetje has everything lined up and ready to go.

Meister questioned if the Planning Commission approves this, but then the grant doesn't come through, is there a backup plan. Koetje indicated he was already working on that. Bohjanen wondered about the shortening of the baseball field from 312' to 210', and would this jeopardize the ability to have tournaments. Koetje indicated that the 210' is regulation and shortening would put it into compliance, and the fencing would be 12' high.

Koetje indicated that the grant application had made it to the second level, and indicated to the Commission that the amount asked for was \$74,500.

Sikkema stated that his concern was that they would be taking the recreation area and turning it into a baseball complex. He feels that this is a good area right now, as it offers a lot of opportunities for a lot of people, and gives the children of the area a place to go during the summer to play soccer. This would turn it into a baseball complex. He feels it would take away the whole aspect of that neighborhood. Smith indicated that it is a very handy area to get to, and Beaver Grove would not be an option for a 12-year old kid. Sikkema feels that if the Township wants to support a monolithic use such as this, it might be better to do that at Beaver Grove, since there is already a drive involved to get to the Silver Creek area. Sikkema questions if this is the right place to build. Sikkema has a hard time supporting this as it is a special interest use, and will potentially take away from the Harvey area. He feels that having a broad spectrum of uses in our parks is necessary, and this would be taking away from that. Sikkema wondered if there is something else out there that would provide well rounded facilities on a neighborhood basis – things should be closer to the kids that need to use them.

Meister asked if there is any type of information on how much the current field is used. Throenle indicated that there was nothing.

Koetje indicated that Marquette Little League will hear next month if the grant is approved, and if approved, they will have one year to use the grant. Smith asked how soon a decision was needed, and if it was needed to proceed with the grant application. Koetje indicated that they had already applied for the grant. Koetje indicated that if Silver Creek is not the option, they would look at other options in Chocolay Township. Koetje indicated that at this point, City of Marquette was not an option, and they had not approached Marquette Township.

Sikkema asked what was needed from the Planning Commission. Throenle indicated that possibly a motion was in order, which could accept the proposal with the condition that the Little League comes back to the Planning Commission after receipt of the grant for acceptance of the full plan.

Smith asked if there was more room to move the disc golf. Johnson indicated that this had been maxed out. Throenle stated that it started out as a 9-hole course and has now grown to 18 holes. Mahaney indicated that he lives next to Cherry Creek school, and does not see the field being used much. Johnson indicated that DPW is spending lots of time maintaining the field at Silver Creek.

Sikkema stressed that this is a large piece of property, and the Planning Commission needs to look at what is the best use for the Township. He feels that once it is gone, we cannot get it back. Sikkema also feels that there should be a conversation with Superiorland Soccer Association to find out why the soccer field at Silver Creek is not used.

Koetje questioned if this complex does not happen at Silver Creek, would there be an option for this to happen at Beaver Grove. Throenle indicated that although there are 14 acres at Beaver Grove, it would require considerable work due to the slope and the lack of irrigation.

Bohjanen indicated that he thinks the concept is good, and whether the location is satisfactory or not is yet to be determined, but feels the Planning Commission should cooperate and endorse the concept and then get the rest of the answers.

Mahaney moved, Milton seconded to support the baseball complex plan as presented at Silver Creek as described by Marquette Little League.

Vote: AYES: 4 NAYS: 2 (Sikkema, Smith) MOTION CARRIED

Sikkema clarified the motion that all this motion was doing was making recommendation to the Board.

C. Early Coordination Notification

Throenle introduced this topic as being presented to the Planning Commission for their input as to how it would impact Chocoday Township.

Sikkema indicated he had some suggestions, which read "Revisions to US-41 for access of the hospital should not degrade or significantly impact the current flow of traffic along the M-28 / US 41 corridor. Degradation of the currently unimpeded traffic flow in this limited access roadway would impact motorists traveling through the area with no intention of entering the city of Marquette. M-28 / US 41 is the only through route across Marquette County. The construction of the replacement hospital should not significantly increase traffic flow, and any changes should not significantly decrease the traffic flow or increase traffic delays. Consider all access options, not just roundabouts."

Sikkema indicated his concern has always been that just because the City of Marquette wanted something, it should not take away from what is currently there. This is a through route – there are a lot of options they can look at.

Mahaney asked if they were considering a roundabout. Sikkema indicated that it would be near Grove Street.

Sikkema feels they should do whatever the best option is, but keep in mind that this is not a "new" hospital, it is a replacement hospital. This will not generate all new traffic – same side of the road and same street.

VIII. UNFINISHED BUSINESS

A. Review of 2016 Priorities

Throenle indicated the reason this is on the agenda is to make sure these are still the priorities of the Planning Commission. Theses would be the priorities that are listed at the end of the agenda.

Sikkema read through the priorities, and it was determined that these were still the priorities that the Planning Commission would like to see. Smith brought up the “Zoning amendment relating to seasonal rentals” in Priority 4. Mahaney stated that at last month’s meeting, it was determined to wait until the City of Marquette goes through this process. Sikkema indicated he had a lengthy phone message from a resident that was very concerned about this issue. Smith indicated that it seemed like this had come to the Planning Commission attention 3 or 4 times, and it always seems to get tabled with no action taken.

Sikkema asked if anyone wanted to see “seasonal rentals” put on an agenda to deal with this issue – the majority of the Planning Commission stated they did not want to see it on the agenda, and it was felt that this had already been dealt with.

Bohjanen indicated that he had not been at the last Township Board meeting, and at that time a question on the survey was removed that dealt with seasonal rentals.

It was determined by the majority that this would no longer be listed as a priority.

B. Commercial Zoning District Uses

Throenle explained that he took the table as it was before, and reworked it to make it simpler to work through.

Throenle indicated that the Planning Commission should look at VIII.B.5, VIII.B.6, and VIII.B.7 for explanations.

Meister indicated that he thought the Planning Commission had already went through this with Woodward at her last meeting in September.

Sikkema recommended that if anyone has questions on what the assignment actually is to ask them now, so that these can be gone through at the next meeting. The Commissioners need to take a look at the districts on the matrix on VIII.B.7 (MU-C Mixed Use – Corridor, MU-N Mixed Use – Neighborhood, and MU-V Mixed Use Village) and look at the principal and accessory uses, and determine if they are C – Conditional Use (which would require Planning Commission approval or P – Permitted use in that district. Sikkema indicated that the Planning Commission should go through this matrix and determine if they agree.

Smith asked how many districts are they planning on creating. Throenle indicated it was 14.

Sikkema pointed out that in a previous meeting the Planning Commission had stated they possibly did not want to make changes to all the districts in Township, but to

start in the Harvey area. Throenle pointed out the zoning map (VIII.B.2), and stated there are three other commercial districts in the Township besides the Harvey area. Throenle indicated that these should be kept in mind when looking at the mixed use districts for commercial.

Sikkema indicated that the second assignment is to take a look at boundaries and determine if they seem appropriate.

Smith asked if the Planning Commission is going to be tackling one district at a time. Throenle indicated that this is how it was passed off to him, with the first area being the corridor.

Smith asked what the process would be to add or change zoning and how long it would take. Bohjanen indicated that this would be a rezoning process. Throenle indicated it could take months. It would need to go through the Public Hearing process with notification of affected landowners.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Bohjanen – none

Milton – none

Smith – none

Meister – indicated that he will be gone next meeting

Mahaney – felt this was a good meeting

Sikkema - none

XI. DIRECTOR COMMENT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Bohjanen indicated that the Township Board meeting minutes come too late. It was decided that the packet should include the Township Board “draft” minutes for the current month.

Bohjanen also had a question on the County Planning Commission approval and disapproval of rezoning in the County. If they do not approve the rezoning, does that stop the process? Sikkema asked Throenle to check on this for the next meeting.

ADJOURNMENT

Sikkema adjourned the meeting at 9:20 p.m.

Submitted by:

Planning Commission Secretary

Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 21, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Richard Bohjanen (Board), Kendell Milton, Tom Mahaney, Bruce Ventura

Members Absent: Eric Meister (Secretary) (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

*Motion by Ventura, and seconded by Bohjanen, to approve the agenda with additions. (Sikkema requested that the agenda be revised to include **Director's Comments** under Item X. Commissioners Comments to allow the Planning Director to update the Commission.)*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

February 15, 2016

Motion by Bohjanen, and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 Abstain: 1 (Ventura) MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

See Item VII.A

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Zoning Ordinance Text Amendment 34-16-03 – Campground Conditional Use in AF district.

Staff Introduction

Throenle stated there had been a request to add campgrounds to the AF district. The report that is included in the packet has some interesting history. As far back as 1996, campgrounds were included in the RR2 district, which is listed until 2008. When looking through the history, there were various amendments to the RR2 district, none of which removed campground as conditional or permitted use in that district. When the new

ordinance was adopted in 2008, the definition for campground was still included, but campground had been removed from the ordinance in the AF district, with nothing explaining why it was removed. It does show up in municipal, which it did not exist under before. This could possibly be an inadvertent move to the wrong category.

Sikkema asked if campgrounds had been in the RP (Resource Production) district. RP ultimately turned into AF. Sikkema asked if RR2 (Rural Residential 2) had all turned into R1. Throenle stated he wasn't sure, but during that period of time Gitche Gumees (example) was tagged as an RR2 parcel, and is now an AF parcel.

Smith indicated that even though he had no prior knowledge of this until he got the packet, he would be abstaining from the vote on this item, as the application was from his father.

Ventura asked about the current ordinance – would someone be able to have a campground on the Township lawn, as this is a municipal property. Throenle indicated that to be defined as a campground, there must be a minimum of 3 campsites and there must be approval by the DEQ. Sikkema asked if the only place a campground is currently allowed in the Township is municipal property. Throenle stated this is correct.

Sikkema asked about the DEQ approval, and if it was needed for public and private campgrounds. Throenle stated that the DEQ looks at the location and issues a separate permit.

Mahaney asked if the definition being used for campground is the 2008 definition. Throenle stated it was.

Ventura questioned what the DEQ would be looking for. Throenle indicated the DEQ would be looking for water issues, space to be utilized, how it affects the surrounding area, the number of sites, type of campground, etc.

Public Hearing

Dick Arnold, 312 West Branch Road - lives in the AF district, and the AF district has 840 parcels, 512 of which are non-conforming (under 20 acres). He was wondering if the parcel in question could be rezoned to commercial, or at the very least, if it has to go into the AF district, to make sure it is a minimum of 20 acres. Arnold doesn't feel the Township is serving the people that live there.

Public hearing closed.

Commission Discussion

Bohjanen stated that the 512 non-conforming properties were probably the RR2s in the old amendment. Sikkema indicated it could be, and some were split before the 20 acre minimum went in.

Ventura commented that according to the definition of campground, it would not apply to a mobile home park. It may apply to recreational vehicles.

D. Arnold (public) indicated that a small area would be more disturbing than a 20 acre

parcel. Most people in the AF district have been there 20 – 25 years, and the Township keeps adding uses – race tracks, shooting ranges, etc. The residents moved there because of the larger lots, and by doing this it takes away from the original intent.

Sikkema indicated that with a Conditional Use it would have to go before the Planning Commission, and they would be able to discuss different options – buffer zones, fencing, signage, etc. It would be nice to have something like this documented as a procedure. Smith asked if there was any type of checklist that could be used for submittal of a conditional use application. Throenle indicated that there is – it walks the applicant through the application and site plan, along with setbacks and governmental regulations. This would be applicable to any conditional use.

Sikkema stated that with a conditional use permit, you should not be able to see a use such as this (campground) from an associated property. In the AF district, you expect certain things – cutting trees, farming to the lot line.

Throenle also pointed out that if a campground is operational, and then the owner leaves for 6 months, and then the property is sold, the conditional use would not be permitted. Sikkema stated that if the conditional use is vacated for 6 months or more, it reverts back to the original zoning district and you lose the conditional use. If the campground is active at the time of the sale, the conditional use permit would stay with the property.

Ventura indicated that one thing that might guide the commission on this would be found on page VII.A.2 of the packet, under conditional uses, #5 and #12. Section 4.7.C.5 reads, *“Recreational uses / structures, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact.”* and Section 4.7.C.12 pertains to kennels, which also has the requirement of 20 acres or more. He feels that campground could fall into the recreational use with the 20 acres or more, and the environmental impact could be expanded to the impact on neighboring properties. He feels this would address Arnold’s comment. Mahaney indicated this would also prevent campgrounds even being considered on some of the non-conforming parcels.

Sikkema asked what are “recreational uses / structures”. Throenle read the definitions from the zoning ordinance, *“Recreational structure means a cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency.”* and *“Campground is a parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.”*

Sikkema questioned that if “campgrounds” were added to the conditional use, would there need to be a statement with it pertaining to screening, boundary fences, hours of operation, etc. Bohjanen suggested that they write a page of guidelines for each of the conditional uses, as they are all different. Bohjanen feels that the one most disruptive on

the conditional uses is “race tracks” – this would be more disruptive to life than anything else there. Sikkema stated that these guidelines would probably have to be shown as appendices. Ventura indicated that could become a full time job for the Planning Commission, or it would have to go on a case by case basis, which would leave it open to the judgement of whoever is on the Planning Commission at the time. Mahaney stated that there could be general guidelines written up to cover everything. Sikkema indicated then the Planning Commission could go through and decide what would be needed in each particular instance. Ventura indicated this was a good idea as it would then leave it to the sitting Commission – have a checklist that could be looked at, but not ordained. Smith indicated that public hearings also help with this. Sikkema indicated that Dick Arnold had made a good point – that zoning is to protect the residents that are there, and they should have some assurances that whoever sits on the Planning Commission is looking out for their best interests, and not just trying to facilitate some other use of property. Bohjanen pointed out that on the future land use map, there are only two pieces of recreational property – one is the proposed park on the Bayou, and the other is on the south side of the Chocoley River. The recreational properties in the Township are municipally owned.

Sikkema asked Throenle if expanding the checklist would be helpful, or is it better to just leave it on a case by case basis. Throenle indicated it would be beneficial to him to have it on a checklist as things to remind the applicant to think about, but it should still go to the Planning Commission on a case by case basis. Mahaney asked if the Conditional Use permit required a Site Plan review. Throenle indicated it did. Mahaney indicated that this would address many of the environmental issues. Sikkema indicated that if you buy a property in AF, there needs to be some assurance that your investment will be somewhat protected. The conditional use permit needs to put enough restrictions on it to protect the adjacent properties. Bohjanen indicated that writing up guidelines for each conditional use would not be daunting – some would require very little work. As long as they are written up as “guidelines” and not as a “mandate”, and they would still get reviewed at the time of the conditional use.

Bohjanen asked what “WECS” stood for – Throenle replied “Wind Energy Conversion System”.

Mahaney pointed out that in Marquette, at one time 3rd Street was probably all residential, but times change.

Mahaney wondered if there shouldn't be some type of condition, such as not less than 20 acres. Bohjanen indicated, as was pointed out in public comment, that most parcels in the AF district are under 20 acres, so there could be something put in the condition for “campgrounds” that it would pertain to lots of 20 acres or more. Milton asked if this could be accomplished by changing the definition of campground. Sikkema pointed out that this would restrict campgrounds in all zoning districts, such as commercial, that were less than 20 acres.

Throenle indicated that campgrounds are not permitted in any district but AF, except for

municipal. The definition could be changed to say, “a parcel or tract of land of 20 or more”, and this would also cover the municipal. This would also cover the conditional use for any other district – would have to be 20 acres or more. He feels the most efficient way would be to change the definition – to start a campground in any other zone would require 20 acres or more.

Sikkema’s concern with changing the definition is that it would set it so that campgrounds could only go in the AF district. Sikkema’s thought is to go district by district. Bohjanen stated the best way for this would be to add it to the amendment. Smith indicated that he felt that anything adding to the AF district should be for 20 acres or more – this would at least make it conforming in the AF district. Sikkema felt that in addition to the 20 acres, there should be buffers and boundaries.

*Ventura moved, and Bohjanen seconded that after holding a duly noticed public hearing, the Planning Commission hereby approves Zoning Ordinance Text Amendment Application #34-16-02 **as changed**, on lots greater than 20 acres with a checklist developed by staff of guidelines for review of a future Planning Commission necessary for approval of the conditional use permit; moves to forward the proposed amendment to the County for comment; and also recommends that the Township Board review and adopt the proposed amendment at their earliest convenience.*

Vote: Ayes: 5 Nays: 0 Abstain: 1 (Smith) MOTION CARRIED

Sikkema asked for clarification on where the checklist would be – Ventura indicated that this would be for the Planning Director to have available when preparing for the Planning Commission.

VIII. UNFINISHED BUSINESS

A. Commercial Zoning District Uses

Throenle indicated that a second matrix had been handed out – this one included the first column with an ID number, which had been excluded from the previous handout.

Sikkema stated that the Planning Commission would be looking at “Mixed Use - Corridor”. Ventura stated this would also include “Mixed Use - Neighborhood” and “Mixed Use - Village”. Sikkema indicated that “Mixed Use Corridor” seems very confusing. Bohjanen indicated he felt the logic in coming up with the term was anything that has frontage on US-41 and M-28. Sikkema indicated that by looking at the maps, the only piece he could find that was Mixed Use – Corridor was the Varvil Center. Everything in Harvey was either Mixed Use – Village or Mixed Use – Neighborhood. Sikkema indicated that the Varvil Center is the Industrial area, along with Fraco.

Bohjanen indicated that none of what is on the maps is “as is”, they are “as perceived to be”. Sikkema stated that what needs to be done is to establish what the Planning Commission feels are the correct areas, and then go through the uses and see what is applicable.

Bohjanen indicated that he feels Mixed Use – Neighborhood should be the areas such as Wright Place, Kellogg, Fairbanks, etc. This would be a potential mixed use area. The ideal situation would be to re-designate large areas, as grandfathering will keep everything as is, until they would want to change.

Ventura stated that maybe the first task needs to be where the boundaries are, and then establish the uses. In his mind, the corridor is the major highways.

Sikkema stated that he felt the Varvil Center should be left as Industrial – there are so few industrial areas in the Township, and he didn't feel it was right to take this away. He asked if the Commission should get rid of Mixed Use – Corridor completely, or redefine to areas along major highways.

Bohjanen stated that as long as the Varvil Center is used as industrial, it will remain industrial, but if you have a more permissive designation, then you would be able to have a restaurant there without having a conditional use. Smith felt that industrial should remain industrial. Bohjanen pointed out Item 320 – Manufacturing Establishments - light manufacturing was written in as a permitted use, and heavy manufacturing is a conditional use. Sikkema stated again that if you give up your industrial district, no one will allow you to put in another industrial district. Bohjanen indicated that this goes back to an even bigger question – does the Commission even want to go forward with all the ideas of rezoning the Township. Sikkema indicated he felt they needed to rethink the rezoning in the Village, but leave Industrial alone, as it is too hard to create.

Bohjanen feels that the only area that may benefit from the rezoning would be the downtown district of Harvey – the rest of the Township doesn't really require much. Sikkema agreed.

Bohjanen indicated that this came from the Master Plan, but he felt that the Master Plan was a vision, not a mandate. Along the way, you make the decision as to whether strive toward that vision.

Ventura suggested that what needs to be done is to have the Planning Commission restructure the map to what their idea of the land uses would be. Sikkema indicated the only question he has is if the Planning Commission wants to leave industrial as industrial. Bohjanen indicated that the only part he feels needs to be looked at is downtown.

Industrial will always stay industrial!

Bohjanen asked about the description of "Industrial". Throenle read from the Zoning Ordinance:

“(B) PERMITTED PRINCIPAL USES

- 1. Motor vehicle sales, service, and rental*
- 2. Construction and farm equipment sales*
- 3. Sales of mobile homes, campers, recreational vehicles, boats, and*

monuments

4. *Wholesale and storage uses*
5. *Food packaging and bottling works*
6. *Commercial printing and newspaper offices*
7. *Contractor's yards and shops*
8. *Laundry, cleaning and dyeing plants*
9. *Office buildings*

(C) *CONDITIONAL USES*

1. *WECS*
2. *Other industrial uses, such as manufacturing, research, high technology, and business parks*
3. *Trails*
4. *Wireless Communication Facilities*
5. *Outdoor wood boilers (see Section 6.5) (#34-13-05)*
6. *Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses”*

Smith indicated that he thinks the AF district needs to be looked at, as there are quite a few non-conforming lots in that district. Sikkema indicated that this will go on a priority list, but for right now they will be looking at the Corridor, and give Throenle some direction on what is needed for the next meeting. Bohjanen stated maybe the downtown area could be divided into three districts based on feet from the highway (i.e. the first 300' from highway would be Mixed Use – Commercial, the next would be Mixed Use – Village, and after that would be Mixed Use – Neighborhood). If redesigning the map, would need to look at property lines. Rezoning doesn't mean anything is going to change, but something could change if the residents wanted it.

Ventura wondered about an overlay district – such as a corridor overlay district – and then come up with ideas on what could be permitted there. This makes it easier to put on a map and to work on. Bohjanen indicated that an overlay district requires review.

Smith likes the idea of mixed use with apartments above some of the businesses in the Harvey area. This may be the difference between success and failure.

Sikkema asked if the Planning Commission would like to establish corridor boundaries within the Township. Throenle could then take this information and generate a map for the next meeting.

The Planning Commission established the following boundaries:

1. US-41 Welcome Center to Joliet (stop before Joliet)
2. M-28 US-41 to Nagelkirks (south); US-41 to old bank (north)
3. Cherry Creek US-41 to Ortman (school side); US-41 to Assisted Living

4. Beaver Grove South Big Creek Road to Mangum Road

Throenle will develop a map for the next meeting using these boundaries and establish lines that are 500 feet back. If 50% of the parcel is in the line, it will be classified in the Mixed Use – Corridor. Throenle indicated he would use the Child Care Center as a guide, since this appears to be the farthest back. Sikkema asked for the screen for the next meeting. If the property has no access to the highway, it will not be included in the Mixed Use – Corridor.

IX. PUBLIC COMMENT

None

X. DIRECTOR'S COMMENTS

Throenle indicated he will be looking at the sign ordinance in the near future. State ordinance has changed on how we are to look at signs – political signs can no longer be called political signs, real estate signs can no longer be called real estate signs, etc. Verbage on the sign cannot be used to establish what type of sign it is, so there will be some work needed on the ordinance. Sikkema asked if there will still be restrictions. Throenle indicated the restrictions would be based on the location of the sign, not on the content of the sign – can be called a temporary sign, not a political sign.

Sikkema asked about Marquette Little League. Throenle indicated we have not heard from Little League on the status of the grant. There has been a meeting scheduled on Wednesday with Marquette Little League, Soccer Association, and Chocoley DPW to discuss the plans of the Soccer Association. Then further discussion will need to take place with Urbaniak's concerning the sign.

Bohjanen asked about the Verizon tower. Throenle indicated that in the package there were materials concerning Verizon, and their request to downgrade the building to a platform. The permits have been sent to the County, and the hope is to have the tower completed by summer. Sikkema asked about the platform – Throenle indicated that they will put the concrete down and put the electrical on the platform versus building a shed.

Mahaney asked about the community survey – Throenle indicated that we received approximately 200 responses. He is compiling the data, and it will be going to the Township Board.

XI. COMMISSIONER'S COMMENTS

Bohjanen – none

Milton – brought up the ZBA – variance for a non-conforming structure – wanted to differentiate between a structure that is either Class A or Class B. He wondered if the Planning Commission is the body that should be defining this. Throenle explained the situation – house on Shot Point requested a variance to build on the current house to make it two stories, and the property is 27' from the water. The question came back to the viability of keeping that structure.

Ventura – pointed out the Marquette City Commission minutes from last month. They are looking at rental properties, and the piece that Dan Keller is building by Picnic

Rocks. The City Commission is postponing this until they get more information from the Condominium Association. This may be information that the Planning Commission could use when discussing vacation rentals.

Smith – new burger place is nice to see – good burgers

Mahaney – none

Sikkema – none

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

ADJOURNMENT

Sikkema adjourned the meeting at 9:06 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 18, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:03 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Andy Smith (Vice Chair), Tom Mahaney

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, and seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

March 21, 2016

Motion by Ventura, and seconded by Bohjanen, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Community Survey

Throenle indicated that under the direction of the Township Board, a survey was written up and went out with the tax assessment notices in February. The first question was on the fire siren, and a majority of the respondents approved of the siren. The next question concerned businesses in Chocolay Township that are frequented by Township residents. There is a summary on pages 15 and 16 provides comments that were submitted by the respondents. Question #3 concerns businesses that residents would like to see in the Township. The top answers on this question were a family-style restaurant and a desire for postal services (stamps, sending out packages). Questions 4 and 5 concerned additional services and Township spending.

Throenle stated that the survey seemed to indicate the desire to go back to a small business type environment, particularly along the lines of small retail, which would reduce the need to travel into Marquette. Businesses that are in the southern and eastern parts of the Township were not mentioned.

Meister wondered if some of the answers had to do with how the question was phrased (using the word "frequent"). Throenle indicated this may have been a factor in the answers received.

Throenle indicated that there have been approximately 300 responses. Sikkema indicated that mailing the surveys out in the tax assessment notices was a good idea. He wondered if the majority of the responses were paper. Throenle indicated that 67 of the responses were online.

Sikkema asked if the Township tracks usage on the website. Throenle indicated that this was being tracked until the end of last year. At that time, we were averaging about 3,000 hits per month.

Ventura indicated he thought it was interesting that a number of the comments were used to air grievances, and had nothing to do with the question being asked. Throenle indicated that the comments were recorded as written.

Throenle indicated that staff has been asked to look at the survey, and determine what we may see as things to be incorporated into the Township.

Ventura indicated that there were an interesting percentage of the respondents that were in favor of retaining the fire siren.

Sikkema asked the Planning Commission for comments or suggestions on things the Commission should be working on. He feels there is a change of focus based on the responses, and that the Planning Commission is on the right track in developing small business in the corridor area.

Throenle indicated that based on conversations in his office, people would prefer to have the services needed in the Harvey area, and not have to drive to Marquette.

Meister indicated that the Planning Commission needs to structure the corridor to make sure there is availability of property and zoning to create the type of environment that residents are asking for.

Bohjanen feels that the Post Office issue has come up before, and that this should become a priority. Throenle referred to Township Manager, Steve Lawry's memo, which indicates staff will be looking into the possibilities of a branch Post Office, and consideration of the Township providing these services. Throenle also indicated that Iron Bay Computing offers shipping services at their business. This has not been publicized. Additionally, he will talk with Cherry Creek Market. Sikkema indicated that you can already get stamps at Cherry Creek and at the bank out of a dispenser. Sikkema also stated that this has been looked at before, but that the Post Office provides no funding to a business to be able to do this. With FedEx or UPS,

you will be able to incorporate a small markup to cover the costs, which you would not be able to do with postal mail.

VIII. UNFINISHED BUSINESS

A. Commercial Zoning District Uses

Throenle indicated that at the last meeting he was asked to come up with maps that showed a 500 foot corridor going down US-41, M-28, and Cherry Creek Road. Throenle indicated he had left the Industrial district on M-28 as is, but included the Unitarian Universalist church to show that there was a break between the industrial and the next commercial. He also mapped out US-41 South below M-28, the Mangum Road area (businesses around Mangum Road and Beaver Grove), and the PUD that is further down in the Township.

Throenle asked about a parcel (Pet Sitter's Kennel) that seems to be spot zoned to accommodate the kennel. Sikkema ventured a guess that when the zoning was changed in 2008, that parcel was in the AF district. Meister asked if this was a 20 acre parcel – Throenle indicated it was not (1 acre). Sikkema indicated that it could have been an RR2, and was switched to AF to keep the kennel conforming. Sikkema asked if that parcel had its own parcel number. Throenle indicated it did. Bohjanen indicated that the kennel was there prior to the 2008 zoning ordinance, but that it would seem logical to make it a grandfathered non-conforming use. Sikkema indicated that if it was non-conforming, it would be non-transferrable to a new owner, so this may have been a concern. Bohjanen asked about the gap between the parcel and the highway that is zoned R1. Throenle indicated that the parcel sits within the property owned by the same owner.

Throenle explained the process he used when marking the 500' line on US-41, around the corner on M-28, and also down Cherry Creek Road stopping at the LDS church. Meister asked if the church is supposed to be commercial. Throenle said he wanted to show that there was non-residential going down Cherry Creek Road. On the other side of the road, there is Ewing Estates, LSS Manor, and Carmen Drive. On M-28 he went down to Nagelkirk's. Throenle also indicated that there is a description in the packet (VIII.A.9.a and VIII.A.9.b), sorted by parcel ID and parcel address.

Sikkema asked Throenle if they should be talking about overlay zoning – Throenle indicated that the 500' line is the first part of the process, to decide which parcels belong in the area to be called Mixed Use – Corridor. Then it would be decided if these parcels would be a change to zoning, or an overlay district to the zoning.

Sikkema started with the map (VIII.A.2) to get input on if anything appeared to be missing or should not be in there. Bohjanen asked about the segment on M-28 between the two parcels where the church is located – there is not a lot of residential between the Unitarian Universalist church and the Rock Shop – and this could be added to the corridor.

Sikkema indicated that there was a discussion last meeting on the Industrial zoning. He feels that industrial should stay industrial. Meister indicated that he agrees with this. Bohjanen indicated this argument is valid, except that if you had industrial added to the Mixed Use Corridor as a conditional use, you would not eliminate industrial, you would actually add to it. Bohjanen indicated that in the Mixed Use Corridor, you will need to define permitted and conditional uses. In this way, you would not eliminate any of the property, but would enable other property to be industrial. Sikkema indicated that a true industrial use would not go there, next to something such as an adult foster care. Milton feels that the uses should not be put together – he also feels that industrial should stay industrial. Sikkema feels that industrial would not take the risk of going into property that is next to a Mixed Use. Ventura indicated that he sees Bohjanen's point, but feels that the Industrial should be kept Industrial, and have the Mixed Use-Corridor on Cherry Creek Road and US-41. Ventura indicated that everything out there right now is either Industrial or Commercial. Ventura asked about the easement – Throenle indicated that this was part of Industrial Drive. Ventura indicated that the Industrial is pretty well buffered from any residential. Throenle indicated that the Industrial district stops at the Rock Shop.

Sikkema asked about the parcels on the south side of M-28 – are they currently residential? Meister indicated that they were commercial, as he rezoned that 25 years ago with his parcel. Sikkema indicated that on the map should also include the parcel to the east (108-020-30).

On M-28 there is the Gateway Plaza on the north side. Throenle went through the parcels. Bohjanen indicated he thought it might be a good idea to include all the smaller parcels in the Mixed Use – Corridor to give the residents more option when they would look at selling their property. Sikkema feels that would just leave residential houses converted to commercial – it would be better to develop the commercial properties across the street. Throenle indicated these would end up becoming a more home-based business. Meister indicated that a larger piece of property would have a more controlled access, with possibly one or two driveways, where on the north side, there would be multiple driveways. Sikkema indicated the north side parcels would have no parking and poor access, and based on what he has seen in other areas, this would be a bad decision. There was discussion on if the residential properties on the north side of M-28 should be in the Mixed-Use Corridor – it was decided that they do not belong in that classification. The parcel that is to the east of the old Northern Michigan bank was discussed – this should be in the Mixed Use Corridor. A question was raised about accessibility – there is none from M-28. Bohjanen indicated that there has been talk about putting a road around the back side of the commercial zone that already exists, going in around the area of the old Wahlstrom's and coming out on the other side of the old Northern Michigan bank. Sikkema indicated that if you create the environment that could be used for commercial, development may occur. Meister indicated that they should encourage

commercial.

Discussion continued with the businesses to the north of M-28 and then going up that side of US -41. Remove 117 West Wright Place, as this is a residential and sits below a significant hill – end at the apartments. Sikkema indicated that anything west of Corning and below Terrace is currently commercial, and is currently in Mixed Use. Bohjanen indicated that from the south side of Fairbanks to Main Street, there was a portion not included. The corner of Corning and Main Street is already commercial, so he feels this should be included. Additional properties on Corning were added for consideration for the mixed use, which would cover Hotel Place and Bayou. Fairbanks south of the Bayou would be part of the project; the remainder would be residential, especially since Fairbanks does not have direct access from the highway. Individual parcels were discussed, and were added or removed based on the location either within the business corridor or close to the access from US 41. Properties next to the bayou should be remain as residential.

Individual parcels were discussed on the east side of US 41, with the mapping continuing down the US 41 corridor to the Township properties.

Additional discussion concerning properties along Silver Creek arose, with consideration for the zoning of the properties. It was recommended that the mobile home park should be rezoned as mixed use to accommodate businesses such as the thrift store at the Silver Creek church.

Parcels currently zoned as Industrial (such as Willow Farm and Fraco) will be left as industrial; others will be left as mixed use. Only two parcels would be added to the right side of Cherry Creek.

Throenle indicated he would provide updated maps at the next meeting to verify the additions discussed in all of the areas highlighted on the maps.

Sikkema indicated that now that the boundaries have been established, now the decision comes down to whether to do a straight rezoning of the properties, or should there be an overlay zone. Sikkema asked Throenle to explain the overlay zone at the next meeting. Sikkema also stated that for the next meeting, all members should go through the matrix that had been previously provided, and decide on the uses for Mixed Use – Corridor. This would involve figuring out what should be permitted use and what should be a conditional use (P- Permitted, C – Conditional, N – No). Sikkema and Milton indicated that they would not be at the next meeting, but will try to provide input before the meeting. Sikkema asked that Throenle email the matrix to all Planning Commission members.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Meister – asked Throenle about the Dollar Store – Throenle indicated that a different firm is looking at the property. Throenle indicated that they had called and asked for specifics – different search group, different property.

Ventura – none

Milton – none

Bohjanen – none

Sikkema - none

XI. DIRECTOR'S COMMENTS

Effective April 19, there will be new flood maps for the Township. The last update was in 1987. There is a link on the website, and you can go in by property address.

The ballfield and soccer discussion – DPW has met with the Soccer Association and Little League. There is now discussion to make Silver Creek the Little League complex and Beaver Grove the soccer complex. 14 acres at Beaver Grove would become the soccer complex, with 2 acres being agricultural. The Permaculture Park has disbanded.

The tennis court project at Silver Creek – multi-use project, which includes two tennis courts / pickleball courts, a full court basketball, and a split of pitching machines / warm up area for Little League. There is a community group looking at raising funds, with a Fun Day planned in June.

Chickens will be coming before the Planning Commission in the future. Sikkema asked who was bringing this before the Commission – Throenle indicated he has had some inquiries from residents and was bringing it before the Commission for discussion.

Sign ordinance will also be coming before the Planning Commission – very tough to enforce, and is 26 pages long.

Investigating a Conditional Use – an individual would like to take the wrecking part of Shaw's Service and put it on an AF district property. The only thing Throenle could find that fit was a Conditional Use for a contractor's yard and shop. If this doesn't fit, there is nothing to offer this individual. Milton asked how much area he had. Throenle indicated that it was a 9-acre parcel. Meister indicated it sounded like it would fit into Industrial much better. Ventura asked how many vehicles would be stored on the property. Throenle indicated 3 – 5 vehicles. The goal of the individual is to stage it for the insurance company, and then it would be gone. Throenle indicated the definition of a Contractor's Yard is, "*Outside area of lot or parcel used for storage, and maintain equipment and other materials customarily used in the trade carried on by the contractor.*" Sikkema indicated that the definition of Contractor's Shop is, "*An enclosed space used for housing, operating and maintaining, of equipment and fabrication of building-related products.*" Milton stated he felt the definition fits. Bohjanen inquired about the property – Throenle indicated it was an AF parcel in the southwest quadrant of the Township. Sikkema stated that you need to look at what you want for the Township – he doesn't feel that you should be able to define yourself as a contractor and then

establish whatever type of business you like. Ventura indicated that it was happening in plain view at Shaw's and no one objected there. Bohjanen indicated that if you worked with the concept of Conditional Use, there would be restrictions such as a concrete pad and adequate screening. Sikkema warned that the Township needs to be careful on what is approved. Bohjanen indicated we need to enforce what we already have. Throenle indicated that he is not looking for approval, just wondering if the definition would fit.

Throenle recently attended a Small Town Rural Conference. At that conference he found out there was a potential for funding and resources, such as grants and potential ways to use some of the vacant properties in the Township.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

ADJOURNMENT

Sikkema adjourned the meeting at 9:27 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 16, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:02 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Tom Mahaney (arrived 7:05)

Members Absent: Kendell Milton (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, and seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

April 18, 2016

*Motion by Ventura, and seconded by Meister, to approve the minutes as corrected (Bohjanen pointed out typographical errors on Page 3, 3rd full paragraph, 3rd line "...Throenle **said** he wanted to show ...", Page 3, 5th paragraph, 2nd line, spelling of Bohjanen should be **Bohjanen**, Page 5, 4th paragraph, "Parcels currently zoned as Industrial (such as Willow ~~Creek~~ Farm and Fraco)..." delete **Creek**.)*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Ordinance 41 Animal Control – Chicken / Poultry

Throenle indicated that since becoming the Planning Director / Zoning Administrator he has received five different calls from residents asking about having chickens on their property. Ordinance 41 has a section that relates specifically to poultry. Throenle then researched different areas of the state, and has included two examples from other communities – both are larger and urban – but he felt the

language may be appropriate for Chocolay Township. Throenle indicated that when he received the calls, he had indicated to the residents they should present some type of public comment, either at a Planning Commission meeting, or by some type of handwritten (email or letter). Nothing has been received at this time. In regards to one of the calls, the raising of chickens was for a health alternative for her husband – she wanted to have eggs for personal use without having to go into Marquette and pay the higher prices.

Sikkema asked if Throenle had checked with Marquette Township or Negaunee Township on what they allow. Throenle indicated he had not – at this point he is looking for direction on how the Planning Commission would like him to proceed. Sikkema indicated that there may be different things to look at – the City does not have an agricultural district where residents would be able to raise chickens, but Chocolay does – so it may be a question of “where” you can raise chickens, versus “if” you can raise chickens. One of the examples that Throenle had provided was the City of Ferndale – Sikkema indicated that they probably did not have an agricultural district. Throenle stated that they have a unique situation where they have combined with two other jurisdictions and have formed a large district.

Meister asked what areas of the Township the calls came from – Throenle indicated there were three from the village of Harvey and one on M-28. Mahaney wondered that if you were R-1, but had 10-12 acres, if there could be some type of allowance. Throenle indicated that the ordinance states that anywhere in R-1 is restricted, and only allowed in the AF district.

Ventura asked if Throenle had reviewed the results of the survey that Woodward had done a couple of years ago. Ventura indicated that he remembered the response as being either in favor, or not really having an opinion, even in small lot areas, with certain parameters as to number of birds or size of animals. Ventura indicated that the City had come up with a “policy” basically saying that if the neighbors don’t complain, you could have up to eight chickens. Meister indicated that a couple of barking dogs would be worse than a few chickens.

Mahaney asked if there had been any formal complaints. Throenle indicated that there had been one – it was not so much about the chickens, as it was about the goat that was with the chickens. Throenle indicated he would be looking at chickens only be on a fenced property, and preferably have the chickens contained in a coop. Throenle indicated that one resident had sent a link to a local home supply store that provides chicken coops with up to four coops. Smith wondered if there was a fence, would they actually need to have a coop. Throenle indicated there needs to be a balance – need to keep in mind the potential calls that could come in.

Ventura stated that Ordinance 41 also states that dogs need to be contained.

Throenle indicated that there are other things in Ordinance 41 that need to be looked at, such as “service dogs”. The Ordinance only allows “leader dogs”. Ventura asked about definition of service dogs versus leader dogs. Throenle indicated leader dogs

are specifically for the blind, whereas service dogs can be for a multitude of other conditions.

Throenle also indicated that the Planning Commission would need to look at other animals that may fit into the same category as chickens.

Meister stated that he feels chickens are okay, but does not feel that it should be opened up to a huge variety of farm animals. Bohjanen stated that he was surprised that the Ordinance only specified chickens, and did not include other fowl that would be equally as benign as chickens.

Sikkema stated that the Planning Commission needs to be careful on where they are allowing animals – if all districts are open to having animals, where does someone go if they prefer not to be next to chickens?

Smith wondered if there would be any smell associated with chickens – Meister indicated that he has raised chickens before and the smell wasn't that bad – you just need to clean up.

Sikkema asked the Commissioners how they would like Throenle to proceed. Ventura indicated he would like a draft ordinance of some type. Bohjanen indicated he would like personal poultry raising as a conditional use on properties. Sikkema indicated that a conditional use would get pricey. Smith wondered about the Right to Farm Act – this only pertains to commercial lots. Throenle indicated based on previous court cases, the Right to Farm Act would not apply. Smith wondered about the Right to Farm Act case in Gwinn – Throenle indicated they had won the case and are living on a waterfront property raising animals.

Sikkema again asked for direction for Throenle. Smith would like to have more information, especially from Negaunee and Marquette Townships as to what they have done. Mahaney would like to have more review of surrounding townships. Meister would like to look at other communities to see what has been done. Bohjanen agreed with this, but also pointed out that if there is going to be a change in the Ordinance to keep in mind there will need to be a public hearing.

Mahaney asked what Throenle is telling residents now – Throenle indicated that he refers to Section 41.09, telling them that unless they reside in the AF district, it is not allowed at this time. Throenle also informs them that this will be coming under review with the Planning Commission, and that they should be providing public comment.

For the next meeting, Throenle will research other communities in the township to find out how they are handling chickens.

VIII. UNFINISHED BUSINESS

A. Commercial Zoning District Uses

Throenle provided the matrix and explained the codes for the Mixed Use Corridor with:

P = Permitted (no approval needed)

C = Conditional Use (would need a permit)

N = Non-Permitted (not allowed)

Sikkema indicated that the Mixed-Use Corridor was the area that had been defined at last month’s meeting, and basically covers the areas that bound US-41 from Sands Township down to just south of M-28, and on M-28 past Nagelkirk’s on the south side, and just past the Gateway Plaza on the north side.

The Planning Commission proceeded to go through the matrix and determine what types of uses. Meister questioned if there were going to be conditions already written up on the mixed-use – are there certain parameters that would need to be followed (i.e. only in the back, only on the second floor, etc.) for permitted use. Bohjanen indicated that the purpose should be to encourage the use of the corridor for business purposes.

Item 240 Mixed Use Development – Throenle indicated that this will be brought back to the Planning Commission at the next meeting with an expansion of the category numbers.

Item 310 Industrial Service Establishment – Planning Commission would like Throenle to look at definitions of “Medium” and “Heavy”.

100 Residential and Accommodation Uses							
110 Single-Family Dwellings and Care Homes							
A structure containing not more than one dwelling unit.							
ID	Principal uses	Mixed Use Corridor					
		P	C	N			
111	Single family dwelling, site condominium, mobile or manufactured home on an individual lot, and other similar compatible dwellings.			x			
112	Recreational structure ex. cabins and camps.			x			
113	Child Care Center/Day Care Center with fewer than 7 children; Family Child Care Homes; Adult Foster Care Family Home; Adult Foster Care Small and Large Group Homes; Foster Family Home; Foster Family Group Home, State Licensed Residential Facility.		x				
ID	Accessory uses	Mixed Use Corridor					
		P	C	N			
114	Short-term rentals of single-family dwelling			x			
115	Accessory dwelling unit			x			

116	Accessory residential home occupation - Tier 1.			x
117	Accessory residential home occupation - Tier 2.			x
120 Two-Family Dwelling				
A structure containing two dwelling units.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
121	A duplex; a building with two dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Also a lot with no more than two detached dwelling units, similar to and compatible with the above housing.			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
122	Accessory residential home occupation - Tier 1.			x
130 Multi-Family Dwelling				
A structure containing 3 or more dwelling units, and may have common accessory services or facilities, such as for laundry or storage.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
131	Apartments, attached townhouses, row houses, and condominiums and other similar compatible uses.		x	
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
132	Accessory residential home occupation - Tier 1.	x		
132	Accessory residential home occupation - Tier 2.			x
140 Single-Family Housing Complex				
A coordinated development of multiple single-family homes.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
141	Mobile home park and manufactured housing communities.			x

142	Conservation cluster residential and development-supported agriculture.			x	
150 Institutions for Human Care and Habitation					
Facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be developmentally dependent, ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, those released from correctional institutions, etc.). Does not include correctional facilities.					
ID	Principal uses	Mixed Use Corridor			
		P	C	N	
151	Nursing or convalescent homes; homes for aged; assisted living facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; and homeless shelters.		x		
160 Community Residential Care					
Part- or full-time shelter and specialized care for individuals provided in facilities or single family dwellings. As defined in PA 116 of 1973 or PA 218 of 1979.					
ID	Principal uses	Mixed Use Corridor			
		P	C	N	
161	Large Child/Day Care Centers with over 6 children; Group Child Care Homes; Child Caring Institutions; Children's Therapeutic Group Homes; Adult Foster Care Facilities, and Adult Foster Care Congregate Facilities.		x		
170 Group Housing					
Characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It may be a form of transient lodging. There is usually a common eating area for residents.					
ID	Principal uses	Mixed Use Corridor			
		P	C	N	
171	Monasteries, seminaries and convents, fraternity or sorority. Other housing similar to and compatible with the above housing. Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care and habitation.		x		
180 Lodging and Accommodations					

A facility offering transient lodging accommodations and services to the general public.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
181	Bed and Breakfast, Tourist Home, Boarding House with four units or less	x		
182	Hotels, motels, residence inns, and other resident lodging facilities with five units or more.	x		
183	Resorts		x	
184	Group camps and campgrounds for tents or recreational vehicles.			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
185	Accessory food and beverage service, laundry, entertainment facilities and other similar compatible uses.	x		
ID	Temporary uses	Mixed Use Corridor		
		P	C	N
186	Temporary dwellings, tents/yurts, recreational vehicles (not in campgrounds).			x
200 General Sales or Service Uses				
210 Commercial Sales and Service Establishments				
Establishments where the principal activity is the sale, lease or rental of goods or services to the public. There may be accessory processing or service activities.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
211	Neighborhood commercial: Light or intermittent traffic intensity with minimal outdoor storage, handling or display ex. small apparel and gifts; arts, crafts, hobby supplies; handcrafted items; art gallery and fine art instruction; personal care products or services; health stores; bicycle sales, repair and rental; books, magazines; caterer; small grocery stores; laundromat, dry cleaning, tailoring; prepared/prepackaged food and beverage sales; rental, sales and service of non-motorized recreation equipment such as kayaks, canoes, and outdoor equipment; light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing and upholstery; and other similar compatible	x		

	uses.			
212	Moderate regional commercial: Moderate traffic intensity can include some outdoor storage/handling areas ex. automotive parts; appliances and household goods and services; business supplies and services; convenience stores without gas sales; discount stores; large grocery stores; hardware stores; building trades or specialty contractor offices and yards; car/truck wash; gas station; garden center; shopping center or department store; stone monuments/slabs; funeral services; indoor auction facilities; atv, motorcycle, and snowmobile sales; repair of small engines and small electric motors, lawn mowers, snowmobiles, boat motors, ATVs, trail groomers; and other similar, compatible uses.	x		
213	Heavy regional commercial: high traffic intensity or large outdoor storage/handling areas ex. passenger vehicle sales/service dealer; boats/marine supplies; building supplies; large vehicle/equipment sales, repair, rental; industrial equipment or heavy consumer good sales and service; mobile home and RV sales and service; warehouse or superstore; and other similar compatible uses.		x	
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
214	Accessory drive-thru facility (bank, fast food, pharmacy, etc)	x		
215	Accessory gas sales	x		
216	Outdoor display and sales area	x		
217	Outdoor storage		x	
220 Food and Drink Service Establishments				
An establishment where food and drink are prepared, served, and consumed primarily on the premises.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
221	Restaurants (eat-in or take-out, but not drive-through); bakeries; cafes; bars and taverns; nightclubs; cabarets; brewpubs (not including warehouse/mass distribution operations); coffee shops; ice cream stores; delicatessens; diners; soup kitchens; and other similar, compatible uses. Can include indoor entertainment.	x		

ID	Accessory uses	Mixed Use Corridor		
		P	C	N
222	Accessory drive-thru facility	x		
223	Outdoor food and beverage service	x		
224	Outdoor food preparation	x		
230 Office Establishments				
Activities conducted in an office setting which may include accessory cafeterias and health facilities established primarily to service the needs of employees on the premises.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
231	Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; small medical or dental clinics; blood collection centers; government offices; public utility offices; telemarketing sales offices; company headquarters and other similar compatible uses.	x		
232	Large medical or dental labs; hospitals; multi-complex medical centers; laboratories and research parks; development and testing facility; and other similar compatible uses.	x		
240 Mixed-Use Development				
Two (2) or more different land uses integrated in a single structure or on the same lot.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
241	Type 1 (mixed in the same building) can consist of the following uses: 131, 132, 181, 185, 211, 214, 216, 221, 222, 223, 231, 243, 422, 913, 926, 927, 934, 943, 944			
242	Type 2 (mixed on same lot) can consist of the following uses: 131, 132, 141, 142, 151, 161, 171, 181, 182, 183, 184, 185, 211, 214, 215, 216, 217, 221, 222, 223, 224, 231, 232, 321, 331, 422, 423, 435, 436, 437, 512, 521, 611, 621, 631, 632, 913, 921, 926, 927, 943, 944, 951			
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
243	Accessory residential home occupation - Tier 1.			

300 Industrial, Manufacturing and Waste Related Activities				
310 Industrial Service Establishments				
Industrial repair or servicing of machinery, equipment, products or by-products.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
311	“Medium”, including some outdoor operations or temporary storage of materials or vehicles ex. welding shops; machine shops; small vehicle, body, and frame repair; towing with temporary outdoor storage; exterminators; recycling operations (other than vehicles); wholesale lawn and garden services and landscape supply.		x	
312	“Heavy” could include the same uses as medium, but at a greater scale, volume or intensity, plus other uses with greater nuisance characteristics ex. sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; auto and truck salvage and wrecking; junkyards; heavy truck servicing and repair; tire retreading or recapping; truck stops; contractor yards with large equipment stored on site; heavy equipment trade schools; auto recycler; and infectious or contaminated waste disposal.			x
320 Manufacturing Establishments				
Manufacturing, processing, fabricating, assembly, packaging, shipping activities associated with transforming raw or secondary materials into finished or semi-finished products for resale.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
321	Light: large scale food processing; printing, publishing and engraving shops; small vehicle, machinery or vehicle parts assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; musical instruments; toys; novelties; metal or rubber stamps; molded rubber products; monument and art stone production; industrial laundry operations; furniture and related wood products processing facility; assembly of electrical appliances, electronic instruments and devices; solar devices.		x	
322	Heavy: Wood products manufacture involving extensive use of glues and other chemicals, such as sheet boards and chip boards; plastic, paint, paper, and chemical manufacturing; drop forging; heavy stamping; punch pressing; heat treating, plating, hammering, or other similar activities; large vehicle or other large equipment assembly; manufacture of metallurgical products; heavy machinery fabrication; dry bulk blending plant or handling of liquid nitrogen			x

	fertilizer and/or anhydrous ammonia, cement or block plant.			
330 Warehousing, Wholesale and Transportation				
A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time to persons and businesses.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
331	Self-service storage facilities, also known as: mini-warehouses, and rental storage units.		x	
332	Truck stops; auction house or flea market		x	
333	Warehousing, manufacture and/or storage of fireworks, petroleum products, propane, bottled gas, industrial acids or similar substances; refineries; and other bulk liquid or chemical storage. Storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals; bus barns; cold storage facilities; wholesale building products; stockpiling of sand, gravel or other aggregate materials' and other similar large storage yards.			x
400 Infrastructure and Utility Uses				
410 Essential Services				
See ordinance definition.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
411	Telephone, television, and electrical lines; sanitary sewer, storm sewer and water lines; railroad right-of-way and uses related thereto; gas and oil lines but not including associated "structures" that exceed 10 sq ft in floor area and are more than 4 ft. tall. Also includes public roads and road rights-of-way.	x		
420 Public Buildings and Related Facilities				
Buildings housing governmental public service functions including publicly-owned utilities, recreation, office and storage facilities, and privately operated buildings serving the public.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N

421	Public offices, police & fire station, public works, publicly owned tourist info centers, public boat launches/marinas, and other similar compatible uses.	x		
422	Libraries, museums, culture centers; and other similar compatible uses.	x		
423	Roadside parks, public parks, public gardens, trails and trail easements.	x		
424	Cemetery.			x
430 Transportation, Utility and Public Service Installations				
A building or structure from which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership. Accessory uses may include offices, truck and large equipment parking, fueling and maintenance.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
431	Light: Electrical substations, gas regulator stations; radio, television, cellular, and microwave transmitter towers or other communication towers; recycling collection centers		x	
431b	Light: satellite antennas larger than ten feet in diameter.			x
432	Heavy: Water and sewage treatment facilities; water towers; large scale artificially constructed storm water retention and detention facilities; telephone exchanges; recycling processing centers; solid waste; road maintenance and other public works garages.			x
433	Public airports.			x
434	Rail yards.			x
435	Park and Ride facility; commuter parking; parking garages; bus depots; helipad; and other similar compatible uses.		x	
437	WECS towers.		X	
500 Entertainment and Recreation				
510 Indoor Entertainment Establishments				
Fully-enclosed recreation, entertainment, or other hospitality which may also be associated with food service or accommodations.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
512	Athletic/fitness/exercise establishments; bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; amusement centers and game arcades; bingo parlors; pool or billiard halls; dance halls; theaters; membership clubs; saunas, hot tubs and	x		

	similar establishments; indoor archery and shooting ranges; swimming pools/clubs; reception halls; and other similar compatible uses; private clubs			
520 Outdoor Entertainment Establishments				
Recreation and/or entertainment-oriented activities principally taking place in an outdoor setting. There may be accessory food, retail, office, service, or maintenance facilities or caretaker quarters in addition to the principal structures.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
521	Miniature golf facilities; swimming clubs, tennis clubs; amphitheaters; and batting cages.	X		
522	Fairgrounds; zoos; riding stables; amusement and water parks; theme parks; golf courses and country clubs; ski slope and ski resorts; and skateboard parks; golf driving ranges		x	
523	Outdoor archery, rifle, skeet, trap shooting ranges.			x
524	Animal racing; motorized vehicle race tracks.			x
600 Social and Institutional Uses				
610 Educational Institutions				
A facility, building or part thereof which is designed, constructed, or used for education or instruction. Educational institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
611	Governmentally or privately owned and operated elementary and secondary schools. Other institutions similar to and compatible with the above uses, including research and development establishments when associated with an educational institution.	x		
620 Religious Institutions				
A facility, building or part thereof which is designed, constructed, or used for religious activities. Associated uses may include group housing, schools, day care centers, homeless shelters, soup kitchens and other uses deemed to be consistent and compatible with religious activities.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
621	Churches, synagogues, temples, mosques.	x		

630 Social Institutions				
A facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
631	Including military schools; business, trade and vocational schools (not construction equipment or large vehicles); large art, music and dance schools; drivers' training (not large vehicles); institutions for higher education.		x	
632	Facilities to house charitable or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers; auditoriums and other places for public assembly.	x		
800 Mining and Extraction Uses				
810 Mining/Extraction				
Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
811	Sand and gravel extraction processing and transport including manufacture of cement and cement products. Underground mining, processing and transport.			x
900 Agriculture and Forestry Uses				
910 Agricultural Product/Food Production				
Activities that support the production of fruits, vegetables, flowers and other natural food, fiber and non-food materials.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
911	Farm operations as defined by the Michigan Right to Farm Act, PA 93 of 1981 as amended, provided operations are consistent with all applicable GAAMPS.			x
912	Community or urban gardens as a principal use on a lot		x	
913	Gardens, including yard and rooftop; greenhouse or hoophouse accessory to any use		x	

914	Livestock pasturing, grazing accessory to a residence			x
915	Riding stable or animal breeding facility accessory to a residence		x	
916	Outdoor caged livestock as pets accessory to a residential, civic, or institutional use			x
920 Agricultural Product/Food Processing and Storage				
Activities that support the processing, packaging and handling of fruits, vegetables, flowers and other natural food, fiber and non-food materials related to agriculture.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
921	Light intensity processing with accessory storage excluding outdoor storage ex. kitchen incubators, commercial kitchens, small craft bottling facilities.	x		
922	Medium intensity processing and handling, mostly interior storage and handling activities ex. food aggregation sites, small meat processing, food and beverage processing, wineries and breweries with bottling, packaging, and distribution activities.	x		
923	High intensity processing including outdoor storage and handling, ex. slaughterhouses; or primary goods storage and handling facilities characterized by large warehouses and outdoor storage yards.			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
924	On-site, value-added processing facility accessory to a farm operation			x
925	Mobile processing facility		x	
926	Interior processing or storage facilities accessory to a civic, institutional or commercial use	x		
927	Interior processing or storage facilities accessory to a residential use ex. home cottage industry			x
930 Other Agricultural Product/Food Distribution				
Activities that support the distribution of fruits, vegetables, flowers and other natural food, fiber and non-food materials related to agriculture.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
931	Farmer's market or food truck as the principal use of a lot		x	

ID	Accessory uses	Mixed Use Corridor		
		P	C	N
932	Food trucks and other mobile vendors	x		
933	On-site farm stand accessory to a farm operation			x
934	On-site farm stand accessory to a residence			x
935	On-site store or café accessory to a farm operation			x
936	On-site agri-tourism ex. special event hosting, corn maze, hayrides and other events open to the public.	x		
940 Agricultural Waste Management				
Activities that involve collecting, storing, and processing compostable materials into material suitable for soil amendments.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
941	Aggregate composting operation as the principal use of a lot			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
942	On-site composting accessory to a farm operation	x		
943	On-site composting accessory to a non-residential use		x	
944	On-site farm composting accessory to a residence			x
950 Agricultural Support Establishments				
Commercial uses that support or supply farm operations and other agricultural activities.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
951	Animal Services: entirely indoor facilities. Animal hospitals or shelters, boarding kennels, veterinary services.	x		
952	Animal Services: with unenclosed, outdoor confinement. Animal hospitals or shelters, breeding/boarding kennels, veterinary services.		x	
953	Agricultural commercial sales, rental and small equipment repair establishments with limited outdoor storage ex. farm feed and small equipment sales; fertilizer, herbicide, and pesticide sales; garden centers and nurseries; farm implement sales or repair.	x		
954	High intensity aggregation sites including outdoor storage and handling, such as livestock auction yards or transport facilities; grain and seed elevators			x

ID	Accessory uses	Mixed Use Corridor		
		P	C	N
955	On-site renewable energy production accessory to a farm operation		x	
960 Forestry				
The management of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.				
ID	Principal uses	Mixed Use Corridor		
		P	C	N
961	Tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities. Does not include the processing of wood products with other raw materials as a manufacturing operation.			x
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
962	Sawmills, whether temporary or permanent, as an accessory use.		x	

There was significant discussion on **932 – Food Trucks and Mobile Vendors**. Sikkema indicated the issue that we have in Chocoday Township is that there is not a permitting process. The Planning Commission may want to look at making this a permitted use for the property, but then enact an ordinance that would require a permit to operate. Sikkema feels that if you want to encourage home-style restaurants, by allowing food trucks it makes it hard to compete as the food trucks have very little overhead. Sikkema feels that there needs to be some type of ordinance in regard to vending. Ventura asked if restaurants need to have a permit to operate in the Township. Throenle replied they did not need a permit to operate – this would be controlled by the County Health Department. There was a concern that food trucks are not contributing to the community through taxes. Throenle suggested that he put this item on the agenda for the June meeting to start working on an ordinance. Sikkema indicated that this would not be a Planning Commission ordinance, but a Township ordinance. It would be up to the Township Board to initiate a request to the Planning Commission to write the ordinance.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENTS

Bohjanen – indicated that the Firearm’s Ordinance that the Planning Commission

brought before the Township Board was shot down. In the Board minutes, it says that it was approved and sent for a second reading, but the ordinance had been changed to not allow any firearms in the restricted districts. The lawyer had reviewed the ordinance and re-submitted to the Board with two versions – the first was the original version from the Planning Commission and the second version excluded residential districts from the ordinance.

Ventura – none.

Smith – none.

Meister – none.

Mahaney – none.

XI. DIRECTOR’S COMMENTS

As of April 19, there is a new flood plain map. Ventura asked about changes – Throenle indicated there were no significant changes. Smith indicated that the DEQ must have some flexibility in flood plain issues.

Throenle will be attending Part IV of a group called Stronger Economies Together. This is the central UP corridor that gets together to cover a multitude of topics including Street Clusters, Recreation, Arts and Entertainment, etc. Areas included are Manistique, Escanaba, and Marquette.

The Township has received a grant award from the Marquette County Community Foundation for the Silver Creek Tennis Court project. There has also been paperwork submitted for a DNR Passport grant for this same project.

The Campground Amendment will be on the June Board agenda.

On the Firearm’s Ordinance, shotguns have been prohibited in all districts except for AF. This will be difficult to enforce on Kawbawgam Lake.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 04/05/16 Marquette City Planning Commission

B. Minutes – 04/19/16 Marquette City Planning Commission

C. Minutes – 05/04/16 Township Board draft minutes

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:14 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 20, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:03 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura, Tom Mahaney (arrived 7:12)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, and seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

May 16, 2016

Motion by Bohjanen, and seconded by Ventura to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Mark Maki, 370 Karen Road – would like to comment on a couple of items –on Page 2, 4th paragraph of the minutes, there was discussion regarding the “chicken issue” which stated, “...Ventura indicated that the City had come up with a “policy” basically saying that if the neighbors don’t complain, you could have up to eight chickens. ...” Ventura indicated that this is not an official policy – if the City does not get an official complaint, they do not pursue it. Maki also has a couple of complaints – Chocolay Shores Apartments has a number of junk vehicles and storage of contractor equipment. Years ago, the Zoning Board of Appeals granted them an expansion to build a building to house some of their equipment in. He feels that this is leaking into the Chocolay River. Similarly, Hudson Mechanical has a lot of outdoor storage, and seems to keep growing. Also wondered if the Holiday Gas Station is in compliance with the sign ordinance – there seems to be a lot of signage there. As a follow up on Conditional Use requirement, Maki would like to know what has been done with testing requirements that the Planning Commission put on the golf course and the junkyard on South Big Creek Road. He remembers this was to be done on an annual basis. Maki also wondered when the junkyard was approved to go from a junkyard to a full scale scrap metal business. There was also some cleanup required on Besola’s property on US 41 –

would like to know where that stands. Maki would like to get the Planning Commission's thoughts on windmills – this is not a big issue in Chocolay, but has become a big issue in Schoolcraft County and Delta County. Maki also had a question on billboards, and his understanding that the Township does not allow billboards. Maki has called CUPPAD on prohibitions that the State may have, but has not received any language on this.

Deborah Mulcahey, 633 Lakewood Lane –issues concerning Chocolay Shores – has worked with previous Zoning Administrators about the number of vehicles and types of activity going on there. This seems to be an ongoing issue. Mulcahey also questioned the amount of time that has been spent on the chicken issue, and the failure of the Board or Planning Commission to deal with the issue of short term rentals. For the past two years, all the Planning Commission has done is punted, with their plan being to wait until the City of Marquette makes some type of decision on this. Chocolay Township does not have rental code enforcement. In reviewing the Zoning Ordinance, it clearly states that “unless it states that it is okay to do something, it cannot be done”. The Zoning Ordinance is silent on short term rentals and on chickens. Prior to 2013 / 2014, Mulcahey had worked with Jennifer Thum, and there was a memo sent to the Planning Commission in 2011, which stated in part “...*According to the ordinance, anything rented for less than one month is considered a hotel or a B & B. For our meeting, I would like to discuss the situation with you...*”. Thum then addressed the definition of hotels in her memo. Before that, Thum had worked with Mike Summers (Township attorney). Mulcahey also thanked those that respond to emails and phone calls.

Public comment closed at 7:15.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

None

VIII. UNFINISHED BUSINESS

A. Ordinance 41 Animal Control – Chicken / Poultry

Throenle indicated that he had done some background research concerning chicken ordinances in the surrounding communities – City of Marquette has an ordinance on the books prohibiting chickens and have no future plans of changing this. Negaunee Township covers chickens under their Animal Control Ordinance, and chickens are not permitted on property less than one acre. Throenle also looked at Forsyth Township, who had gone through a legal case a couple years ago concerning the Right to Farm Act, and there is no livestock or poultry in non-agricultural areas. Sands Township considers chickens as pets, and they are allowed in the Township. West Branch Township refers to chickens under “Light Agricultural Activities” and under that is permitted in those districts.

In reference to Chocolay Township, Throenle reviewed the Master Plan and survey associated with the Plan. The surveys tended to show there was no middle ground – residents were either strongly for chickens or strongly against. Throenle also reviewed the current Ordinance and found several other items that should be addressed if the Planning Commission is planning on changing the ordinance – service dogs are not included in the current ordinance, animals under “reasonable control” needs a better definition, spelling error, holidays need to be specified, and fees need to be adjusted within our fee schedule.

Throenle then offered suggestions to the Planning Commission – property size, confinement issues, maximum number of chicken / poultry based on acreage, impoundment if violation occurs, separate definitions concerning animal and poultry.

Throenle went over his recommendation on what the Planning Commission should be looking at when considering the question of poultry in districts other than AF – minimum acreage required, number permitted per determined acreage, is permit required, containment required, definition of poultry as opposed to animal, and enforcement / impoundment fees and requirements.

Mahaney stated that the suggestion on maximum number, acreage and distance are important. Mahaney researched other areas in the State of Michigan and was surprised at how many allowed chickens on one acre of land.

Sikkema stated there is not a prohibition on owning chickens in the Township, just that there are restrictions in certain areas. Sikkema stated the first discussion before the Planning Commission is to determine if the Planning Commission wants to modify the ordinance to allow for chickens in districts other than AF. He feels there is no sense in moving forward until this has been determined.

Bohjanen indicated that by looking at the survey, there seems to be more support for having rules that would enable the raising of chickens than against it. He feels a permit should be required, along with a site plan from the owner and an approval document from the neighbors. Bohjanen feels that it is worth looking at this, and that it should be presented to the Township Board to see if they are in favor of moving forward with this.

Milton questioned if it would become a Zoning Board of Appeals problem for a variance. Milton feels that the Ordinance needs to have some work done on it anyway, and would be in favor of expanding the districts where chickens are allowed.

Ventura feels that this is something that needs to be looked at. After re-reading the comments of the survey conducted a couple of years ago, most people that responded are in favor of this with constraints. He feels setback rules need to be looked at more than total acreage. There also needs to be some type of confinement mode and a limit on number, which may vary with size. Ventura is in favor of moving forward.

Smith, Meister, and Mahaney were also in favor of moving forward and taking a look

at this ordinance.

Sikkema indicated that there will need to be general guidelines that are given to Throenle as he starts putting this together. Bohjanen had recommended that something be put together that he could present to the Township Board for their input before anything is started on the re-write. The Planning Commission agreed that this was a good idea.

Some suggestions on things to be included were setbacks and distances, non-commercial use, personal consumption, limited number of chickens either by a flat number or a formula based on acreage and animal units, and permitting (Throenle felt this would become an enforcement issue – permitting pros and cons were discussed, and it was determined this will be left out at this point), containment, and enforcing / impoundment requirements and fees.

Bohjanen indicated that so far chickens had been discussed – has anybody asked about goats. This brought up a discussion on other types of animals that should be addressed in the rewrite of the ordinance. It was decided to allow for goats, rabbits, sheep, miniature ponies, and potbelly pigs. Bohjanen suggested these types of animals should be grouped into small animals.

Throenle will get this information put together, and Bohjanen will present to the Township Board.

B. Commercial Zoning District Uses

Throenle indicated that he had taken the matrix that was presented to the Planning Commission last meeting and split it into three matrixes – principal use, permitted use, and not permitted with the intent of looking at it and determining if it makes sense.

Sikkema read through the matrix.

Throenle referred to VIII.B.2.c.2 – Proposed Principle Use. Corrections were made on “*Item 936 – On-site agri-tourism ex. Special event hosting, ~~corn maze~~, hayrides, and other events open to the public.*” Delete **corn maze**. “*Item 942 – ~~On-site composting accessory to a farm operation.~~*” This Item should indicate **None.**)

VIII.B.2.c.3 – Proposed Conditional Use. Item 243 – Accessory residential home occupation – Tier 1. This item was not addressed at the last meeting. After discussion, Throenle will take a look at this and determine Tier 1 versus Tier 2, and bring back to the Planning Commission. *Item 437 – WECS towers over 35 feet in height.* It was noted that this does not address WECS under 35 feet. *Item 437 was changed to read **WECS towers and alternative energy.*** *Item 955 – On-site renewable energy production accessory to a farm operation.* This should be **None**, as farming is not allowed in this district.

VII.B.2.c.4 – Proposed Use Not Permitted. *Item 911 – Farm operations as defined by the Michigan Right to Farm Act, PA 93 of 1981 as amended, provided operations*

are consistent with all applicable GAAMPS. Ventura indicated that this was suggesting that if you meet the GAAMPS, then farming was legal. *Item 911 was changed to read “Farm operations as defined by the Michigan Right to Farm Act, PA 93 of 1981.” Item 961 – Tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities. Does not include the process of wood products with other raw materials as a manufacturing operation.* Meister questioned if this included being able to clear a lot. Throenle indicated this referred to an on-going operation, such as Christmas tree planting and harvesting. Item 961 will stay as is.

VIII.B.2.c.1 - Full land use matrix. Maki questioned Items 211 and 212 – these are showing as permitted uses, but currently contractor yards and outdoor storage are conditional use. It was decided by the Planning Commission to **move “contractor yards” from Item 212 (permitted use) to Item 213 (conditional use)**. This will change the other matrixes.

Sikkema indicated that the matrix should go before the Township Board for their input before proceeding any farther. Throenle indicated that the full matrix would be the most appropriate for the Board. Sikkema also indicated that in the introduction it should be brought up that the major thought process in this matrix is to reinvigorate the commercial district in the Township. Ventura indicated that part of the discussion should also include whether this should be an overlay district or a zoning ordinance.

Throenle indicated that he would have this ready to go to the Board for their August meeting.

IX. PUBLIC COMMENT

Mark Maki, 370 Karen Road – commented on the agricultural zone of the zoning ordinance – what about factory farms, such as chicken and hog farms. Most communities provide language where these are only allowed on certain lot sizes. The way the ordinance is written now these would be allowed. Also commented on the survey – this was done when there was a lot of focus on agriculture and many of the surveys that were on the agricultural groups in Marquette submitted responses to them. He is not sure that the results are reliable as far as Chocolay Township residents are concerned.

Deborah Mulcahey, 633 Lakewood Lane – commented on the 2013 survey as far as the data was concerned – there were as many in favor as not in favor of chickens, ducks, sheep, etc. Mulcahey questioned the zones this would pertain to. Sikkema indicated that they were looking at all districts other than the AF district. Mulcahey wanted the Planning Commission to be aware that the people who indicated that they lived in the WFR district were opposed to the ability of people to have chickens. She asked that the Planning Commission keep this in mind when looking at this issue. Also wanted to address the proposed firearms ordinance – the ordinance does not address arrows. Mulcahey stated although it is not an explosion, it is a projectile.

X. COMMISSIONER’S COMMENTS

Bohjanen – none

Milton – none

Ventura – agrees with Mulcahey on the issue of crossbows and arrows.

Smith – none

Meister – none

Mahaney – none

Sikkema – none

XI. DIRECTOR'S COMMENTS

Throenle indicated that he is working on a way to streamline the tracking of zoning violations. Sikkema indicated that this was an important part of the job, and that he appreciated that Throenle was tackling it. Bohjanen asked if Woodward had left the matrix that she presented to the Planning Commission on a regular basis. Throenle does have this and will update for the Planning Commission.

The SET (Stronger Economies Together) conference that Throenle has been a part of is now working on corridor priority planning for the Central UP. Ventura asked if this was the Marquette, Escanaba, and Manistique consortium. Throenle indicated it was. Throenle indicated the goal of the conference was to establish economic development directives to see how they can improve the entire central corridor.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 05/03/16 Marquette City Planning Commission

B. Minutes – 05/17/16 Marquette City Planning Commission

C. Minutes – 06/01/16 Township Board draft minutes

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 8:45 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

July 18, 2016

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, July 18, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 7:00 p.m. Chairperson Andy Sikkema call the Planning Commission meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zyburt, Max Engle, Mark Maki, David Lynch, Richard Bohjanen, Judy White.

ABSENT: None

PLANNING COMMISSION.

PRESENT: Andy Sikkema, Bruce Ventura, Richard Bohjanen, Andy Smith, Kendall Milton, Eric Meister, Tom Mahaney.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Dale Throenle, Mary Sanders.

MINUTES TOWNSHIP BOARD – JULY 6, 2016 REGULAR MEETING.

Lynch moved White seconded to approve the minutes of the regular meeting of July 6, 2016 with the addition of Peter Ollilla’s address under Public Hearing.

MOTION CARRIED.

MINUTES PLANNING COMMISSION – JUNE 20, 2016.

Milton moved Ventura seconded to approve the minutes of the regular meeting of June 20, 2016 as presented.

AGENDA ADDITIONS/DELETIONS.

Engle moved Zyburt seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

None.

ZONING CHANGES FOR MIXED USE OF THE US 41 CORRIDOR AREA.

The Township Board and Planning Commission discussed the reasons for looking at mixed use zoning on the U S 41 corridor. Commissioner Sikkema explained that the reason the Planning Commission was looking at mixed use as an accessory use in that commercial district is that they want to open up more opportunities to encourage and stimulate business in Chocolay Township. The industrial use the Planning Commission is envisioning is light industrial. The US 41 corridor they are looking at is from the Welcome Center to the kennel on the corner of Ortman Road and includes the section on M-28 slightly past the Gateway Plaza and Nagelkirk’s and Cherry Creek Road to Ortman Road. The current industrial zones are the old Varvil Center area and Fraco. The Planning Commission does not intend to change that. The multi-use corridor was determined by any parcel that was 50% or more within 300 feet of the highway centerline. The Planning Commission would like Board feedback before they pursue the multi-use district.

The Board in general agreed that opening up land use with multi-use in the described commercial area is a good way to encourage business and is in favor of the Planning Commission pursuing this change. The residential area would remain the same.

Chair Sikkema indicated that food trucks are allowed as an accessory use in Chocolay Township. This seems to be a booming business and he feels that the Board may want to consider a Food Truck Ordinance.

ORDINANCE REVISIONS FOR KEEPING ANIMALS IN RESIDENTIAL DISTRICTS.

Over the past 5 years the Planning Commission has discussed the question of chickens and other farm type animals being allowed in residential zoning district. There seems to be a growing interest in this by residents. We have vast areas in Chocolay that allows farm animals, but the question is should residential areas allow this. The Planning Commission would like direction from the Township Board before continuing to look at this.

Planning Director Throenle indicated that the Animal Control Ordinance needs updating with or without adding poultry.

The majority of the Board agreed that the Planning Commission can pursue allowing poultry in nonagricultural areas in the Township and also look at the entire Animal Control Ordinance for necessary updates/changes.

MASTER PLAN PRIORITIES FOR INCLUSION IN 2017 BUDGET AND AGENDA.

Priority 1

- Asset Management Plan for Township roadways
- Begin planning for implementation of high priority Master Plan projects
- Finish incomplete proposed zoning ordinance amendments
- Monthly land use explorations in preparation for amending of the Zoning Ordinance to implement the Zoning Plan of the Master Plan, Zoning Classification, Accessory Homesteading Activities, etc.
- Necessary updates to the Lot Split, Land Division Ordinances and Sign Ordinance
- Plan for four-season transit facility

Priority 2

- Consider need to amend the Animal Control Ordinance for consistency with agricultural regulations
- Consider need to amend the Nuisance Control Ordinance in relation to permitted agricultural activities
- Further amend the Zoning Ordinance to address changes in State Legislation
- Further amend the Zoning Ordinance to implement the Zoning Plan of the Master Plan
- Reconsider approach to private road regulation
- Reconsider the *Accessory Homesteading Activities* regulations after evaluating public input

Priority 3

- Consider Firewise zoning regulations - Education

Trustee Maki had questions on sign ordinance review and billboards. Chair Sikkema answered that the changes they are looking at are state level changes on dealing with temporary signs. We can no longer

categorize political signs or realtor signs etc.; they must all come under the designation of temporary signs. The State permits billboards, and the Township allows billboards in specific areas. Trustee Maki also feels that the Land Division Ordinance needs to be cleaned up and that land divisions should go in front of a public body, not an individual such as the assessor.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – Asked the Board not to pit neighbor against neighbor with the wording of the Animal Control Ordinance. She asked if the term short term rental is defined in mixed use zoning. She suggested that when looking at the Animal Control Ordinance the Township should look to State law 287.26232 on dogs on leash. She asked that short term rentals be placed on this agenda and it was not.

Dave Mowen, 475 Lakewood Lane – Impressed by the service and hard work done by the Township Boards. He sees Lutey’s as a tremendous improvement to this community and would like the Board recognize Lutey’s for what they have done since purchasing the property.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

None.

Supervisor Walker adjourned the meeting at 8:15 p.m.

Max Engle, Clerk

Gary Walker, Supervisor

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 15, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton

Members Absent: Bruce Ventura (excused), Tom Mahaney

Staff Present: Dale Throenle (Planning Director/Zoning Administrator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, and seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

July 18, 2016 (Special Meeting)

Sikkema indicated that these minutes were not actually the Planning Commission minutes, but were a product of the joint meeting. As such, they had already been approved by the Township Board at their regular meeting on August 3rd. Unless there were changes, he asked for acceptance of the Board approved minutes.

Motion by Milton, and seconded by Bohjanen, to accept minutes of the Board as the Planning Commission minutes for July.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Ordinance 62 Animal Control

Throenle started the discussion with a recap of things that had been discussed at prior meetings, and items that needed to be addressed. Those items include: Service dogs; definition of "reasonable control"; spelling error in definition of "dog"; Holidays need to be specified; and impoundment fees. Throenle also indicated that other changes are needed to correspond to updated State and Marquette County

regulations, such as licensing.

Throenle has decided to tackle the ordinance in two phases – the first is to take the ordinance “as is” and clean up the language and the second phase would be to address the poultry issue. Throenle indicated he would like the Planning Commission to address the first phase at this time. Throenle has included in the packet the current ordinance (VII.A.2), the suggested changes (VII.A.3), and a cross-reference sheet (VII.A.4) for differences between Ordinance 41 (old ordinance) and Ordinance 62 (suggested new ordinance).

Sikkema questioned why the ordinance number had changed. Throenle indicated that because of the amount of language change and the amount of deletions and additions of sections, it was decided it was easier to give it a new number. Sikkema then suggested going page by page and making the corrections, deletions, and additions that the Planning Commission suggests.

As part of the process, updates were incorporated during the discussion, and the proposed Ordinance 62 is attached.

Throenle will forward the proposed ordinance to the Police Department for review of the new language and how it affects enforceability.

ORDINANCE 62 ANIMAL CONTROL

SECTION 1 PURPOSE

The purpose of this Ordinance is to secure and maintain the public health, safety and welfare of the residents and property owners of the Charter Township of Chocolay by providing for the control, conduct and care of animals within Chocolay Township.

SECTION 2 TITLE

This Ordinance is to be known and cited as the "Charter Township of Chocolay Animal Control Ordinance".

SECTION 3 DEFINITIONS

For the purpose of this Ordinance, the following terms shall be used:

Word or Phrase	Definition
Adequate care	Means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health
Animal	Means, but not limited to, birds, fish, reptiles, amphibians, poultry, ornamental and/or game birds, arachnids and insects possessed and/or being reared pursuant to Act 191 of the Public Acts of 1929, as amended, being Sections 317.71-317.85 of the Compiled Laws of 1948 (MSA Sections 13.1271-13. 1285); All mammals, male, female, any offspring thereof or sexually altered including dogs, cats, livestock, and poultry
Animal bite	Means a penetration of the skin caused by an animal
Animal Control Officer	Means a person or persons whose duty it is to enforce this Ordinance and the State Statutes pertaining to animal control and welfare within the boundaries of the Charter Township of Chocolay
Business day	Means days when the Township offices are open, not including Saturdays, Sundays or holidays
Calendar day	Means all days on a calendar, including Saturdays, Sundays, and holidays
Dispose	Means to donate, sell, reclaim or to destroy an animal in a humane manner
Dog	Means male, female, offspring or sexually altered animal of the canine family
Enclosure	Means a structure or fencing used to immediately restrict one or more animals to a limited amount of space
Holiday	Means a day of the year Township offices are officially closed as approved annually by the Township Board
Impound facility	Means a designated location for the purpose of holding and caring for impounded

Word or Phrase	Definition
	<i>or confined animals</i>
<i>Kennel</i>	<i>Means an establishment where dogs are kept for pay for purposes of breeding, board or sale; or A premise where four or more dogs are kept</i>
<i>Law Enforcement Officer</i>	<i>Means any person employed or elected by the people of the state, or by any municipality, county, or township, whose duty it is to preserve peace or to make arrests or to enforce the law</i>
<i>Livestock</i>	<i>Means animals used for human food and fiber or animals used for service to human beings Includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, horses and rabbits</i>
<i>Non-agricultural area</i>	<i>Means any area zoned by the Charter Township of Chocolay other than the Agriculture / Forestry (AF) district as established in the Township Zoning Ordinance</i>
<i>Poultry</i>	<i>Means domesticated fowl (such as chickens, turkeys, ducks or geese) raised for meat or eggs</i>
<i>Owner</i>	<i>Means, but not be limited to, any person or persons owning premises, occupying or in the possession of any property, having proprietorship of an animal, right of property of an animal, or an authorized agent; Any person who keeps, harbors, has care of, custody of or control of an animal for a period of five or more calendar days; Any person that allows any animal to remain on his or her premises for a period of five or more calendar days.</i>
<i>Reasonable control</i>	<i>Means an animal that is leashed or kept in such a position as to be obedient to the commands of the responsible person accompanying the animal</i>
<i>Repeat offense</i>	<i>Means a second, or any subsequent, municipal civil infraction violation of the same requirement or provision of this Animal Control Ordinance committed by a person within any twenty-four month period, and for which the person admits responsibility or is determined to be responsible.</i>
<i>Run at large</i>	<i>Means an animal that is free of its enclosure and is unrestrained and is not under reasonable control Exception: A hunting dog which has been released from restraint for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if the hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler it shall not be deemed to be a violation.</i>
<i>Service dog</i>	<i>Means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability</i>
<i>State</i>	<i>Means the State of Michigan</i>
<i>Suspected rabid animal</i>	<i>Means any animal that bites or scratches, causing penetration of the skin or An animal that exhibits apparent symptoms of rabies</i>
<i>Township</i>	<i>Means the of the Charter Township of Chocolay</i>
<i>Vicious animal</i>	<i>Means any animal in the process of threatening person or property, or any animal</i>

Word or Phrase	Definition
	that in the experience of a Law Enforcement Agency repeatedly threatens or destroys persons or property.

SECTION 4 ANIMAL CONTROL OFFICER

The qualifications, duties, and authority for the Animal Control Officer are:

(A) Qualifications

The Animal Control Officer shall:

1. Be employed by the Township and shall serve within the Police Department.
2. Meet the requirements of the Michigan Department of Agriculture for animal control.
3. Be paid a salary as established by appropriate resolution of the Township Board In lieu of all fees and other remuneration under the Statutes of the State.

(B) Duties

The Animal Control Officer shall:

1. Promptly investigate any incident involving any animal reported or seen running at large.
2. Based on the Officer's investigation, the animal may be seized, transported and impounded at the impound facility in accordance with the provisions of this Ordinance or the Statutes of the State.
3. Issue citations to any person in violation of the provisions of this Ordinance or the Statutes of the State.
4. Promptly investigate all reported animal bites and, if there is human exposure, search out and attempt to discover the animal involved, the owner of the animal, and proceed as described in Section 8 of this Ordinance.
5. Inspect kennels for the purpose of licensing and may suspend or revoke a license if the Animal Control Officer has reason to believe conditions exist which are unsanitary or inhumane to the animals.
6. Investigate complaints of any animal alleged to be dangerous to persons or property, and if such complaint is justifiable, impound the animal or take other appropriate action.
7. Investigate complaints of cruelty to animals and seize, transport and impound such animal, pursuant to Public Act 70 of 1877 as amended.

(C) Authority

The Animal Control Officer shall:

1. Be authorized and empowered to enter upon any property where animals are being kept, and, if there is probable cause to believe that this Ordinance is being violated, for the purpose of making inquiries about any animals on the property.
2. Determine if the owner of such animals has complied with the appropriate provisions of this Ordinance; if not, the owner shall be notified of the provisions of this Ordinance and allowed ten business days to comply.
3. Be deputized to enforce this Ordinance and the Statutes of the State pertaining to animals, and to make complaint to the District Court or other appropriate Court in regard to any violations.

SECTION 5 LICENSES FOR DOGS

- (A) All dogs four months old or over in the Township must be properly licensed and have proof of a current rabies vaccination, unless the dog is properly licensed under procedures established by the State of Michigan and the County of Marquette.*
- (B) Current dog licenses issued by other counties within the State of Michigan prior to residence in the Township shall be honored and valid for the remainder of the calendar year in which they were issued.*
- (C) Any dog not confined in an enclosure, or not immediately engaged in hunting, must wear a collar at all times with a current license and rabies tag attached.*
- (D) No dog shall be exempt from a rabies vaccination, unless a registered and practicing veterinarian of the State of Michigan certifies in writing that such vaccination would be detrimental to the health of the dog.*
- (E) No license or license tag issued for one dog shall be transferable to another dog. Whenever ownership or possession of any dog is permanently transferred from one person to another within the same County, the license of such dog may likewise transfer, upon written notice given by the last registered owner to the County Treasurer who shall note such transfer upon the Treasurer records. This Ordinance does not require procurement of a new license or the transfer of a license already secured where the possession of a dog is temporarily transferred for the purpose of boarding, hunting, trial or show.*

SECTION 6 KENNELS

- (A) Any person or persons who want to own, keep or operate a kennel in the Township shall apply to the County Treasurer or County-authorized agent for a kennel license.*
- (B) Any person who at any one time owns four or more dogs at a single location within the boundaries of any non-agricultural area within the Township, shall on or before June 1 of every year apply for a County kennel license.*

SECTION 7 ENCLOSURES

- (A) All animal enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to shield them from the sun and adverse weather conditions, to contain them and to keep predators out.*
- (B) All enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.*
- (C) All enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a comfortable, normal position.*
- (D) The floors of an enclosure shall be constructed so as to protect the animal's feet and legs from injury.*
- (E) Each enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the enclosure at the same time.*
- (F) If a house with a chain is used as an enclosure for an animal kept outdoors, the chain used shall be placed or attached so that it cannot become entangled with the chains of other animals or with objects. The chain shall be the type commonly used for the size of animal involved and shall be*

attached to the animal by means of a well fitted collar. The chain shall be at least three times the length of the animal as measured from the tip of its nose to the base of its tail and shall allow the animal convenient access to the animal house.

SECTION 8 ANIMAL BITES AND PROCEDURES

- (A)** *Any animal kept as a pet that bites a person or other animal, penetrating the skin, shall be securely confined by the owner inside an appropriate building or enclosure for a period of ten calendar days. In the event the Animal Control Officer has reason to believe the stipulation of this section will not be complied with, the Animal Control Officer shall take custody of the animal and confine it at the impound facility for ten business days at the expense of the owner or agent.*
- (B)** *Any animal running loose after biting a person or other animal causing penetration of the skin, and whose owner cannot be determined, shall be confined for ten business days at the impound facility.*
- (C)** *Any wild animal that shall bite or scratch a person causing penetration of the skin shall be immediately destroyed according to State-defined suspected rabid animal procedures.*
- (D)** *Any animal, domestic or wild, which has bitten a person or other animal causing penetration of the skin that cannot be apprehended may, at the discretion of the Animal Control Officer, be immediately destroyed according to State-defined suspected rabid animal procedures.*
- (E)** *Any animal, as previously described in any of the above sections, that should die or become ill during the time of confinement will be suspected as rabid and treated according to State-defined suspected rabid animal procedures.*

SECTION 9 IMPOUND FACILITY

- (A)** *Any animal observed to be in immediate danger by a Law Enforcement Officer or Animal Control Officer may be removed from the situation by the quickest and most reasonable means available and placed in the impound facility.*
- (B)** *Any animal found running at large may be seized by a Law Enforcement Officer and if the owner of the animal cannot be located, impounded in accordance with the Statutes of the State.*
- (C)** *Upon impoundment of an animal, the Law Enforcement Officer or Animal Control Officer shall make every reasonable effort to promptly notify the owner of the animal and inform the owner of the location and how custody can be regained in accordance with the regulations of the Township and the impound facility.*
- (D)** *Any animal not redeemed within the impound period shall be disposed of in accordance with the provisions of the impoundment facility.*
- (E)** *Impound fees shall be posted at the impound facility and the fees must be paid upon redeeming the animal.*
- (F)** *Impound fees will be set annually by the Township Board and posted in the Township's Adopted Fee Schedule.*
- (G)** *Any owner after notification of impoundment, who willfully fails to redeem the impounded animal, shall be cited for cruelty by neglect of said animal under the Cruelty Statutes of the State.*

SECTION 10 KILLING AND/OR SEIZING OF ANIMALS

- (A) Any animal that enters an enclosure which is owned or leased by a person raising livestock or poultry that is unaccompanied by the owner shall be in violation of this Ordinance. The Owner or leasee of such enclosure or his or her agent may apprehend or kill such animal while it is in the enclosure without liability for killing such animal.*
- (B) It shall be lawful for any person to seize an animal running at large upon his or her property in violation of this Ordinance or the Statutes of the State of Michigan and to turn the animal over to a Law Enforcement Officer.*
- (C) In no event shall the provisions of this Ordinance exonerate a person from compliance with the criminal laws of this State, including the safe discharge of firearms.*

SECTION 11 PROHIBITION OF LIVESTOCK OR POULTRY IN NON-AGRICULTURAL AREAS

- (A) No livestock shall be owned, kept, possessed, harbored or kept charge of within the boundaries of any non-agricultural area within Chocolay Township.*
- (B) No poultry shall be owned, kept, possessed, harbored or kept charge of within the boundaries of any non-agricultural area within Chocolay Township.*

SECTION 12 VIOLATIONS

- (A) It shall be unlawful for any person or owner to allow any animal of any age, licensed or unlicensed, wearing or not wearing a collar to:
 - 1. Run at large, except working farm dogs and hunting dogs while actively engaged in the activity for which they are trained and under the direction of the owner. An animal need not be physically restrained, but must be under reasonable control of the responsible person.*
 - 2. Be within the confines of any public park that prohibits animals. A service dog accompanied by its owner shall be exempt.*
 - 3. Destroy or deface property, real or personal.*
 - 4. Soil or pollute with body waste the property of persons other than the owner.*
 - 5. Attack or bite a person.*
 - 6. Show vicious habits or harass passers-by, when such person(s) are lawfully in a public place.*
 - 7. Cause serious annoyance by loud and/or frequent noise.**
- (B) It shall be unlawful for any person to:
 - 1. Remove a collar or tag from any animal without the permission of the owner.*
 - 2. Decoy or entice any animal out of an enclosure or off the property of the owner.*
 - 3. Seize, harass or tease any animal while held or led by any person or while of the property of the owner.**

SECTION 13 ENFORCEMENT

- (A) This Ordinance shall be enforced by the Township Animal Control Officer, by the Township Police Department, or by a person or persons as the Township Board may designate.*

- (B)** *In the event of any violation of any provision of this Ordinance or the laws of the State, an Animal Control Officer or Law Enforcement Officer may take such measures as may be necessary to initiate and pursue enforcement action against such violator as a civil infraction.*
- (C)** *The Court, upon a finding of guilty, shall assess the penalties in accordance with the penalty provisions of this Ordinance.*

SECTION 14 PENALTIES

- (A)** *Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction, and upon an admission of responsibility or a finding of responsibility, shall be subject to payment of a civil fine of not less than \$50.00 or more than \$300.00, plus costs and other sanctions, for each infraction.*
- 1) *Repeat offenses shall be subject to increased fines in accordance with this section.*
 - 2) *The increased fine for a repeat offense under this section shall be as follows:*
 - a) *The fine for any offense which is a first repeat offense shall be no less than \$75.00 or more than \$300.00, plus costs and other sanctions; and,*
 - b) *The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$100.00 or more than \$300.00, plus costs and sanctions.*

SECTION 15 PRESERVATION OF CERTAIN RIGHTS

- (A)** *Nothing in this Ordinance shall be construed to prevent the owner of an animal from recovery in an action at law from any Law Enforcement Officer or any other person, except as herein provided.*
- (B)** *Nothing in this Ordinance shall be construed as limiting the Common Law liability of the owner of an animal for damages committed by said animal.*

SECTION 16 VALIDITY

Should any action, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.

SECTION 17 REPEAL

Ordinance 41 and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 18 EFFECTIVE DATE

This Ordinance shall take effect thirty calendar days from _____.

Follow Up: Throenle asked that the Planning Commission look over the above ordinance and consider if there are any other changes that need to be made at the next meeting, along with the discussion of the poultry issue.

B. Ordinance 29 and Ordinance 29A Amendment – Street Address Numbers

Throenle indicated that this came about due to a situation that happened when a police call came in, and police went to the property where there are two similar dwellings, and entered the wrong dwelling. There were no address markings on the two dwellings. Throenle indicated that there is nothing in our current address code that requires the numbering for multiple dwellings on a property.

Throenle indicated that there is also a discrepancy with the Ordinance itself, as when an amendment was made, it was referred to as Ordinance Amendment 29A, which causes confusion in determining the correct action to take. Throenle is suggesting that Ordinance 29 and Ordinance Amendment 29A be combined into new Ordinance 63.

Throenle is recommending that the Planning Commission do a review and rewrite of Ordinance 29 and 29A to combine both documents, add language to the new ordinance to require the numbering of multiple dwellings on a property, and add language to the new ordinance to require all properties within the Township be required to display a property number.

The Planning Commission then went through the Ordinance to review changes that should be made. Bohjanen indicated that in some areas the mailboxes are in groups by the side of the row, so this would not be an indication of which house they belonged to – putting a number on your mailbox will not be a good identifier.

ORDINANCE 63 ADDRESS NUMBERS

SECTION 1 PURPOSE

The purpose of this Ordinance is to secure and maintain the public health, safety and welfare of the residents and property owners of the Charter Township of Chocoday by providing for street address numbers to be affixed to buildings and/or driveway entrances on properties located within Chocoday Township.

SECTION 2 TITLE

This Ordinance is to be known and cited as the "Charter Township of Chocoday Address Numbers Ordinance".

SECTION 3 DEFINITIONS

For the purpose of this Ordinance, the following terms shall be used:

Word or Phrase	Definition
Dwelling	Means any structure designed for human occupancy, either permanently or on a temporary basis
Street	Means the named or numbered way, public or private, that provides access to a structure or place of business
Street Number	Means the number assigned to premises by the Township
Owner	Means, but not be limited to, any person or persons owning premises, occupying or in the possession of any property
Occupant	Means a person, firm, corporation, or other entity occupying and in possession of a premises upon which a structure or a place of business is situated, whether or not as an owner, and shall include but not necessarily be limited to lessees, tenants, and land contract vendees
Structure	Means a permanent building on a property greater than 100 square feet Exception: Tents or units located on premises designated as a campground and hunting blinds are not considered structures.
Township	Means the of the Charter Township of Chocoday

SECTION 4 IDENTIFICATION REQUIREMENTS

All structures, dwellings and places of business shall be identified by a street number assigned to the premises by the Township, and the number assigned to the premises shall be displayed in the following manner:

- (A) The street number shall, at a minimum, be affixed to a structure or place of business in numbers not less than three and one-half (3 1/2) inches in height. The number must be clearly visible and legible from the street.

- (B)** *If the street number is not clearly visible from the street when affixed to a structure or place of business in accordance with subsection A, then the street number shall be displayed in numbers not less than three and one-half (3 1/2) inches in height which shall be affixed to a sign or mailbox placed adjacent to the driveway or road entrance to the structure or place of business. The sign or mailbox shall be constructed of durable material and shall be mounted not less than four feet above ground level.*
- (C)** *Multiple dwellings or places of business on a property shall be identified with a sequential pattern of letters, numbers, or combination of letters and numbers to facilitate identification of the individual structure or place of business on the premises in the event of an emergency.*
- (D)** *Private roads or drives that provide access to multiple structures, dwellings and places of business must have numbers at the entrance from a public road and have numbers at any branches on the private road that separate the structures, dwellings and places of business.*

SECTION 5 CONFLICTS IN NUMBERING

The Township shall have the authority to change any existing numbers or numbering systems to resolve conflicts or confusion which may exist now or in the future.

SECTION 6 ENFORCEMENT

Any owner or occupant who, after receipt of a notice pursuant to Section 4 of this Ordinance, fails to display street numbers in accordance with the provisions of Section 4 within the time limits specified in the notice, shall be responsible for a civil infraction, and, upon a finding of responsibility, shall be punishable by a fine of not more than Twenty-five Dollars (\$25.00) plus Court costs for each offense.

Each and every day during which such violation continues or is permitted to continue shall constitute a separate offense, and shall be punishable as such.

Any violation of this Ordinance is hereby declared to be a public nuisance per se, and, in addition to the penalties specified herein for such violations, the Township may seek to enforce compliance with the terms and provisions of this Ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulations, or civil or criminal law.

SECTION 7 REPEAL

Ordinance 29, amendment 29A, and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8 VALIDITY

Should any action, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.

SECTION 9 EFFECTIVE DATE

This Ordinance shall take effect thirty calendar days from _____.

Throenle will forward the proposed ordinance to the Police Department and Fire

Department for review of the new language and how it affects enforceability.

VIII. UNFINISHED BUSINESS

A. Commercial Zoning District uses

Throenle indicated that there was nothing in the packet for this, as prior to the packets being published he had conversations with the Marquette Township Planner and the Chocolay Township Manager. The Marquette Township Planner will be providing the language that they are using in Marquette Township – this will simplify the process for Chocolay. Throenle also needs to find out from the County if there is a requirement for sprinkler systems for new businesses that may end up in the corridor, and if so, then there is a water requirement that needs to be addressed.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Meister – none

Smith – asked about the AT&T tower at Silver Creek – how long is the lease period? Throenle replied he thought it was indefinite. Smith indicated he thought it was going to be up on the hill, but ended up in a flat piece of property that had potential for other development. Throenle indicated that the tower was pushed back as far as possible, to be able to develop the Rec Area.

Milton – questioned if there will be a brush drop off. Throenle indicated he will ask DPW and get the answer for next meeting.

Bohjanen – he is happy for the Township that the Bayou property was able to be purchased. Throenle indicated that the UP Land Conservancy orchestrated the purchase. The Township does not own it.

Sikkema – none

XI. DIRECTOR'S COMMENTS

Throenle indicated that he will be attending a meeting on Wednesday (August 17) to discuss the Silver Creek Recreation Area – traffic flow and safety issues.

Throenle will be digging more into the sign ordinance. There will also be more discussion on billboards.

Sometime in the future, the scrap yard on Big Creek is now closed and there will need to be discussion on what will happen with that property.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 07/05/16 Marquette City Planning Commission

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:37 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 19, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Andy Smith (Vice Chair), Eric Meister (Secretary), Tom Mahaney

Staff Present: Suzanne Sundell (Administrative Assistant), Dale Throenle (Planning Director/Zoning Administrator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, and seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. MINUTES

August 15, 2016

Motion by Bohjanen, and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – On the issue of a separate position for the Zoning Administrator – why not keep Zoning in-house, and look at using CUPPAD for Planning. The next issue was the survey that had been done with the postcards – this required the resident deciding what district they were in. The results of the survey were flawed, and Mulcahey would ask that the Planning Commission note that the WFR district did not support poultry. The issue with this was due to private wells and septic systems, and there is always the on-going issue of enforcement. Mulcahey is confused on the animal control in relation to dogs. The Ordinance indicated that Animal Control would be checking for kennels. Would there be a separate person doing animal control? In Section 12 Violations, Mulcahey questioned the statement “...need not be physically restrained, but must be under reasonable control...” What is the definition of reasonable control? Also, there were exceptions to hunting dogs - need to keep in mind that hunting dogs are not always perfect. The definition of “Owner” states a time period of 5 days – not quite sure what this means. Mulcahey was bothered by Section 4(B)7, which states that the officer would “Have discretion to refrain from making a determination that an animal is a potentially dangerous animal ...” She feels that basically all animals are dangerous. In Section 4(C)2 it states that if there is non-compliance, the owner shall be notified of the provision of this Ordinance and allowed ten business days to comply. She

feels that the Planning Commission should look at this closely. In Section 11, Poultry, as far as personal use goes, is not commercial. This would seem to mean no selling, but what about bartering or giving away. Ordinance 63 – be mindful that not everyone has a mailbox and that some may not be able to comply with the marking on both sides, as there are sometimes rows of mailboxes. If the Planning Commission is really concerned, they may want to take a look at the green vertical signs on properties – may want to make this an option for people.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

None

VIII. UNFINISHED BUSINESS

A. Ordinance 62 - Animal Control

Throenle presented the revised document that was discussed at last month’s meeting. The first discussion will address the language changes and changes that are recommended by the Police Department, and then the issue of poultry will be addressed. The document being reviewed is VIII.A.1.7 of the packet.

Definitions:

Livestock	Means animals used for human food and fiber or animals used for service to human beings Includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, horses and rabbits
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Throenle questioned the inclusion of rabbits in livestock, as they do not fall into the same category as cattle or horses. Sikkema indicated that he feels that raising rabbits would fall under the category of livestock, not pets. It was decided that rabbits will stay in the category of livestock.

Owner	Means, but not be limited to, any person or persons owning premises, occupying or in the possession of any property, having proprietorship of an animal, right of property of an animal, or an authorized agent; Any person who keeps, harbors, has care of, custody of or control of an animal for a period of five or more calendar days; Any person that allows any animal to remain on his or her premises for a period of five or more calendar days.
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Throenle questioned if “five or more calendar days” is an accurate measurement. Sikkema felt that this may be referring to visiting animals (pet sitting, guests with

animals). This would refer to the owner of the property, not the owner of the dogs. The wording will stay as is.

Section 4(A)2:

Removed “*Meet the requirements of the Michigan Department of Agriculture for animal control.*” and renumbered the remaining points.

Police comment reflected there was no special training required.

Section 4(B)5:

Removed “*Inspect kennels for licensing and may suspend or revoke a license if the Animal Control Officer has reason to believe conditions exist which are unsanitary or inhumane to the animals.*” and renumbered the remaining points.

Police comment was that the Health Department does the inspecting and licensing.

Section 4(B)7:

Added “~~Have discretion to refrain from making a~~ **Shall make a determination that an animal is a potentially dangerous animal if the officer determines that the animal’s behavior was not the result of the victim abusing or tormenting the animal, was directed toward a trespasser or person committing or attempting to commit a crime, involved was not the result of accidental or instinctive behavior while playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.**”

Ventura indicated that there were some difficulties with this whole paragraph – the Police officer is coming on the scene after the fact and would not have witnessed the incident. He doesn’t feel there should be discretion in an ordinance. Sikkema asked if this was written internally – Throenle indicated that he found this in several other ordinances that he was researching. Discussion ensued with the pros and cons of the word “discretion”. Ventura suggested there be a change of wording.

Section 6(B):

~~Any person~~ **Any owner** who at any one time owns **or harbors** four or more dogs at a single location within the boundaries of a non-agricultural area within the Township **shall apply for a County kennel license on or before June 1 of every year have a valid County kennel license posted on the premises.**

Throenle indicated that this was a rewording of the original. After discussion, wording was changed as reflected above.

Section 8(A):

Any animal kept as a pet that bites **or scratches** a person or other animal, penetrating the skin, shall be securely confined by the owner **away from other animals** inside an appropriate building or enclosure for a period of ten calendar days. **The owner shall immediately report any unusual behavior or appearance change during the ten**

calendar day period to the Animal Control Officer. In the event the Animal Control Officer has reason to **believe the owner will not comply with this section**, the Animal Control Officer shall take custody of the animal and confine it at the impound facility for ten business days at the expense of the **owner**.

Bolded wording added as comment by Police department. Changed to add the phrase “or scratches”.

Section 9(G):

Any owner **who willfully fails to redeem the impounded animal after notification of impoundment** shall be cited for cruelty by neglect of said animal under the Cruelty Statutes of the State.

Throenle indicated he had changed the language to make it a little easier to read. No other changes were made.

Section 10(B):

The Animal Control Officer may, at his or her discretion, shoot a dog running at large if it is determined the dog is chasing or harassing deer.

After discussion, the Planning Commission decided to delete this.

Section 12(B)3:

Seize, harass or tease any animal while held or led by any person or while ~~of~~ **on** the property of the owner.

Ventura indicated there was a typographical error on this – changed “of” to “on”.

Section 14(B & C):

None of the language has changed – only the numbering.

Section 11 Livestock or Poultry in Non-Agricultural Areas

- A. No livestock **or poultry, except chickens**, shall be owned, kept, possessed, harbored or kept charge of within the boundaries of a non-agricultural area within Chocolay Township.
- B. The keeping of **chickens** ~~poultry (such as chickens, turkeys, ducks, or geese)~~ in non-agriculture districts shall be subject to the following requirements:
 - 1. A ~~poultry~~ **chicken** permit is required prior to ~~poultry~~ **chickens** being permitted on the premises.
 - 2. ~~Poultry~~ **Chicken** owner(s) may not keep more than ~~three~~ **six** ~~poultry~~ **chicken** hens on the premises at any one time. Hens are for personal use only and not for any business or commercial use.
 - 3. ~~Poultry use is restricted to personal use;~~ **No** selling of ~~poultry~~ **chickens** or eggs is permitted.
 - 4. Roosters are prohibited.
 - 5. ~~Slaughtering of any poultry on the premises is prohibited.~~

6. Poultry **Chickens** shall not be kept in any location on the property other than in the backyard. **(Exception: Waterfront residential can be either in the front yard or backyard if screened from public view.)**
7. Poultry ~~hens~~ **Chickens** shall be maintained in a fully enclosed structure or a fenced enclosure and shall be kept in the enclosed structure or fenced enclosure at all times. Fenced enclosures and structures are subject to all fence and structure provisions and restrictions in the Township Zoning Ordinance.
8. Poultry **Chicken** structures, or the portions of other structures used to house or provide shelter for small animals, shall not exceed two hundred square feet of ground floor area nor exceed ~~twelve~~ **ten** feet in height. ~~Maximum ground floor areas for poultry set forth above may be increased by fifty percent for each acre in addition to the minimum lot size for the zoning district.~~
9. ~~No~~ **An** enclosed structure shall ~~be located within any setback area~~ **follow all zoning setback requirements for the zoning district.**
10. An enclosed structure or fenced enclosure shall not be located closer than thirty feet to any ~~occupied~~ residence on an adjacent property.
11. All structures and enclosures for the keeping of poultry **chickens** shall be constructed and maintained so as to prevent rats, mice, or other rodents or vermin from living underneath or within the walls of the structure or enclosure.
12. All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
13. All poultry **chickens** shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.

Throenle indicated that he had looked at several different models to come up with Section 11. Ventura questioned (B)5 on the slaughtering of chickens. He indicated that most people who are raising small amounts of chickens are doing so for the eggs and the meat. The Planning Commission decided to remove (B)5 from the proposed language. After discussion, it was decided to change the wording of “poultry” to “chicken”. There was also discussion on the number of chickens that should be allowed – changed from three to six. There was also some discussion on how location of chickens should be done on Lakewood Lane – front or back, it would need to be obscured from public view.

Bohjanen moved, and Ventura seconded that the draft of Ordinance 62, as amended, be submitted for Public Hearing for the next meeting, and publish the necessary notices.

Vote: Ayes: 4 Nays: 0 **MOTION CARRIED**

B. Ordinance 63 - Street Address Numbers

Throenle indicated that the only change recommended by the Fire Department is in Section 4(C) **“On roads that provide access for two-way traffic, numbers on a**

mailbox must be placed on both sides of the mailbox to enable emergency response vehicles to see the numbers from either direction.” This may not always be possible to put numbers on both sides, as some people put up snowboards to protect their mailboxes, so the numbers would need to be on the snowboards.

(A) ~~The **street address** number shall, at a minimum, be affixed to a structure or place of business in numbers not less than three and one-half (3 ½) inches in height. The number must be clearly visible and legible from the street.~~

(B) ~~“If the **street address** number is not clearly visible from the street when affixed to a structure or place of business in accordance with subsection A, then the street number shall be displayed in numbers not less than three and one-half (3 ½) inches in height which shall be affixed to a sign or mailbox placed adjacent to the driveway or road entrance to the structure or place of business, **and is visible from both directions of travel.** The sign or mailbox shall be constructed of durable material and shall be mounted not less than four feet above ground level.”~~

The Planning Commission suggested removal of Section of 4(C).

There was a question on the requirement of affixing the street number to a structure or place of business. It was determined it needs to be in the ordinance for emergency purposes.

Section 3 Definitions:

Street Address Number	Means the number assigned to the premises by the Township
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Ventura moved, and Milton seconded that the draft of Ordinance 63, as amended, be submitted for Public Hearing for the next meeting, and publish the necessary notices.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – felt that Section 4(B)7 should be go to our attorney for legal opinion. Mulcahey also felt that people should be encouraged to put up the vertical signs with fire numbers, which are more visible.

X. COMMISSIONER’S COMMENTS

Bohjanen – none

Milton – none

Ventura – none

Sikkema – brought up the issue of vacation rentals. He had been in a small community over the weekend where there was one person that was buying up available property

and converting them into vacation rentals. Sikkema did not know what their ordinance was like. Our ordinance cannot be enforced, but we are not addressing the issue. He feels this is a disservice to the Township residents. If nothing else, we should at least clean up the ordinance. The other issue he has is commercial dumpsters. He wondered if this should also be addressed by the Planning Commission on what is allowed. He feels we should try to keep our community looking nice. Bohjanen stated that about a year ago he drove the Township and looked for instances of blight, and didn't find that many. Sikkema feels that these may be issues the Planning Commission should be looking at.

XI. DIRECTOR'S COMMENTS

Throenle indicated that he would like some direction on a matter. There is an individual in the AF district that has a short term rental. If he pursues this individual for not having a Conditional Use permit, he feels that he is doing selective enforcement. He would like to put short term rentals on a future agenda for the Planning Commission.

Throenle also indicated that in a recent MTA publication, there were two articles he would like to point out. The first one is State legislation dealing with Medical Marijuana law, which states the Townships have the option not to permit Medical Marijuana business within the confines of the Township, unless it is in the Ordinance. The second one is legislation on chickens that would supersede what the townships have on the books.

Throenle indicated that he would like to propose in addition to the Public Hearings next meeting, he would like to get back to the overlay districts, and possibly the Sign Ordinance. Sikkema suggested just adding the Sign Ordinance on for the next meeting, along with the Public Hearings.

Throenle indicated that he has done several hundred observations this year – the difficulty in going to a particular property is that on any given day it may be clean. He feels that Zoning is enforcement by sight – he is not able to go on the property without permission, so he is restricted on the taking of pictures.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – 08/09/16 Marquette City Planning Commission
- B. Minutes – 08/16/16 Marquette City Planning Commission
- C. Minutes – 09/07/16 Township Board minutes draft

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:28 pm.

Submitted by:

Planning Commission Secretary

Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 17, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Tom Mahaney

Staff Present: Dale Throenle (Planning Director/Zoning Administrator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Sikkema requested an item to be added to the agenda to discuss short term rentals. Item added would be VII.E.

Motion by Ventura, and seconded by Meister, to approve the agenda as amended.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

September 19, 2016

Motion by Milton, and seconded by Bohjanen, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

William Todd, 1075 Ortman Road – requested to speak in relation to item VII.D. He was deferred until that item on the agenda.

Jim Dunn, 3210 M-28 – looked for clarification on zoning for his three parcels. When he purchased the properties he was told they were residential, and residential only. He did not receive notification that his property had been changed to agricultural (AF) in 2008. He sought clarification from the Planning Commission as to how he can develop his property.

He also spoke in relation to short term rentals. He bought his property with the intent of not having short term rentals next to his property. He again asked for clarification from the Planning Commission on the direction to take on this subject.

Dick Arnold, 312 West Branch -- brought up the number of acres of agriculture property in the Township. He expressed concern on how development can occur on agriculture property – size of accessory buildings and number of buildings on the smaller agriculture lots. He asked that the Planning Commission to lower the square footage permitted on a property. He was also concerned with the requirement that if a building was built 60 feet from the lot line, the height of the building could be 60 feet. This would be unacceptable on smaller agriculture acreage.

He requested that additional surveys of the Township residents be considered in order to get more information on what the residents of the Township want. He expressed concern that if the citizens are not heard, then the Planning Commission determines direction. He also noted that the citizens of the Township do not participate in the process as they should.

He expressed concern about the signage on the highways throughout the Township. He described the passing lanes and the inconsistency along the highway. He also addressed the cross-hatched area heading north on US 41 at the intersection of M-28. The public is not paying attention to the cross-hatched area, and are using it as a right turn lane. This should be addressed to the Road Commission.

Deborah Mulcahey, 633 Lakewood Lane – asked the Planning Commission to look at priorities and how they are established. She expressed concern that the priorities have changed, and that priorities have changed based on a small minority of people within the Township.

Throenle added that Mr. Dunn’s properties are each 1/2 acre in size.

V. PUBLIC HEARINGS

Public hearings were deferred to agenda items VII.A and VII.B, respectively.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Ordinance 62 – Animal Control

Throenle introduced the ordinance to the Commission for consideration, and requested that the public hearing be opened for ordinance consideration.

Public Hearing

Deborah Mulcahey, 633 Lakewood Lane – stated she provided written comment along with her husband. Both are opposed to allowing chickens everywhere throughout the Township. She indicated 60 percent of the properties in the Township now allow for chickens. She indicated that if this passed, there would be nowhere in the Township that residents could live chicken-free. She stated that a majority of the residents in the Lakewood Lane area and the waterfront district said no to chickens in the 2013 community survey. She requested a review of this information to point out that some areas of the Township are opposed to having chickens in their districts.

Laurie Krzymowski, 741 Lakewood Lane – stated she is anti-chicken in residential areas. She expressed that she was, at one time, diagnosed with a spot on her lungs from residue found in the chicken coop that she played in as a child, even though the coop was cleaned and painted after the chickens were removed.

She also referred to a Center of Disease Control (CDC) report that was recently released that indicated an increase in salmonella in relation to chickens. She expressed

that we should limit our exposure for the quality of water, quality of health, and not increase the amount of salmonella in the community. She stated the information she referred to could be found on cdc.gov.

Commission Discussion

Bohjanen opened the discussion with a look at section 6.B on page four of the proposed ordinance. He asked that if you are in the AF district are you not required to have a kennel license. Sikkema replied that the license is still required, and Throenle confirmed.

Discussion followed concerning the verbiage of 6.B, and the item was modified to read: "Any owner who at any one time owns or harbors four or more dogs at a single location within the Township shall have a valid County kennel license posted on the premises."

Bohjanen addressed Section 8.A and Section 10.A as duplicated sections. Sikkema responded that they were in each section for a good reason; he asked Bohjanen which section would be most appropriate for the text to be retained. Discussion continued, with Ventura suggesting that sections 8, 9, and 10 be combined into one section. Sikkema responded that each section had a different function, with a suggestion to remove section 10.A and renumber 10.B to 10.A, and renumber 10.C to 10.B. Commissioners agreed.

Bohjanen requested a grammatical change in section 11.B.9. He requested that the phrase "closer than thirty feet to any residence" be changed to read "closer than thirty feet from any residence." Commissioners agreed.

Ventura asked Throenle if the penalties in Section 14 should be in the Township schedule of fees or if it should be in the ordinance. Throenle indicated it could be in either place. The difference would be the fee schedule would be part of the annual budget, where the ordinance language would have to be changed via public hearing, Planning Commission approval, and Township board approval. Throenle indicated the reason for the fee range in the ordinance is to provide a range for civil court consideration. He was unsure as to if the fee schedule could contain a range. No change in the document was requested.

Smith raised a question concerning puppies. If more than four pups were at a residence, would a kennel license be required? Throenle responded that he would interpret the ordinance to require the license if the pup was kept longer than four months. Discussion continued to determine if a change should be made to address the issue.

Ventura asked for a clarification on the licensing of dogs. Discussion followed as to what was considered a properly licensed dog. Throenle indicated the reason for item 5.B was to allow for new residents in the County to bring in their dogs without concern for relicensing until the calendar year expired.

Meister suggested changing item 5.B to read "current dog licenses issued by other jurisdictions". Commissioners agreed.

Ventura suggested making the sentence part of 5.A. Commissioners agreed, and

requested the renumbering 5.C to 5.B, 5.D to 5.C, and 5.E to 5.D.

Bohjanen mentioned that the Commission hears limited opinions during public comment. He stated that he did not know the statistics concerning chickens, especially since the only comments presented were from those that did not want chickens. He addressed the salmonella comments presented during the public hearing, and indicated he would want to defer the decision on the ordinance until he had time to read the latest CDC information. Ventura stated that salmonella is also prevalent in the wild bird population, especially finches at bird feeders.

Sikkema requested additional comments from the Commissioners; there were none. Bohjanen made a suggestion to defer the motion until he had time to review the CDC information. Sikkema asked if the item could be tabled. Throenle stated if the ordinance was tabled, then a new public hearing would not be necessary as it would be an extension of the process.

Discussion followed concerning the next direction for the ordinance.

Throenle asked if sending a link to the CDC information via email would be sufficient. Sikkema indicated that it would.

Bohjanen moved, and Ventura seconded the ordinance be tabled until the next meeting to allow time to review the latest CDC information.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Throenle asked for a motion to clarify which ordinance language would be brought before the Commission at the next meeting.

Meister moved, and Ventura seconded the ordinance language that will be presented at the next meeting will contain the changes already suggested.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Ordinance 63 – Address Numbers

Throenle introduced the ordinance to the Commission for consideration, and requested that the public hearing be opened.

Public Hearing

No public hearing.

Commission Discussion

Sikkema brought up the size of the numbers on the mailboxes and signs. He suggested that the size be changed to two inches for the mailboxes and road-located signs. He suggested the language in Section 4.B be changed to “shall be displayed in numbers not less than two (2) inches ...”. Discussion followed, and Commissioners approved the change.

Ventura moved, and Bohjanen seconded that after holding a public hearing and considering public input, the Planning Commission recommends that the Township

Board approve the draft version of Ordinance # 63 Address Numbers as changed for the following reasons:

- 1) To require that multiple dwellings or places of business on a property be identified for emergency response purposes;
- 2) To require address numbers to be visible from both directions of travel;
- 3) To make editing changes to the ordinance text;
- 4) To repeal Ordinances # 29 and # 29A and replace them with Ordinance # 63.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Zoning Ordinance – Section 18.1 Signs

Throenle stated that the purpose of this item was to inform the Planning Commission that discrepancies were found in the sign ordinance that were in contrast to the Supreme Court findings in the case of *Reed et al v. Town of Gilbert, Arizona, et al*. He said the purpose of bringing this to the Commission was to address language in the ordinance that looked at signs and sign enforcement based on the content on the signs. Current language in the ordinance looks at signs based on content: political, real estate, etc.

Ventura commented, and Meister agreed, that the only portions of the ordinance to look at should be the language that pertains to content. They did not want to look at the remainder of the ordinance, as a lot of time had been invested in writing that section of the ordinance.

Sikkema stated that Throenle should look at the MDOT specifications for signs for guidance, especially to see how MDOT is addressing the sign issue based on the Court decision. He also asked Throenle to look at the MDOT definitions (for items such as off-premise and on premise) to see if the definitions in the Township ordinance align with what MDOT has.

Throenle stated his understanding of direction. He understood his direction should be to match up with MDOT, and to look at the content-based language in the ordinance.

Sikkema suggested the Township manager bring the topic to the corridor meeting discussion.

Throenle will look at other townships, especially Marquette Township, to see how other entities are addressing the issue.

D. Acreage By Zoning District

Throenle stated that in researching an issue for zoning, he did a study of the parcel acreages based on the zoning district in which the parcel was located. He found that there were size discrepancies in every district, and those size differences were causing issues for the use of the properties within those districts. He referred to Dick Arnold's public comments as being an example of the issues within the district. He referred to the acreage breakdown attachment within the packet for the Commissioners to review.

He pointed out that the residential parcel sizes were the ones that triggered the discussion. The size ranges are from less than 1/2 acre to more than 10 acres, and 80

parcels in the R-1 district are greater than 10 acres.

Throenle stated that in 2008 the zoning districts were changed, and impacted all districts, especially in the AF district. The RR-2 parcels were incorporated into the AF district, which requires a minimum of 20 acres for development. If, however, the parcel meets the minimum setbacks for the district, multiple buildings can be placed on the lot, which presents an issue with acreage and district development.

Throenle indicated that one parcel is up for sale in the R-1 district that has a large acreage that the owner is having a difficult time selling because buyers are looking to put horses on that parcel.

Throenle asked for direction on this. He asked if the ordinance need to reflect changes that accommodate the larger parcels within a district.

Deferred public comment was taken at this time.

William Todd, 1075 Ortman Road, spoke concerning his two properties on Ortman Road, and the difficulty he was having in selling those properties. Under the R-1 designation, property owners cannot have horses on the larger acreage.

Deborah Mulcahey, 633 Lakewood Lane – stated to the Commissioners that they should not be surprised that this acreage issue is occurring within the Township. This contributes to the uniqueness of the Township. She said to take a look at the issues that have occurred as a result of the 2008 ordinance, but spot zoning, which is illegal, should not be a solution to the problem.

Jim Dunn, 3210 M-28 – indicated that he did not receive any notification that his property had been changed to agricultural (AF) in 2008. He is not able to resolve his issue with his properties because of this.

Meister asked Throenle if structures could be put on those parcels if they were not already built. Throenle stressed that he is not going to pursue spot zoning on any of the parcels within the Township. He stated that the parcels in question that do not conform are known as lots of record if they were recorded prior to 2008. He said that as long as the setbacks for the district were met for those parcels, you could build on the parcels; otherwise, it is considered a “dead” parcel in that district. Meister asked if Mr. Dunn could build on his property. Throenle responded he could, as long as he was able to meet the setbacks. Throenle pointed out that the parcels were small, which meant that building on those parcels may be difficult because of the 30 foot setbacks around the property and the minimum size requirement for the residence meets the 800 square foot minimum.

Mark Maki, 370 Karen Road – told Mr. Dunn that he could apply for a variance for his property based on the restrictions related to those properties.

Laurie Krzymowski, 741 Lakewood Lane – suggested that Throenle look at form-based code to address the situation within the Township. She indicated that it would be a tremendous amount of work to make it happen, but it would be an option to look at to

correct the situation.

Commissioner discussion took place at this point. Smith pointed out that Dick Arnold has been talking about this issue for a long time. Smith also pointed out that the properties could be a problem in that they could take on the characteristics of the district without being able to sustain those characteristics. He provided an example of building on AF properties that were never really supposed to be AF in character. Meister indicated that his property was originally RR-2, and he was able to raise chickens on that property 20 years ago.

Meister asked how many lots that were affected, and if they could be handled through variances. Sikkema asked how many of the lots affected were built on. Throenle responded he did not know, but could find that information for the next meeting.

Sikkema suggested that the multi-use district was the original priority, and this issue should be addressed in the future.

Ventura shared that the form based code resolution might be an overlay to apply solutions for the additional permitted uses for those non-conforming parcels. He also pointed out to Throenle that the acreage numbers on the attachment did not calculate correctly. Throenle said he would fix that column of number for the next meeting.

Sikkema asked for direction for Throenle to pursue. Some discussion ensued concerning form-based code.

Bohjanen suggested that the districts be broken down to an example of R-1A, R-1B, R-1C, etc. He took exception to the fact that correcting the problem would be considered spot-zoning.

Sikkema asked the Commissioners for direction. He stated it is on the priority list, and asked if the issue should be addressed after the multi-use district was addressed. Commissioners agreed it should be addressed, but wanted to limit the districts to R-1 and AF. Ventura wanted to look at the issue holistically, and address the problem from different vantage points. Throenle suggested a compromise of looking at R-1 and AF. Bohjanen pointed out that the legal notices were posted, even though the individual property owners were not notified. Smith indicated that the County had changed the process so that property owners had to be notified. Additional discussion took place concerning the notification process.

Throenle again addressed the issues with parcel owners not being able to sell, and potential buyers not being able to buy properties based on zoning classification. Smith pointed out that the RR-2 properties were not intended to ever permit the AF scenarios of large number of animals or large number of buildings. Instead, the parcels were intended more for larger residential use. He went on to say the Commission should address the business overlay district first, and then address the AF district as the next item. Other Commissioners agreed.

E. Short Term Rentals

Sikkema introduced the topic by talking about the correspondence that was received and the comments made by the public during the public comment related to the issue. He asked the Commissioners if they wanted to move the item to the priority list. He asked them to consider one of three options: 1) no action, 2) put the item on the priority list, or 3) ask the Board again for direction on the issue.

Bohjanen felt that short term rentals should be put in as conditional use in all zoning districts and have rules for it.

Meister stated that the Commission already had two priorities – the corridor and the AF district discussion. He suggested that it be discussed in January when the Commission discusses the priorities for the year to see where it falls on the priority list.

Ventura pointed out that the issue needs to be as addressed, since it is becoming a growing business question.

Sikkema polled the Commissioners, and they agreed to follow Meister's suggestion. He also reminded the Commissioners to make sure that follow up is completed to ensure the topic is discussed in January.

Smith asked what came up on the survey concerning the short term rental question, as he believes that should be considered when establishing priorities for the year. Throenle stated the question was pulled off the latest survey that went out to Township residents last year. Sikkema asked if more information should be gathered via a survey.

Bohjanen pointed out that in the town hall meeting last year that only two residents spoke on the issue: one was for, and one was against.

Meister said yes, if the Board authorizes the expense for the survey. He said he would like to see if opinions had changed on the subject.

Sikkema asked if the Commissioners would like to be involved in the wording of the questions after staff drafted the questions that would be sent out; Commissioners responded yes.

Throenle stated he would bring to the next meeting or the December meeting the questions for consideration and the costs associated with sending out a survey mailing, as well as the processes and costs associated with analyzing that data.

Bohjanen asked if the survey could be included in the next routine mailing. Throenle stated that the mailing would not be sent out until March. Sikkema followed up with the comment that the priority had to be established first before the survey could be sent out, so the timing might be right to get the question sent out.

Ventura expressed that when looking at the survey data, the Commissioners must also take into the consideration the minority public opinion when considering the issue, and to keep an open mind during the discussion.

VIII. UNFINISHED BUSINESS

None

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane –asked the Commission why bother with another survey as the major area affected would be the waterfront district properties. She stated the survey data gathered in 2013 indicated the residents in the waterfront district did not want short term rentals.

She indicated that the issue has been up for consideration since 2011, and it has not been addressed. She claimed the residential district is being heavily impacted by the issue.

She indicated that it was embarrassing that the issue has not been addressed.

Laurie Krzymowski, 741 Lakewood Lane – stated that there is a short term rental two doors down from her property. Vacationers kept her husband awake until 3:00 am. She pointed out that there are a lot of surgeons, pathologists, and radiologists that live on Lakewood Lane. She asked the Commissioners, by show of hands, if they wanted those professionals to be making a life-changing decision after a lack of sleep. She indicated that renters have also disturbed bedtime for her children.

William Todd, 1075 Ortman Road – asked if there was anything he could do short-term to get his property rezoned to enable him to sell his property. Throenle pointed out there is a small parcel within his property that houses the kennel that is zoned AF, which generates questions as to how to zone the property. Sikkema indicated that he should speak with Throenle to discuss the possibilities of how to approach the rezoning question.

X. COMMISSIONER’S COMMENTS

Bohjanen – indicated he will not be on the Planning Commission after November.

Milton – no comments

Ventura – no comments

Smith – no comments

Meister – no comments

Sikkema – told the Commissioners he was resigning after the December meeting.

DIRECTOR’S COMMENTS

Throenle stated everything he had for consideration was covered during the meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 08/09/16 Marquette City Planning Commission

B. Minutes – 08/16/16 Marquette City Planning Commission

C. Minutes – 09/07/16 Township Board minutes draft

XII. ADJOURNMENT

Sikkema adjourned the meeting at 9:28 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 21, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Tom Mahaney, Kendell Milton (arrived at 7:05 PM)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, and seconded by Mahaney, to approve the agenda as written.

At this time, Bohjanen indicated that he has now taken on his role as Township Supervisor, and his term as Board appointee for the Planning Commission had ended, so he would be abstaining from voting.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

October 17, 2016

Motion by Ventura, and seconded by Meister, to approve the minutes as corrected. (Page 2 of 10, V. Public Hearings, "differed" should be "deferred".) Ventura commented that the minutes were very well written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Proposed 2017 Meeting Dates

Sikkema indicated that he had received one phone call on this item, and the request was to not make the meetings too early, in order to allow for the public to attend. There was discussion among the Planning Commission on meeting time. Throenle also stated that if the Township Board would decide to change their meeting date, it may become necessary to choose a different day.

Mahaney moved, and Smith seconded the dates for the 2017 Planning Commission meetings be approved as written. The starting time for the 2017 meetings will be 7:00 PM EST.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Ordinance 62 – Animal Control

Throenle introduced the ordinance by referring to the Public Comment that was received and is “XI.D Correspondence – Place” in the Commissioner’s packets. The public comment was asking the Commission for consideration of initiating a leash law in Chocolay Township. Throenle indicated that the changes discussed at the last meeting have been incorporated into the ordinance under VIII.A, and the document is currently up to date with those changes. Throenle also pointed out that there were a couple errors in last month’s discussion – the first being the discussion on Section 8 (A) and Section 10 (A) duplication, and the fact that a paragraph was inadvertently deleted from the document (see page VIII.A.3), which reads:

“Section 10 Killing and / or Seizing of Animals

(A) Any animal that enters an enclosure which is owned or leased by a person raising livestock or poultry that is unaccompanied by the owner shall be in violation of this Ordinance. The Owner or lease of such enclosure or his or her agent may apprehend or kill such animal while it is in the enclosure without liability for killing such animal.”

Throenle indicated that if this paragraph was put back into the document, there would be a need to have another Public Hearing.

The second item is in reference to licensing of dogs and retaining of their license when they come from another state. After researching this, Throenle discovered any animal brought in from another state must be licensed within 30 days in the state of Michigan. The only license that would be valid in Chocolay Township would only be licenses issued in the State of Michigan.

The third item up for discussion was the request for information from Center for Disease Control (CDC) on the issue of chickens. Throenle indicated that the primary direction from the CDC on that issue is hygiene and the washing of hands after handling of chickens.

The fourth item is clarification of the survey data from 2013. It has been mentioned several times in public comment that the residents in the waterfront district did not want chickens, but the survey data shows that this statement is in error and that 57% of the residents in WFR are in agreement that chickens should be allowed. The only two districts that do not wish to have chickens are the “Corridor Cluster Mixed Use” and the “Village Residential”. Throenle feels that the Village Residential can be addressed by the setback requirements.

Commission Discussion

Sikkema opened discussion on the item regarding the deletion of the paragraph on killing and / or seizing of animals.

Meister questioned if this would already be covered by the State of Michigan under state statute. Throenle indicated that he had not researched this, so he was not sure.

Sikkema indicated that if the animal is in the act of hunting, it would not be considered an “uncontrolled” dog. This seems to be in conflict with this paragraph.

Mahaney indicated if a person had chickens, and a domesticated animal crosses over into their property, they are probably not going to call the Township, but instead will react to what is happening.

Sikkema indicated that this would also be true with a dog crossing over into a herd of cattle – even if the dog is not harassing the cattle.

Bohjanen wondered how this interacts with or contradicts the Firearms Ordinance.

Ventura questioned whether the presence of a dog in a livestock enclosure warrants violence against the dog. If the dog is about to kill or attack in some way, then it would be considered self-defense or defense of your property. But if the dog is just present, it does not constitute a danger. Ventura feels the wording is pretty wide open for interpretation.

Smith asked if originally this language was written into the ordinance twice. Throenle indicated that it was originally in Section 10 (A), and 8 (A) had been copied to Section 10 (A) in error. The language being discussed would be reinserted into Section 10 (A) if approved.

Meister wondered if the Township even had the authority to include this in the ordinance, and does not feel that this should be in the ordinance.

Ventura also pointed out that the obeying of the ordinance is placed on the animal, not the owner.

The consensus of the Planning Commission was to leave Section 10 (A) out.

Throenle referred the Commission to Section 5 (A) of the Ordinance, which states:

“(A) ... Current dog licenses issued by other jurisdictions prior to residence in the Township shall be honored and valid for the remainder of the calendar year in which they were issued.”

Throenle requested it be changed to:

*“(A) ... Current dog licenses issued by other jurisdictions **within the State of Michigan** prior to residence ...”*

The Planning Commission agreed with this change.

Throenle directed the Planning Commission to the correspondence from Irene Place concerning leash laws.

Bohjanen stated this could be handled by the posting of signs stating “Dogs must be on leash”.

Mahaney indicated that there is a problem with dogs on the bike path. Ventura stated he feels most of the owners are responsible. Mahaney felt that if the dog is on a leash, there is less of a chance of an incident happening.

Throenle wondered about the enforcement of leash laws.

Sikkema stated it would probably be based on complaints. Consensus of the Planning Commission was to leave a leash law out of the ordinance.

The Planning Commission then moved on to discuss the information regarding the CDC view on chickens and salmonella.

Ventura stated that by looking at what the CDC furnished, salmonella is a “direct contact” disease, and you would have to have contact with the animals. This would not be an airborne disease. He doesn’t feel that chickens in the backyard would increase the likelihood of contacting salmonella.

Meister stated that people could be educated when filling out the application to have chickens.

Bohjanen stated that even though the article was dated October of 2016, there was no new information concerning salmonella. He also stated that salmonella from chickens is not a problem in domestic well water. When a well is properly placed, having chickens on your land would not contaminate the well.

Sikkema stated that livestock and other forms of poultry would be restricted to the AF district, and chickens would be allowed in all districts.

*Mahaney moved, and Ventura seconded, that after holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the draft version of Ordinance #62 Animal Control as **changed** for the following reasons:*

- 1) *To align the Township regulations with those of Marquette County and the State of Michigan;*
- 2) *To permit and regulate chickens in the non-agricultural zoning districts within the Township;*
- 3) *To make editing changes to the ordinance text; and*
- 4) *To repeal Ordinance #41 and replace it with Ordinance #62.*

Vote: Ayes: 5

Nays: 1 (Sikkema)

MOTION CARRIED

B. US 41 and M 28 Business Corridor Overlay District

Throenle introduced this for review to make sure all documents are ready to forward

to the Township Board for direction. The review will consist of going through the changes that have been made to the matrix and discussion on Home Occupations – differences between Tier 1 and Tier 2. Throenle has also included a new overlay map which includes 171 parcels that were identified as part of the overlay district.

Commission Discussion

Discussion began with Item 243 in the matrix, which involves home occupation.

Sikkema started the discussion – Mixed Use Development, Accessory Use. The question would be if the Township should allow accessory use for Home Occupation. Tier 1 would refer to home occupations that you would not be able to tell there was a business there, such as telephone answering and solicitation, home crafts, computer programming and desktop publishing, typing or secretarial service, fine arts and writing, consulting service, mail order business, or home office. He felt that this should be a Permitted use. The commissioners agreed.

Home Occupation – Tier 2 would include carpentry and cabinet maker, catering or food preparation, dressmaking, sewing, or tailoring, pet grooming service, barber or beauty service, nail or personal care salon, electronic or equipment repair, or assembly operations. These would be Conditional Use Home Occupations in the Residential districts.

Meister stated that if you are in the Mixed Use Corridor, you are already in the Commercial district, so there should be no need to have additional restrictions or restrictions greater than anywhere else.

Sikkema stated that some of the properties in the Mixed Use are zoned as R1 and R2, which would make Mixed Use harder to accept, but that doesn't mean you can't change to boundaries of the overlay zone. In looking at the map, Sikkema thought that West Fairbanks should not be included as it is currently all residential. Smith also questioned West Main, since they are currently residential.

Throenle indicated that in reference to West Main, there is only one non-residential parcel there, and that would be the Bayou. In reference to West Fairbanks, all the parcels are R2.

Sikkema asked the Commissioners if Tier 1 – Home Occupations should be set to permitted in the matrix if the West Fairbanks properties were removed. All agreed that it should.

Bohjanen questioned why the Bayou was not included. Throenle indicated that the 300 foot boundary established as the base criteria for the corridor did not include the Bayou, as it was outside the 300 foot boundary.

Meister questioned the overlay district - the last time the Planning Commission talked it was not decided if it should be an overlay or not. He was wondering why they are not including all commercial in this, such as Beaver Grove. Throenle indicated that the original discussion concentrated on the US 41 area in Harvey. Meister recalled

the discussion about Beaver Grove being that they did not want to expand the commercial area there, but that they would allow the new uses. Sikkema indicated that the Planning Commission was going to be looking at other commercial areas, once the corridor area was done.

Smith asked Meister if he was suggesting that anything commercial fall under the Mixed Use. Meister suggested that instead of an overlay, that the commercial district be changed to allow for the new uses, such as residential above or behind the business. This would include expanding the commercial district.

Mahaney wanted to clarify that they would just be changing the ordinance regarding commercial. Meister indicated that instead of doing an overlay just for Harvey, to make changes regarding commercial in other areas.

Throenle indicated they were looking at the corridor first to get everything cleaned up, and then to expand out to other areas of the Township.

Sikkema stated that one of the original goals was to revitalize the village of Harvey, and encourage people to develop here.

Throenle would like to have the Township Board give the Planning Commission direction. Smith asked if this had not already gone before the Board. Throenle indicated that they had not given a direction on how to proceed with this. Sikkema stated that what the Planning Commission is trying to do with this overlay district used to be the norm. For some reason, communities moved away from this. Now it seems we are moving back in the other direction. Milton indicated that with the Building Code there is a fire separation between residential and commercial, so those types of building details may control how residential areas can expand. Sikkema stated that when the discussion starts in Beaver Grove, the residents should be asked if they feel they live in a residential area or a commercial area, since most of Beaver Grove is residential. Bohjanen indicated that the residential in Beaver Grove is spotty.

Throenle feels there needs to be more detail before it goes to the Board, so he would like to let the Planning Commission have one more shot going street by street within the proposed corridor. He stated that there are three possibilities on how to approach this – overlay district, form-based code, or underlay district.

Sikkema requested the discussion return to the Tier 2 – Home Occupation decision. The Planning Commission decided that Home Occupation – Tier 2 would be a Permitted Use in the Mixed Use Development.

Ventura would like a definition of overlay versus rezoning, as rezoning would create lots of problems.

Sikkema felt that by spring, there should be a public meeting to bring the public in to let them know what is planned.

Mahaney asked if this fits into the Master Plan. Throenle stated that it does.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Mahaney – none

Meister - none

Smith – would like to get a copy of the complaints that are being received.

Bohjanen – is in the process of appointing new members to the Planning Commission. He would be happy to take any input. There are six applications he is looking at.

Milton – none

Ventura – has submitted his letter of resignation, effective December 31, 2016. He has spent 11 years as a Planning Commissioner, but feels it is time to move on. He stated he has enjoyed working with the group.

Sikkema – thanked Ventura for his words of wisdom and expertise that he has brought to the Planning Commission.

DIRECTOR'S COMMENTS

Throenle indicated he has two things the Planning Commission will be looking at. The sign ordinance will be on the agenda soon, as he cannot legally enforce the signs based on content. They will also need to address structures which have writing on them.

Throenle presented what is being proposed at the Silver Creek Recreation Area. Throenle presented the concept drawing to the Commissioners. The intent would be for the Marquette Little League to add four smaller fields where the soccer field is currently located. A grant is in progress for the tennis courts, and we should hear from the DNR within the next couple of months. The project would also include new playground equipment, expanded parking, and a pavilion. The cell tower money will be going into a special recreation fund and some of that may be channeled into this project.

Throenle also indicated that there is consideration for a Soccer Complex. There are some state owned parcels in Beaver Grove that are being looked at. Superiorland Soccer Association has approached the Township about developing a 23-acre complex there.

Throenle will also be including the "Township Insights" along with the "Planning News" in the Commissioner's packets.

A quote had been requested from Pride Printing on pricing for the printing and mailing of some type of brochure or postcards. Pricing was given to the Planning Commission for their information.

INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 10/04/16 Marquette City Planning Commission

B. Minutes – 10/18/16 Marquette City Planning Commission

C. Minutes – 11/02/16 Township Board minutes draft

D. Correspondence - Place

XI. ADJOURNMENT

Sikkema adjourned the meeting at 8:45 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 19, 2016

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:00 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Judy White (Board), Bruce Ventura, Tom Mahaney, Kendell Milton

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura and seconded by Milton to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

November 21, 2016

Motion by Meister, and seconded by Mahaney, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Richard Bohjanen, Township Supervisor, 140 Edgewood Drive – introduced the new members of the Planning Commission that were seated in the audience – Donna Mullen-Campbell and Jon Kangas. They have been appointed by the Township Board to replace the departing members (Andy Sikkema and Bruce Ventura). Sikkema also introduced Judy White as the new Board representative.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Business Survey

Throenle indicated that there are two reasons for completing the Business Survey. One is to gather information to complete the Business directory on the Chocolate Township website, and the second reason is to gather direction from those businesses as to where they are headed and what they are planning to do, so that as the Planning Commission proceeds with the overlay district they have a better feel for what the Township needs are.

Throenle intends to visit the businesses to deliver the survey so that he is able to speak with a representative of the business to explain the intent of the survey. Going forward with plans for the corridor, Throenle feels that this is the ideal time to be doing this. Throenle would like the commissioners to look at the survey and give him input. One error that has been brought to his attention is on Page 7, Question 28 on the No answer should read “*No (please go to question 29)*”.

Throenle pointed out that the first section is primarily for the website directory. The idea for this section came from the kiosk that is located at the Welcome Center. Information obtained from Chocolay businesses could be added not only to our website, but also to the kiosk. The second portion, which starts on page 3, is the business portion of the survey to determine what the business needs are and how the Township can help, especially looking at #6 – Business Challenges and #11 – Business Service Needs.

Commission Discussion

White stated that the survey is quite in-depth, and was wondering what the timeline for starting the surveys was, if approved. Throenle indicated that he would like to be able to start in January, and hopes to finish by the end of the first quarter.

Ventura asked if Throenle was going to visit all businesses and explain the survey. Throenle indicated that this is his plan. Throenle also hopes to be able to get the businesses involved and possibly be able to spark interest in getting the CABA (Chocolay Area Business Association) group going again. Ventura asked if Throenle also plans on surveying people with Home Occupations. Throenle indicated this would be a little harder, but he would like that to be part of the process – it may involve posting on our website and having them come to us.

Meister wondered if there should be information on the survey about the overlay district that is in the planning stage. Sikkema asked if this would be specific questions. Meister indicated it would not have to be specific questions, but something open ended to see what their feelings were. Sikkema stated it may need to be more specific so that business owners would know what was being asked. Ventura suggested that it could possibly just be an informational paragraph, and not a question that would need a response, but more to provide the rationale for the survey.

Smith wondered if the businesses affected by the overlay district should be made aware of what is being considered. Throenle indicated that by making the businesses aware, it may generate some interest at the south end of US 41 also.

Sikkema is concerned that with a survey that is 8 pages long, many businesses may not want to take the time to do it. Mahaney stated that this is a good reason for Throenle to hand deliver. Throenle indicated that the survey may look a little intimidating, but really should not take more than 10 – 15 minutes to do it. Throenle would like to increase the rate of return that is typical on surveys. Ventura stated

that it is also good public relations to hand deliver and talk with the businesses.

White indicated that it would be nice to get more of the businesses at the Planning Commission meetings to get their suggestions and ideas for the Township.

Mahaney wondered about the length of the survey – maybe something should be stressed to the business owner about the two different sections. Throenle indicated that it could be separated into two separate surveys – Part 1 if they would like to be included in the Business Directory on the website and Part 2 for more detailed information on the type of business and business needs for the corridor overlay discussion.

Mahaney questioned Part 1, #7 on Business owners – he wondered if this should be an optional question, as some business owners may not want that information on the webpage. Throenle indicated that Part 1 of the survey is basically all optional.

Ventura stated on the first page, he had looked at #6 – Description of business attributes and #11 – Description of business purpose, and was questioning why #6 would be more important than #11. Throenle will switch the order. Ventura also stated there should be more examples of attributes – White suggested “handicapped accessible”.

VIII. UNFINISHED BUSINESS

A. US 41 and M-28 Business Corridor Overlay District Matrix

Throenle indicated that he has updated the matrix on #243 and #244, to include the full description of Home Occupation Tier 1 and Home Occupation Tier 2.

240 Mixed-Use Development				
Two (2) or more different land uses integrated in a single structure or on the same lot.				
ID	Accessory uses	Mixed Use Corridor		
		P	C	N
243	Accessory residential home occupation - Tier 1 -- (mixed in the same building) can consist of the following uses: 131, 132, 181, 185, 211, 214, 216, 221, 222, 223, 231, 243, 422, 913, 926, 927, 934, 943, 944	x		
244	Accessory residential home occupation – Tier 2 -- (mixed on the same lot) can consist of the following uses: 131, 132, 141, 142, 151, 161, 171, 181, 182, 183, 184, 185, 211, 214, 215, 216, 217, 221, 222, 223, 224, 231, 232, 321, 331, 422, 423, 435, 437, 512, 521, 611, 621, 631, 632, 913, 921, 926, 927, 943, 944, 951	x		

Commission Discussion

Meister questioned that #116 and #117 are showing they are prohibited – shouldn't they be allowed? Single family dwellings are not allowed in the mixed use, but if they already exist it seems they should not be prohibited from doing Home Occupations. Sikkema indicated that they would still be governed by residential zoning, until such time that they change their use.

Sikkema stated that if a business is already in the commercial district it would follow commercial zoning. If it was a residential property, and no changes are made to it, it would be considered a residential property and would follow residential zoning

conditions. Throenle indicated that this would be with the condition that they could use the property as a mixed-use property according to the overlay district.

Throenle indicated that if the property exists today as a residential property, it can take on the attributes of the overlay district. If something would happen to that property, then it would revert to the original zoning of the parcel prior to the overlay. Ventura felt that if something burned to the ground, you would need to follow the overlay, not the original zoning – if a residence burned down, in order to rebuild they would need to establish a commercial business first, then have an accessory residence. Ventura indicated that the reason for the overlay district is to encourage business. White discussed the fact that it didn't seem fair to the property owner that if they chose not to establish any type of business, because of the fact they were in the overlay district, they would not be able to rebuild as a residence. Meister stated he thought the discussion had been that if you were residential, and you chose to stay residential, you would not need to go commercial, and you would be able to build a house if something happened. He questioned if you would be able to put an addition on your house if you are in the mixed use district. Throenle indicated that it is up to the Planning Commission to determine what the rules will be for the overlay district.

Sikkema indicated that as the Planning Commission goes forward on this, they need to be careful on the conditions that will be put into place, as you may still have residential. The Planning Commission is not trying to destroy neighborhoods – the whole thought process on the mixed use district was to revitalize existing commercial businesses in the area. They will also need to be careful to not create a lot of sprawl.

Ventura indicated that the overall concept is good, but the Planning Commission will need to revisit the maps. The boundary lines were arbitrarily set at 300 feet from US 41 on both sides – this is what needs to be tweaked at this point. Throenle indicated that this is the next point on the agenda.

Smith asked what the rules are – zoning primary, overlay secondary? The Planning Commission has not created the rules for the overlay yet.

Sikkema asked for any more changes on the matrix.

Meister questioned #961 – this could possibly be interpreted that you would not be able to plant a tree or cut a tree. Ventura indicated that he thought this had been discussed when the previous Planner was here, and this was considered to be more of a commercial timber harvest, versus maintenance and landscape planting.

Discussion went back to #116 and #117 – Ventura questioned if there should be another column in the matrix labeled “NA – Not Applicable”. Meister stated if it's not applicable, it could be deleted. Sikkema stated that it should probably be left in, otherwise it may be looked at as an omission.

White moved, and Ventura seconded, that the land use matrix as modified will be used as the document for establishing uses for the proposed US 41 / M-28 Business Corridor Overlay district.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. US 41 and M 28 Business Corridor Overlay District

Throenle presented maps of the overlay district, with the intent that the Planning Commission will be able to walk through it by section and delete any parcels they feel should not be included in the overlay.

Commission Discussion

The Commissioners then proceeded to walk through the sections parcel by parcel, looking at current zoning and determining if it made sense for the parcel to be included in the overlay district.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

White – none

Milton – none

Ventura – has enjoyed working with the Board, Staff and public. Thanked everyone for the opportunity.

Smith – will miss both Ventura and Sikkema

Meister – has appreciated all the work Ventura and Sikkema have done on the Commission

Mahaney – has been nice working with Ventura and Sikkema.

Sikkema – was great working with the Commission – have worked through a lot of things and still a lot to be accomplished. Good luck to the Commission in the future and welcome aboard to the new members.

DIRECTOR'S COMMENTS

Throenle thanked both Sikkema and Ventura for their work in the Planning Commission, and is looking forward to working with the new commission.

Throenle indicated there will be some new zoning coming before the Planning Commission with the casino property. There may be some rezoning questions that will come up with multi-family housing units due to expansion replacing some of the residential currently out there.

Marquette Little League will be doing a presentation at the January Planning Commission meeting on plans for the Silver Creek Recreation Area.

INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – 11/01/16 Marquette City Planning Commission
- B. Minutes – 12/07/16 Township Board minutes draft
- C. Correspondence – City of Marquette Master Plan Update

XI. ADJOURNMENT

Sikkema adjourned the meeting at 9:13 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 16, 2017

I. MEETING CALLED TO ORDER BY: Secretary Eric Meister at 7:00 p.m.

ROLL CALL

Members Present: Eric Meister (Secretary), Tom Mahaney, Kendell Milton, Andy Smith, Jon Kangas, Donna Mullen-Campbell

Members Absent: Judy White (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. APPOINTMENT OF MEETING CHAIR

Meister explained there was a unique situation that had presented itself – the member holding the position of Chair had resigned as of December 31, 2016, and the member holding the position of Vice Chair had a term expire as of December 31, 2016, so there was a need to appoint a member to serve as the Chair for this meeting.

Meister made a motion for Andy Smith (former Vice Chair) to Chair this meeting. Smith declined, as this will be his last meeting, and he is resigning. Meister accepted, but indicated that he was not looking to take on this position full time.

A motion was then made by Mahaney, supported by Smith to have Meister chair this meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton and seconded by Kangas to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. MINUTES

December 19, 2016

Motion by Milton, and seconded by Mahaney, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

V. PUBLIC COMMENT

Donald Wren, General Manager, Ojibwa Casinos (Marquette and Baraga) – he is at the meeting to pass on information concerning the Casino Project. In the original plan, there was a plan to move three existing homes to make room for townhomes. This proposal has been scratched. They will be moving the three homes in question to an area off of Acorn Trail. That road will continue on and tie into the main casino road. They are working with MDOT to provide better access off of M-28. They have been meeting with people in the community, including a neighbor that had some concerns with accessibility

to her property from the Casino property. Wren wanted everyone to know that the KBIC is committed and would like to work with the Boards and Commissions to accomplish whatever needs to be done. Mahaney asked about the timeline for construction. Wren indicated they are in the planning stage right now, but the plan is to have this project done by September of 2018. There are actually two projects going on at the same time – Chocoy and Baraga. The Baraga property will be getting a facelift, and is expected to be completed by February of 2018.

Mitch Koetje, Marquette Little League – would like to reserve time to talk on VIII.B – Silver Creek Recreation Area Project.

VI. PUBLIC HEARINGS

None

VII. PRESENTATIONS

Planning Intern Presentation

Throenle introduced Molly Wetter, who is a student at NMU. Molly went over the projects that she has accomplished during the past semester. *Silver Creek Recreation Project* will help serve as a communication tool at presentations and meetings. She explained her color schemes, and the relationship to earth qualities. Molly also worked on the *News You Can Use*”, which is an information packet given to Township residents that goes over recycling information, meeting dates, Township holidays, and other pertinent information. The *Annual Report* was also updated with a new color scheme and formatting. Molly has also produced a *Recreation Guide* which lists all sites in the Chocoy Township area, along with information on each site and a map as to where they are located. She has also set up a sample web page which corresponds to the Recreation Guide and provides all the same information.

Meister asked if Molly will be continuing with the Township. Molly indicated that is up for discussion.

VIII. NEW BUSINESS

A. Planning Commission Officers

Throenle indicated that in looking at the Bylaws for the Planning Commission, in Section VI it states that the election of officer will be in June, which would leave the Planning Commission with permanent officers. In order to change the bylaws, you must provide 15 days’ notice to each member of the Planning Commission by mail for the meeting to take place. Throenle recommends that the Planning Commission motion to amend the bylaws at the next meeting.

Commission Discussion

Meister indicated that this probably was an oversight from two years ago, when the terms of the Commission were changed to end as of December 31. Kangas questioned if there should be anything incorporated into the bylaws for an officer that

leaves mid-term. Throenle stated that this is already covered, with the order of succession in the bylaws. Throenle also indicated that according to the bylaws there should also be a Vice Secretary. If the bylaws are not changed, the Commission will have to wait until June to appoint officers.

Milton moved, Kangas seconded, to recommend changing Article VI of the Planning Commission Procedures and Bylaws to change the election meeting for officers from June to January, and to change Article X of the bylaws to permit notification of proposed changes to the bylaws via email. Staff is directed to send notification to all Planning Commission members at least 15 calendar days prior to the February meeting.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Silver Creek Recreation Area Project

Throenle introduced the project, which dates back to January of 2016, when a Sands Township resident approached the Township on repairs that were needed on the tennis courts at Silver Creek. Around this same time, members of the Marquette Little League board presented a concept idea to the Planning Commission that outlined plans for expansion of Little League offerings at the Silver Creek Recreation Area. A committee has been formed, and they are now looking for support from the Planning Commission to move forward with their plans.

Mitch Koetje, Marquette Little League – Marquette Little League is excited to be a part of this project. He feels it will be a benefit to Chocolay Township, as well as, Marquette Little League. This is one of the biggest projects they have looked into, and they are planning on expanding their program opportunities by looking at four smaller fields that will key into the age groups of 5 – 8 years old (T-ball and Rookies programs). This will give them the ability to run bases that are the appropriate length for them, pitchers mounds that are actually in reach of home plate, having a chance to swing for the fences, or hit one to the fence. He feels this is a great opportunity for player development and improvement. The Silver Creek Complex would become a facility for ages 5 – 12, all at one facility. In 2016, the minors and majors programs (ages 9 – 12) were playing consistently, and were bringing in 10 – 25 families, 4 – 6 times per week. With the expanded use, we could be looking at 60 – 100 families, 4 – 5 times per week. If supported by the Planning Commission, Marquette Little League is prepared to hit the ground running. The timeline is to potentially get started in 2017, with the potential to play baseball in 2018 on the smaller fields. They would continue to use the larger fields during 2017. There is lots of community involvement, which makes it possible to do the improvements Marquette Little League want to do.

Part of the plan on the larger fields is to have the fencing moved in to a depth of 200'. They would like to maintain the 16' high fence as an added safety measure, and also

extend the fence to the playground area. The committee has also talked about how this plan will fit into the Master Plan and the Recreation Plan. The plan also includes limited traffic going through the park on a one-way road, no disruption to the disc golf course that is already in place, incorporate angled parking, maintain access to the cell tower and allow for the buffer of trees around it, moving the playground equipment with the hopes of enlarging the playground. There have been continued discussions of maintenance and upkeep. There is also an opportunity to involve a recreation trail, possibly ADA access at some point, and other opportunities for improvement.

Commission Discussion

Milton asked if there will be tournaments scheduled there. Koetje stated there is always an opportunity for tournaments. By bringing the larger field in by 200', it would be a more appropriate size for tournaments. Koetje also stated he does not know of anything else like this in the U.P. Meister questioned the financing. Koetje indicated that they have applied for a \$20,000 grant through Little League International, and are waiting to hear on this. A yes on that grant would give them the opportunity to look for more grants and funding opportunities. This grant would provide them with the funds to move the fence on the large field and build the four smaller fields into functional fields. Throenle also indicated that a DNR Passport grant has been approved for \$64,000 which will be applied to the tennis courts. Throenle also pointed out that the two dugouts that are sitting there were built entirely with in-kind donations, and are worth approximately \$38,000.

Throenle also pointed out there are two different proposals regarding the road going through the park. The Township owns a parcel to the west that could be use as the exit for the road going around the park (would come out around Willow Road). The other option would be to circle through the park and come out the entrance. The first option gives more parking. The second option would be less parking, and also going by the playground area. If the first option is used, the area going by the playground could become a walking path.

Throenle went over the plan for what is now the tennis courts – the courts would be divided into quarters with there being a full basketball court, 2 tennis courts with pickleball, and the last quarter would be batting cages and bull pens for Marquette Little League. This project has been approved by the DNR, and work will be starting in the spring.

Throenle indicated there are also plans to move the entire soccer complex to the Beaver Grove area.

Meister indicated he likes Plan A, and feels it would be nice to move the walking path south a bit to allow for more area in the playground. Smith asked Koetje about the meeting they had with Superior Soccerland. Koetje indicated that it was a productive meeting, and they were looking at the options for expansion for soccer in Beaver Grove.

Meister asked what staff was looking for. Throenle indicated that he is looking for approval of the project, and secondly, if approved, which proposal the Planning Commission is interested in.

Mahaney asked about the road that is currently there. Throenle indicated that the asphalt already extends about half way, and would not need to be replaced. Mahaney also asked about the construction – would it be piecemealed? Koetje felt that the fields were in good shape, and they would not be full sod and dirt to start with. It will be a playable, functional setup. Additional things would be having dugouts in place and irrigation changes to maintain the area.

Meister asked the Planning Commission if they have a preference on which Site Plan. The preferred plan would be Plan A, both by the Planning Commission and Marquette Little League.

Smith asked if there had been any feedback from the neighbors. Throenle indicated that they have not been notified of the new plans – he was looking to get Planning Commission approval to move forward. Meister asked if the boundaries would change much – Throenle indicated that it would basically still be the same footprint.

Kangas asked what the plan was for installing the new access road. Throenle indicated that even if the road cannot be built at this time, the project would not come to a halt as Little League is willing to stagger its schedules. Milton stated that the purpose of purchasing the triangle piece of property was to provide more access to the area. Mahaney stated that this was an ambitious project! Meister stated that Marquette Little League has done well with what they have accomplished so far, and he sees this as a good sign.

Pastor Kevin from Silver Creek Church commented that this has been a fun committee to work with – there are some great connections that have helped put together a plan to be able to visualize what the project is going to look like – not only for the Planning Commission, but also for the community. He believes that this is something that the community can and will buy into. Silver Creek Church and the Thrift Store have indicated that they are ready to step up and support this project financially. He feels it will improve the overall quality of life in the community. This has taken an awesome direction, and it will be something the community can build on. There will be lots to do, no matter what your age. He is proud to be a part of it, and is looking forward to selling the community on this project.

Joanne Parks, Sands Township – her family had lived in Skandia for a period of time. The recreation area sold them on buying property, as they were able to walk through the woods to the park – lots of tennis and basketball. After doing two fund raisers, one of which was on the recreation area property, she has seen firsthand how the community supports this project. The whole project is about bringing families together.

Mahaney moved, Mullen-Campbell seconded, to support the proposed recreation

project for Silver Creek Recreation Area, to include Site Plan A with the road to the west, as presented, and to present the project to the Township Board for Board consideration.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Short Term Rentals

Throenle indicated that this subject has been brought up several times in the past, but what has prompted the renewed discussion are phone calls that he has received in the past week asking questions about what is allowed. Throenle is taking an approach to define and clarify these rental situations within the scope of new language to address the questions. Throenle is also recommending a different approach to reach a solution. Rather than trying to “fix” the old language, he is providing the Planning Commission with a list of questions to formulate a draft ordinance with conditions and rules that would need to be followed. Mullen-Campbell asked if Throenle was referring to Airbnb’s. Throenle indicated that these rentals already exist in the township. Airbnb is getting to be a very popular thing, and is growing by leaps and bounds. Throenle indicated that Chocoday Township has some very interesting characteristics when it comes to these rentals. The way our current ordinance is written, attorney opinion states it would probably not be enforceable.

Commission Discussion

Meister asked the Planning Commission what their view of short term rentals are – allowed or not allowed? After a poll of the Commissioners, it was decided they are not opposed to having short term rentals in the Township. Mahaney asked if the Township is receiving any complaints at this point on short term rentals. Throenle indicated that the Chocoday Police have received no complaints. Throenle received one complaint last winter when snowmobiles showed up at the wrong property looking for a key and another about a bag of trash left on a weekend that animals got into. Mahaney feels that this speaks of the renters that are coming into the township.

General Considerations

- 1. Should there be consideration in the ordinance to prevent long-term rentals from becoming short term rentals?** *It was felt that it is okay to convert, as long as it is not a multi-family dwelling.*
- 2. Is property ownership important? For example, will outside entities, such as property management companies, be permitted to buy / manage a short-term rental property?** *Throenle indicated that this is a non-question, as we are unable to dictate who owns property.*
- 3. People renting long-term should not be permitted to have a short-term rental. Yes or No?** *It was felt that they should not be permitted to sublet. This would probably refer back to the lease agreement and how that is written, which should cover if you’re allowed to sublet the rental.*

4. **General thoughts toward short-term rentals lead to requiring a permit to operate. Good idea or no?** *Homestead was questioned – if you are still living there and renting (such as a bed and breakfast) – will ask the Assessor. The Planning Commission felt this is a good idea – could be a two part permit – Conditional Use permit and a permit asking about safety, etc.*
5. **Should all short-term rentals be required to register with a valid listing site, such as Airbnb or HomeAway as part of the permitting process?** *It was felt that we can't require how people market their property to potential customers.*
6. **Accessory dwelling units cannot be rented as either a short-term or long-term rental. Yes or No?** *It was felt that accessory dwelling units cannot be rented, as it does not meet our current zoning ordinance.*

Neighborhood Considerations

7. **Short-term renters should be held to the same standards as permanent residents in terms of noise, trash, etc. Are there further issues that should be considered?** *It was felt that short-term renters should be held to the same standards, if not stricter, and this would be included in the permitting process.*
8. **Hosts / owners must actively work to prevent issues from impacting neighbors. Are there further issues that should be considered?** *This should be included in the permitting process, and after a set number of violations, would have their permit revoked.*
9. **A host / owner must be available, either on the property or within _____ miles radius of a property in order to rent. Yes or No? (Keep in mind snowbirds for this item.) Can the host be other than the owner?** *It was felt that there should be someone (whether it is the owner or a designated representative) to be held accountable and to contact in case of an emergency. This could possibly be a part of the permitting process.*
10. **Signs or no signs permitted for the location?** *It was felt that they should have the same rights as anyone else would be able to. Cannot control based on content, only on size.*
11. **What should the neighbor reporting process be if there is an issue at a neighboring rental?** *This was talked about in prior questions – depending on the issue they may be contacting the owner, the Township, or the police.*
12. **When looking at neighborhood character, how can the neighborhood's character be preserved while at the same time permitting short-term rentals?** *Would need to look at number of people and number of vehicles being permitted on the property. They would still need to be in compliance with the zoning ordinance. Need to explore a little more.*
13. **How should these neighbor issues with short-term rentals be addressed?**

Issue #1 – “I don't want my neighborhood filled with party houses. Let's keep it nice and quiet.”

Issue #2 – “I don't want strangers next door to me. I do not want to worry about my kids outside.

Issue #3 – “I don’t want loud parties going on at all hours of the night next door to me.” *On any of these issues, there would need to be “substantiated” complaints from neighbors. Most calls would be going through the police. The owner would also need to take responsibility.*

- 14. Should the number of short-term rentals be limited in a given neighborhood? For example, should a maximum of one rental per every three residences be established? If so, how will it be monitored and who gets to determine who is first in line? Or should the option be open to anyone that wants to rent their property on a short-term basis?** *The option should be open to anyone that wants to rent their property out.*

Economic Consideration

- 15. One important point to consider in this issue is the economic aspect of the rentals, in terms of how much will be spent in the local area (on items such as food, groceries, gas, and entertainment) as a result of the rental. Is this a valid consideration for the discussion?** *It was determined that this is a positive bonus, but this is not a significant factor.*

Local and Large Events Consideration

- 16. Can larger events be held at a short-term rental (such as a wedding, graduation party and 50th wedding anniversary) if the number of occupants remaining after the event does not exceed the established maximum?** *It was felt it was okay to have an occasional party, but not to become a regular large event venue. Tolerance would drop if this was something that was happening every weekend.*
- 17. Should short-term rentals, with a special permit, be allowed during large events or certain seasons, especially since there are room shortages in the Marquette area? Examples would be Christmas / New Years, UP 200 sled dog races, Ore to Shore bike race, and Hiawatha Festival, as well as during the weekend events that occur during the summer months in the Lower Harbor and surrounding communities.** *This would become a cumbersome permitting process, but will take a look at.*
- 18. Will food services (such as catering or food trucks) be permitted at a short-term rental location?** *It was determined that it shouldn’t be allowed.*

IX. UNFINISHED BUSINESS

A. US 41 and M-28 Business Corridor Overlay District Regulations

Throenle stated that the matrix has been cleaned up and is going before the Commission for next step process. Updated maps were presented with properties that are being considered for the Mixed-Use Corridor.

Commission Discussion

Kangas indicated that he thought the properties behind McDonalds and the property

behind the old Wahlstrom's should be included. It was agreed by the Commissioners these should be included.

Meister asked if this needs to go before the Board before proceeding. Throenle indicated that they could, but he felt the Board would put it back to the Planning Commission for language. There was some discussion on zoning versus overlay. The area will maintain the original zoning district, with the overlay giving additional commercial availability for the properties in the overlay district.

It was decided that Throenle should move forward with language to be presented at the next meeting.

X. PUBLIC COMMENT

Doug Hall, 1181 Ortman Road – if your house burns down, the insurance company would provide you with a check for what you were insured for – this was directed toward comments made during the discussion of the overlay district.

XI. COMMISSIONER'S COMMENTS

Mahaney – Good to have the new commissioners on board. Sorry to see Andy Smith leave. On the subject of short-term rentals, he feels they really need to take their time and consider the issues – he likes the way that Throenle presented this to the Commission to be able to work through the questions that may exist.

Smith – This is his last meeting – he has been on the Commission for about 8 years. He feels he is not able to give the appropriate amount of time to preparation for the meetings, but has enjoyed his time on the Planning Commission.

Meister – Thanked Andy for his time on the Planning Commission – his perspective will be missed. Also, Meister had taken the Citizen Planner class – he feels it is worthwhile and provides a lot of good information.

Kangas – Would have liked to do the Citizen Planner class, but is not able to work it in during his current workday.

Mullen-Campbell – Is really happy to be on the Planning Commission, and to be part of the township in this capacity.

Milton – Welcome to the new commissioners. Sad to see Andy go. Interested in doing the Citizen Planner class.

XII. DIRECTOR'S COMMENTS

Throenle stated that the Commissioners may want to start thinking about when to hold the joint meeting with the Township Board. This is normally held on a night that one or the other group is having their regular meeting.

Throenle expressed his appreciation for Andy Smith's time on the Planning Commission, and will miss his insights into Township Planning.

Marquette County has announced that they are in the process of updating their Master Plan.

Throenle has started handing out “Township Insights” at the meeting for Commissioner information.

In the March time frame, paper packets will be disappearing and be replaced with tablets. The packets will be on the tablet, along with Zoning Ordinances, Master Plan, Recreation Plan, and any other documents that may be needed. Training will be forthcoming at one of the next meetings.

INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 12/06/16 Marquette City Planning Commission

B. Minutes – 01/09/17 Township Board minutes draft

XIII. ADJOURNMENT

Meister adjourned the meeting at 9:18 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 20, 2017

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:03 p.m.

ROLL CALL

Members Present: Tom Mahaney, Kendell Milton, Andy Smith, Jon Kangas, Donna Mullen-Campbell, Judy White (Board)

Members Absent: Eric Meister (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. APPOINTMENT OF MEETING CHAIR

Throenle explained to the Commissioners that they would need to elect a chair to cover this portion of the meeting. Once they have considered and approved the By-Laws, they would go on to elect officers of the Planning Commission.

A motion was then made by Mahaney, supported by Smith to have Milton chair this meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Kangas and seconded by Mahaney to approve the agenda as corrected (Under VI. Public Hearings should read "Public Hearing is deferred to item VIII.C.)

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. MINUTES

January 16, 2017

Motion by Kangas, and seconded by Mullen-Campbell, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

V. PUBLIC COMMENT

Tony Harry, 6369 US 41 South – Harry handed out information to the Commissioners. He indicated that he had started an ATV / ORV Club in Marquette County, and is working on a UP wide trail. He would like Chocolay Township to partner with the Marquette County ordinance. He indicated that there was a UP wide map in his packet. He is looking for support to be able to go through Chocolay Township as a connector. He indicated that he has much information, including information from Governor Snyder on multi-use trails. The Club is currently working on a trail, along with maintaining other trails. He feels the program would be huge. Milton asked if this concerned ATV's on public road. Harry indicated it did.

VI. PUBLIC HEARINGS

Public Hearing is deferred to Item VIII.C.

VII. PRESENTATIONS

None

VIII. NEW BUSINESS

A. Planning Commission By-Laws and Officers

Throenle indicated that at the January meeting, it was discussed that changes were necessary in the Planning Commission by-laws to be able to appoint officers for the coming year. The way the by-laws were written provided for election of officers in June. In order to be able to change this, the members of the Planning Commission needed to be notified by mail of this intent at least 15 days prior to the next regular or special meeting of the Commission. This was mail to Planning Commission members on February 2, 2017.

Mahaney moved, Smith seconded, to change the language in Article VI of the Planning Commission Procedures and Bylaws from, "Said officers shall be elected by the Chocolay Township Planning Commission from among its members, at its June Annual Meeting." to "Said officers shall be elected by the Chocolay Township Planning Commission from among its members, at its January meeting."

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Mahaney moved, Mullen-Campbell seconded, to change the language in Article X of the Planning Commission Procedures and Bylaws from, "amendments or repeal shall be submitted by mail to all members" to "amendments or repeal shall be submitted by mail or electronically to all members"

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Planning Commission Election of Officers

Throenle indicated that since the Bylaws have been amended, the Planning Commission may now elect officers for the year. Throenle stated he had conversation with Meister, and that Meister was open to be considered for any position.

Moved by Smith, seconded by Kangas to nominate Tom Mahaney as Planning Commission Chair

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Moved by Mahaney, seconded by White to nominate Eric Meister as Planning Commission Vice-Chair

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Moved by White, seconded by Mahaney to nominate Donna Mullen-Campbell as Planning Commission Secretary

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Moved by Mahaney, seconded by Mullen-Campbell Andy Smith as Planning Commission Vice-Secretary

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

At this point, Milton handed the leadership of the meeting to the new chair, Tom Mahaney.

C. Rezoning Request – R-1 to Commercial

Throenle opened the discussion by presenting some of the historical data in relation to the request from the Keweenaw Bay Indian Community (KBIC) for rezoning a portion of their property where the Casino parking lot is at right now. The parcel referred to is Parcel A, with the legal description of the property as follows: **North 660 feet of the South 1,392 feet of the E ½ of the SE ¼ , except the West 150 feet thereof, Section 12, Town 47, Range 24 West, Chocolay Township , Marquette County, Michigan.** KBIC is looking to rezone only a portion of the parcel, as they would like to keep the west 150 feet of that parcel as Residential.

Throenle indicated to the Planning Commission and the audience that this meeting is being held to rezone the property. At this time, the project is not being considered. Any comments in regards to the project will come at a later time.

Throenle indicated that the primary zoning in the area is residential, including the parking lot. He stated he had pulled a record card on the property, with the latest date showing as 1994. This record card states that this parcel was “tax exempt” and at one time was considered to be in trust. The parking lot was built under this understanding, later to find out that it was not trust property. The parking lot was established in 1997, as verified by pictures taken of the casino.

Throenle indicated that there were several factors he had to take into consideration. The first consideration was the question, **“Does it make sense to have a commercial property in a residential area?”** Throenle indicated that there could be concerns of “spot zoning”. The second consideration was, **“This is residential, but there is a commercial operation that exists on Tribal property, which borders the residential property.”** This property borders on other Commercial property, spot zoning would not be a factor. The third consideration was, **“The parking lot itself**

had been there for 20 years.” This is not a new parking lot, and has been used for 20 years to access a commercial operation.

Mahaney asked if the property is Trust land. Throenle indicated that the parking lot is not Trust land, and at this time, is under the jurisdiction of Chocolay Township. Throenle then went over the map indicating which parcels belong to KBIC.

Public Comment

Jason Ayres, Real Estate Officer, KBIC, 16429 Beartown Road, Baraga MI – The past 20 years this parcel has been an accessory to a commercial property. Even without considering the future plans, it does make sense to consider a rezoning of this parcel. He realizes there are a lot of public concerns, but those are permitting issues, and not necessarily rezoning issues.

Linda Rossberg, 1975 M-28 East – has lived at this address since 1989. She indicated that this is the fourth time she has appeared before the Planning Commission or Township Board in regards to rezoning properties and development. Each time there are the same issues – not only with KBIC, but other properties, which were being looked at to turn into commercial. Rossberg was involved in the Comprehensive Plan of 2005, where it was decided that this are remain residential. She extremely opposes any rezoning in that area.

Janet Amundsen, 2029 M-28 East – ten years ago the community went through this with Dr. English, which ended with the property being turned over to Northern Michigan University. Her fear is the water usage that will be needed by the project. Her water comes from inland, coming towards Lake Superior. She is now on her 4th well – her well is 40 feet down. She feels that Chocolay Township should keep control of the parking lot. If this goes into Trust, the Tribe will be able to do whatever they want.

Rick Stoll, 1927 and 1931 M-28 East – he disputes the rezoning. The parking lot parcel is not surrounded by any other commercial property therefore the zoning should not be changed. Stoll pointed out that in 1989, the land adjacent was residential plots with no Tribal ownership. The land, which is under Tribal Trust status, is currently used for a commercial purpose. Stoll feels that how the land is being used under Tribal trust should not be the determining factor for a zoning decision on adjacent property. They are two separate entities. Stoll also pointed out that the future land use plan projection for this area is flawed, and the zoning should not be changed. The future land use is assumed to be commercial. Implementation of the plan is based upon the zoning changes – once one parcel changes, all other adjacent parcels are subject to change. Stoll also feels that Tribal ownership outside of the Trust areas is residential property and should not become commercial just because the adjacent Tribal land is used as commercial.

Genevieve Morgan, 216 Kawbawgam – the casino parking lot is directly behind her property. She opposes the change of zoning. When they moved there a year ago,

they did not expect to have commercial property behind them. She is also concerned about what would happen to the property value. Throenle indicated that this was an assessor question.

Jill Hendrickson, 2023 M-28 East – she is very concerned about the possible change in zoning. She feels that the area should remain residential. She also has concerns about the water – if the property goes commercial, she feels this will have a huge impact on their water. There have been many studies done over the years. She then handed out a letter to the Commissioners.

Mike Angeli, 212 Kawbawgam Road – he grew up in Harvey, lived in Marquette for 10 years, and recently moved back to Harvey. He felt there were a lot of concerns if the property is rezoned to commercial – increased traffic and water uses. Cause and effect – if the Planning Commission makes it commercial, it will affect all who live there. Angeli is opposed, as it will go through his backyard.

Public Hearing closed.

Commission Discussion

Throenle pointed out to the Commissioners that the Master Plan of 2015 shows future land use for this property to be commercial. There was a question from the audience that since the Master Plan is being used as the basis for the decision, was this given to the public and everyone notified. Throenle explained that the previous Zoning Administrator would have sent out a survey. There were several public hearings that would have taken place. Stoll feels that the public should have had better notice. Mahaney explained that when you sit down to do a Master Plan, this does not happen in one meeting – it takes many meetings to devise a Master Plan. This process is gone through every five years. Mahaney suggested it is always wise to pay attention to meetings and minutes of the Township. Another question from the audience was how the public is notified. Throenle indicated that Township requirement is notification of residents within 500'. This is sent to the owner of record based on our assessing database. This is also posted in the newspaper and on the Township website and bulletin boards. Mahaney stated that a Master Plan tries to anticipate future growth - it is used as a guide in making decisions.

Milton stated he remembers spending lots of time looking at boundaries. When developing the Master Plan, casino expansion was taken into consideration for zoning purposes.

Smith asked why the commercial zoning was not going to the highway. Throenle indicated that at this time, there is no intent to expand beyond the parking lot to the north.

Mahaney asked if there were any plans on the proposed parking, such as island, buffers, etc. Throenle indicated that this is not part of the consideration for the rezoning and will be brought forward at a later date when the actual project is proposed.

Kangas asked about the west 150' – is this deep enough to build residential. Throenle indicated that it was.

Smith asked about the checklist on how this will proceed. Throenle indicated that this is a guideline, as once it goes to the County level, they could still change the decision.

Kangas asked if the rezoning was foreseen in the Master Plan. Throenle indicated that it was.

*Moved by Smith, seconded by Milton, that after conducting a public hearing and reviewing the staff analysis for rezoning case #ZA 17 01 submitted by the Keweenaw Bay Indian Community, the Planning Commission finds that the proposed rezoning is **consistent** with the goals of the Master Plan, 2015 Edition, and hereby recommends that the Township Board **approve** ZA 17 01 as presented.*

Ayes: 5 Nays: 1 (White) MOTION CARRIED

Throenle explained that the process will now be to send the recommendation to the County Planning Commission for their review, and then it will go to the Chocolay Township Board for approval.

IX. UNFINISHED BUSINESS

A. Short Term Rentals

Throenle indicated that this was started last month, and he has included the answers to the questions from that meeting.

Smith asked about the current rules on renting your property – was wondering about the clarity on the number of days. White indicated that it doesn't specifically say "short term rentals". According to the State, you lose your tax exemption after 14 days. Throenle indicated that in the Zoning Ordinance, a "*Bed and Breakfast*" is not to exceed 14 days, "*Hotels*" would be a standard overnight, and "*Resorts*" is not for a period for any less than one month. There is a need for clarification on a definition of short-term rental. Smith asked about an attorney recommendation. Throenle indicated that the attorney will usually look at the ordinance after a recommendation from the Planning Commission.

White indicated that it is necessary to define "short-term". She feels this would be 30 days or less. Throenle indicated that due to the number of different events that are held in the area year round, short-term rentals have become an alternate choice. He feels there is a need to have rules and regulations in place to protect the Township. Smith was concerned about the time frame to get something like this in place, and wondered if there was anything that the State had in place for this. Milton questioned if there would be a possibility of having a tax on the rentals. Smith indicated that the homeowner would have to register the house as a tourist destination.

Smith indicated that all the questions the Planning Commission is looking at already have ordinances in place.

Supervisor Bohjanen indicated he thought maybe a simple thing to do in this case is to add a definition of “short-term rental” to the zoning ordinance, and then put into the zoning districts as a Conditional Use. The property owner would then have a permit. The list that Throenle is putting together would provide the owner / renter with a list of rules, and a checklist to make sure everything is covered. It was discussed that it doesn’t seem like it needs to be that complicated. The Planning Commission discussed what the time frame should be – days, weeks, months – over the course of a year.

The Planning Commission then went on to answer questions starting with #19.

Commission Discussion

General Considerations

- 1. Should there be consideration in the ordinance to prevent long-term rentals from becoming short term rentals?** *It was felt that it is okay to convert, as long as it is not a multi-family dwelling.*
- 2. Is property ownership important? For example, will outside entities, such as property management companies, be permitted to buy / manage a short-term rental property?** *Throenle indicated that this is a non-question, as we are unable to dictate who owns property.*
- 3. People renting long-term should not be permitted to have a short-term rental. Yes or No?** *It was felt that they should not be permitted to sublet. This would probably refer back to the lease agreement and how that is written, which should cover if you’re allowed to sublet the rental.*
- 4. General thoughts toward short-term rentals lead to requiring a permit to operate. Good idea or no?** *Homestead was questioned – if you are still living there and renting (such as a bed and breakfast) – will ask the Assessor. The Planning Commission felt this is a good idea – could be a two part permit – Conditional Use permit and a permit asking about safety, etc.*
- 5. Should all short-term rentals be required to register with a valid listing site, such as Airbnb or HomeAway as part of the permitting process?** *It was felt that we can’t require how people market their property to potential customers.*
- 6. Accessory dwelling units cannot be rented as either a short-term or long-term rental. Yes or No?** *It was felt that accessory dwelling units cannot be rented, as it does not meet our current zoning ordinance.*

Neighborhood Considerations

- 7. Short-term renters should be held to the same standards as permanent residents in terms of noise, trash, etc. Are there further issues that should be considered?** *It was felt that short-term renters should be held to the same standards, if not stricter, and this would be included in the permitting process.*
- 8. Hosts / owners must actively work to prevent issues from impacting neighbors. Are there further issues that should be considered?** *This should be included in the permitting process, and after a set number of violations, would*

have their permit revoked.

9. **A host / owner must be available, either on the property or within _____ miles radius of a property in order to rent. Yes or No? (Keep in mind snowbirds for this item.) Can the host be other than the owner?** *It was felt that there should be someone (whether it is the owner or a designated representative) to be held accountable and to contact in case of an emergency. This could possibly be a part of the permitting process.*
10. **Signs or no signs permitted for the location?** *It was felt that they should have the same rights as anyone else would be able to. Cannot control based on content, only on size.*
11. **What should the neighbor reporting process be if there is an issue at a neighboring rental?** *This was talked about in prior questions – depending on the issue they may be contacting the owner, the Township, or the police.*
12. **When looking at neighborhood character, how can the neighborhood's character be preserved while at the same time permitting short-term rentals?** *Would need to look at number of people and number of vehicles being permitted on the property. They would still need to be in compliance with the zoning ordinance. Need to explore a little more.*
13. **How should these neighbor issues with short-term rentals be addressed?**
Issue #1 – “I don’t want my neighborhood filled with party houses. Let’s keep it nice and quiet.”
Issue #2 – “I don’t want strangers next door to me. I do not want to worry about my kids outside.
Issue #3 – “I don’t want loud parties going on at all hours of the night next door to me.” *On any of these issues, there would need to be “substantiated” complaints from neighbors. Most calls would be going through the police. The owner would also need to take responsibility.*
14. **Should the number of short-term rentals be limited in a given neighborhood? For example, should a maximum of one rental per every three residences be established? If so, how will it be monitored and who gets to determine who is first in line? Or should the option be open to anyone that wants to rent their property on a short-term basis?** *The option should be open to anyone that wants to rent their property out.*

Economic Consideration

15. **One important point to consider in this issue is the economic aspect of the rentals, in terms of how much will be spent in the local area (on items such as food, groceries, gas, and entertainment) as a result of the rental. Is this a valid consideration for the discussion?** *It was determined that this is a positive bonus, but this is not a significant factor.*

Local and Large Events Consideration

16. **Can larger events be held at a short-term rental (such as a wedding, graduation party and 50th wedding anniversary) if the number of occupants remaining after the event does not exceed the established maximum?** *It was felt it was okay to have an occasional party, but not to become a regular large event venue. Tolerance would drop if this was something that was happening every weekend.*
17. **Should short-term rentals, with a special permit, be allowed during large events or certain seasons, especially since there are room shortages in the Marquette area? Examples would be Christmas / New Years, UP 200 sled dog races, Ore to Shore bike race, and Hiawatha Festival, as well as during the weekend events that occur during the summer months in the Lower Harbor and surrounding communities.** *This would become a cumbersome permitting process, but will take a look at.*
18. **Will food services (such as catering or food trucks) be permitted at a short-term rental location?** *It was determined that it shouldn't be allowed.*

Remaining Questions

19. **What type of safety accommodations (such as fire exists, smoke detectors, fire extinguishers, first aid kits and carbon monoxide detectors) must be provided at a short-term rental unit?**
As determined by Fire Department or County codes.
20. **Should issuance of a permit be dependent on a documented fire and safety inspection? If so, who would provide this service?**
Safety inspections – to be determined
21. **Should issuance of a permit be dependent on proof of liability insurance? If so, what should the minimum amount be?**
To be determined
22. **Should a guest registry be required? If so, who will monitor and check the registry often?**
It was determined this was not needed
23. **Accessory dwelling units cannot be rented as either a short-term rental or long-term rental. Yes or no?**
The intent of accessory was for immediate family. Final consensus was NO.
24. **What type of substantiated violations can be issued for a short-term rental? Does a certain number of substantiated violations (say three), revoke the short-term rental permit, and if so, for how long?**
Citations would be issued to the homeowner – would need to be a written violation – has to be substantiated.
25. **Will the standards applied to short-term rentals for noise, trash, etc. be the same as applied to all other dwellings in the same neighborhood?**
Yes
26. **Should short-term rentals be required to have wildlife-proof trash containers for guests that leave prior to scheduled trash pickup?**
Yes

27. Will food services (such as catering or food trucks) be permitted at a short-term rental location?

No

28. Other safety considerations?

No comments

29. Environmental Considerations (such as trash and water usage)?

No comments

30. Cost of permit?

Conditional Use is \$250 - part of this is a yearly review

31. Issued permit for one year, multi-year, or permanent?

Two to three years, based on fee – would depend on restrictions that have been placed on the permit. Possible annual renewal as insurance policies are annual policies.

32. Other considerations.

Throenle will put together a definition of short-term rental for the next meeting. Mullen-Campbell questioned the fee and did not want it to be too high. Throenle explained that the affordance of the fee would come down to individual decisions and if it made sense for them to continue to rent. Mahaney wondered about making sure that the renter knows the rules of the Township – Throenle felt this would be the responsibility of the owner.

Milton mentioned that when people are doing Site Plans, it would be helpful to have a checklist and the zoning of the adjacent parcels with it.

X. PUBLIC COMMENT

Dick Arnold, 312 W Branch Road – commented that it was nice to see new members on the Planning Commission. He would like to see the AF district changed – currently in the AF district there are 8,000 acres, 841 parcels with 512 of those parcels under 20 acres and therefore non-conforming. Most people that live on non-conforming lots want to live in the country to enjoy the wildlife and the forests. There are accessory buildings of unlimited size and numbers. Prior to being zoned AF, they were zoned as Rural Residential – the Commissioners may want to consider going back to that.

XI. COMMISSIONER'S COMMENTS

Kangas – none

Mullen-Campbell - none

Milton – none

Smith – he agrees with D. Arnold – this has been brought up many times and he would like to look into this and get it on the list of priorities for this coming year.

Mahaney – none

White - none

XII. DIRECTOR'S COMMENTS

The next meeting for the Planning Commission will be on Monday, March 20th, starting at 5:30 PM with a Joint Meeting with the Township Board, and then have the regular meeting of the Planning Commission starting at 7:00 PM. The agenda will include establishing priorities. The Joint Meeting will also involve handing out tablets, along with a tutorial, with the intent that March will be the last meeting there will be paper packets. There will be a Public Hearing scheduled for the Planning Commission.

In reference to D. Arnold's comments, Throenle indicated there are many parcels in the Township that are non-conforming. He is planning on bringing this up at the ZBA meeting on Thursday, Feb. 23rd to see if he can get some guidance.

Throenle also pointed out the informational material he had placed on the table – Township Insights and Township Voice.

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – 01/17/17 Marquette City Planning Commission
- B. Minutes – 01/09/17 Township Board minutes

XIV. ADJOURNMENT

Mahaney adjourned the meeting at 9:51 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 20, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:12 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Jon Kangas, Judy White (Board)

Members Absent: Andy Smith (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Steve Lawry (Township Manager), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by White and seconded by Kangas to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

February 20, 2017

*Motion by Milton, and seconded by Meister, to approve the minutes as corrected (Page 11 under Adjournment should read **Mahaney** ~~Meister~~ adjourned the meeting at 9:51 pm).*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

Public Hearing is deferred to Item VII.A.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Conditional Use Permit CU 17 01 - 6448 US 41 South

Public Comment

Francis Ward, owner of 6448 US 41 South – he has a potential buyer for the property, and they would like to put in a daycare center. Frank pointed out that the permitted principle uses for Commercial property which are listed in the Zoning Ordinance. He feels a daycare center would have substantially less traffic that the permitted uses, so he does not understand why daycare center would not be listed in the permitted uses.

Staff Introduction

Throenle indicated the reason that the only reason Mr. Ward is listed on the application is that he is the property owner, and there has not been a sale as of yet. The property in question is the old Root 41 restaurant, and the property has been vacant for several months. The property is being sold, along with the property behind it. The daycare will be contained in the existing structure, with the only addition being a fenced in area in the same location. There is more than adequate parking to support a daycare. Notice had been sent to surrounding landowners, and no comments have been received. The daycare would run Monday through Friday, 6:00 AM to 6:00 PM. The noise factor would be minimal.

Commissioner Discussion

White asked who the potential owners of the daycare are. Throenle indicated they were in the audience – David and Sue Ridolphi. White asked about the licensing for the daycare. Sue indicated that they have already met with licensing and the Fire Marshall, and a business plan is in place. Sue is a teacher and will be there until school starts, at which time she already has a Director and Lead Caregiver hired. David is a contractor, and will be the one that will be doing the modifications inside.

Milton asked what the daycare capacity would be. Sue indicated that it could go as high as 60 – 75 children, but this would depend on the age of the children. They will also be providing latchkey services, if needed, for both morning and afternoon.

Mahaney asked about an outdoor play area. Sue indicated this will be enclosed in the back – at this point there is nothing commercialized planned. They would like to have a little race track in back to ride three wheelers, a couple of swings, and a few “diggers”. Sue indicated that anything permanent has to be installed by a professional and inspected by a professional – at this point, they are just planning on keeping it natural. David indicated this will be a 75’ x 75’ area (approximately).

Meister indicated he felt it was pretty straight forward – a daycare meets the general characteristics of the permitted uses in that district.

Mr. Ward asked for an explanation of a “Conditional Use” permit. Throenle stated it applies to uses that are outside the permitted uses, and based on that the Planning Commission needs to approve the use of the property, along with any “conditions” they would place on the permit. Throenle indicated that the Conditional Use permit goes along with the property. Ward asked about any additions that may be put on the property – would there be a need to come back to the Planning Commission for those. Throenle indicated that they would still need to come back to the Planning Commission for a Site Plan Review.

David indicated that there is a modification he would like to make right away – there are two furnaces in the back, and he would like to add a storage area to the back of the building and move the mechanical equipment into that area – 16’ x 40’. This would be storage for the outside equipment. White indicated he would still need to

get a permit from the County.

Mahaney stated it seemed like a good reuse of the building. White agreed it would be a good asset to the area.

Meister moved, Kangas seconded, that after public comment and staff review and analysis in consideration of Conditional Use application CU 17 01, and the understanding that the proposed use is compliant with all terms of "Section 16.2, Conditional Use Permits Basis of Determination and General Standards" and the intent of the Zoning Ordinance, the Planning Commission approved Conditional Use Permit 17 01, with the addition of allowing an addition of up to 16' x 40' on the west end of the building.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Planning Commission Priorities

Throenle indicated this is just a matter of taking what was given by the Township Board, and incorporating them in the Planning Commission Priorities for 2017 – 2018. Throenle indicated that based on the Board's recommendations, Priority 1 should include the Asset Management Plan, Mixed-Used Corridor, Short Term Rentals, and Zoning Ordinance review and where the conflicts exist (with possible review of two ordinances per meeting).

Meister asked about the four-season transit facility. Throenle indicated that this was something that the former Planning Director (Kelly Drake Woodward) had seen as a need for the Township. Mahaney also stated this was one of the comments that was seen as a priority in the Master Plan. It was agreed that this should stay on the list. Meister indicated that the issue with this was that there was no money to build it – may need to look at grant money that is available. Mahaney feels that this is needed in the Township. Steve Lawry (Township Manager) addressed the issue of grant money. There had been grant money available in approximately 2010. Lawry and Planning Director Jennifer Thum met with Al-Tran, Marq-Tran and the director of MDOT. Marq-Tran did have a grant for bus-stops that they were not using. MDOT urged them to spend on this or return to MDOT. Marq-Tran did not choose to do this, so the grant money expired and went back to MDOT. Lawry stated that at the time, based on the ridership, Chocolay Township was not considered a priority. He felt that this would be the case until such time that the Board membership changes. We could go ahead and apply for grant money without involving MarqTran, but we would still need to involve them as the service provider, so it is best to try to involve them at the beginning. It was suggested that this be dropped to Priority 2. A better way to approach is to get the right people on the Authority Board to support this idea. Milton asked if the four-seasons would need water and sewer. Lawry indicated it would.

Throenle asked that since there were no Priority 3 items, could Priority 4 be moved

to Priority 3.

Kangas indicated that on the Priority 1 list, we are showing the Asset Management Plan for roadways. He asked that the sewer system and possible water system be included in this item.

VIII. UNFINISHED BUSINESS

None

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Milton – none

White - none

Mullen-Campbell – none

Kangas – he is looking forward to the Asset Management discussion

Meister - none

Mahaney – felt this was a good meeting

XI. DIRECTOR'S COMMENTS

Throenle indicated that the next meeting he would be bringing back the Short Term Rental discussion, a Conditional Use application, and the Mixed Use Corridor.

Throenle indicated that he hopes to have tablets for the Planning Commission at the next meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 02/17/17 Marquette City Planning Commission

B. Minutes – 02/22/17 Marquette City Planning Commission

C. Minutes – 01/09/17 Township Board minutes

XIII. ADJOURNMENT

Meister adjourned the meeting at 7:50 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 17, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary) Kendell Milton, Jon Kangas, Judy White (Board)

Members Absent: none

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Suzanne Sundell (Community Development Coordinator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by White and seconded by Meister to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

March 20, 2017

Motion by Milton, and seconded by Kangas, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

June Rydholm – 221 Lakewood Lane – wanted to comment on Short Term Rentals. She is very much against them. She has had experience with them next door to her – drinking, drugs, and partying – she has a shared driveway, and the cars would be lined up in the driveway all hours of the night. They would litter the beach with all kinds of garbage. She was the one making them picking it up – she doesn't feel she needs to be the police for the beach. The other experience was with renters two doors over – these renters would be going to the bathroom on the trees and trashing the bayou with bottles. In many communities across the United States, they are stopping short term rentals for the above reasons. She also wanted to know how the short term rentals affect our census numbers.

Robin Smith, 2441 M-28 East – her parents owned the Bed & Breakfast. She still has the B&B with a Conditional Use permit. This is a short term rental. She lives in the main house on the property. She feels this is a wonderful thing for our community. There are a lot of people that come from all over the United States and Europe. Smith would like to speak to the Planning Commission about changing the definition of a bed and breakfast. Smith is a certified massage therapist and a yoga teacher, and she would like to be allowed to offer these services to her guests. She has a room in her house that she already uses for her own personal practice, so would not be expanding. Her family has owned the property since 1924. The idea came up when guests started asking

about yoga retreats. The capacity of the B&B is 4 guests. This would limit the amount of traffic. Smith stated there are no State of Michigan requirements to operate a yoga studio, but she maintains her studio as if there were requirements, with things such as continuing education. Smith has joined a yoga alliance group, which provides for continuing education and oversight on the operation. She has intake forms that are filled out by the guest indicating the level of fitness. Smith feels this would be good for the Marquette area, as it will increase tourism. Smith also stated she has never had a problem with her guests. Smith indicated that she feels the Marquette area is becoming more holistic. Throenle indicated that the definition would be discussed later in the meeting with Item VIII.B on short term rentals.

Dick Arnold, 312 West Branch Road – would like to address the vehicle ordinance. Vehicles don't have to belong to the resident. His neighbor doesn't live there, but stores all his tractors there. The zoning ordinance indicates that the Zoning Administrator can grant leeway to a situation, but it also says that he is not able to do it. The Ordinance also says that you can park vehicles and parts in the front yard. He doesn't feel that the Ordinance was looked at enough. There is no size limit on boats, trailers, etc. His neighbor has three recreation vehicles in his front yard, and according to the Ordinance he can fill up the backyard with recreation vehicles. Agricultural vehicles in a residential area – no number on how many, owner can be anyone, and they can be "maintained" in the yard. He has lived here a long time, but it now seems that you don't know for sure what is going to be next to you. He is also concerned about the BBQ truck parked in the driveway on Cherry Creek Road. Things just don't seem to matter to the Township. Accessory buildings – need number of how many can be on the lot. Needs to be a formula for how big the lot is to determine number of square feet for these buildings.

Jennifer Bruggink, 673 Lakewood Lane – has owned the property for 19 years, and lived there for 18 years. When they moved in, there were families living there, including one long term rental. When the renters moved, the owners decided to do short term rentals. She has 50', so there isn't any space – not able to grow trees or bushes, and she doesn't want to live between two barrier walls. She is very concerned that short term rentals could become okay with the Township. She doesn't want to have to worry about who is next door. The noise and vacation atmosphere make it hard for residents who have to work the next day. There is also an issue with trash, as the people that make the trash are not usually there on trash pickup day. The landlord has provided a dumpster for trash removal, but this is an eyesore. She did not buy the house for that type of environment – for lake living and the residential neighborhood. She encouraged the Planning Commission to consider the people that are already living there. Mahaney asked if she had ever called the police. Bruggink indicated she usually calls at least once per week during the summer and special events.

Jenny Cammerata, 669 Lakewood Lane – she does not support short term rental. She lives in a neighborhood – you know your neighbors and you trust your neighbors. She used to clean for a short term rental, and oftentimes, the beach was littered with beer cans, and there have been times where there has been drug use that she had to clean

up. She does not support short term rentals. She feels the Planning Commission needs to pay attention to the language and how the ordinance is written because it could be okay in certain cases. This will not work if the homeowner is not present, because no one is taking care of the property. From what she has seen, someone rents a short term rental, and then you start seeing additional people show up with tents and RV's – as many as 25 people, where there should have only been 5 or 6.

Public comments closed.

V. PUBLIC HEARINGS

Conditional Use Permit CU 17 02 Public Hearing is deferred to item VII.A

VI. PRESENTATIONS

Presentation of Citizen Planner Certificates (this portion of the meeting was overlooked, so was done at 9:00 PM when the second part of the meeting started).

Throenle indicated there were four people that completed the Citizen Planner Seminar – certificates were handed out to Kendell Milton, Judy White, and Donna Mullen-Campell.

VII. NEW BUSINESS

A. Conditional Use Permit CU 17 02 – 140 Carmen Drive

Staff Introduction

Throenle indicated that the property is located behind Main Street Pizza, which is owned by Brandon and Jess Croney. He would like to operate a small contractor yard to store equipment and materials to be used for his business. The material used is a noninvasive material, with no threat to the environment. There have been no negative comments received from adjoining property owners. No business transactions or other activities, other than storage, would occur on the property. Maximum amount of people would be 3 or 4 at a time when they are getting the materials needed. Throenle does not see a traffic problem or a noise issue. Throenle indicated that he would recommend approval, as he feels this is a good use for the space, as it sits behind Main Street Pizza. There should be no impact on Main Street / Big Burger as they have no entry accessing their property to the back.

Applicant Discussion

Croney indicated that he had spoken with the Main Street Pizza owner and their only concern was that anything stored there would not be a groundwater issue (Croney owns Jet Black Asphalt Seal Coating). Croney has talked with DEQ and about disposal should there be a spill. Croney feels he is going above and beyond – getting a building permit, pouring a concrete pad with rebar and putting side braces on it. Croney is also clearing the stumps, rather than just pouring over it.

Mahaney indicated that the sheet shows that the product is asphalt based. Croney explained it is a thickened cold tar product. All he does is add water to it. Insurance does not consider it asphalt based. It is stored in a completely contained unit, and

can only be released by opening the three shutoffs.

White asked about fencing. Croney plans on doing a 6-ft wood panel fencing. White indicated that the Ordinance stated it needs to be an 8 foot fence. Croney stated that was fine – he would prefer it being higher. Meister asked if Croney was fencing the west side, or was he going to leave the tree screening. Croney indicated that he would like to do it in the future. Meister stated that it looked a little thin in back by the home. Croney indicated he would have no problem planting additional trees there.

Mahaney asked if Croney was intending to gravel the lot. Croney indicated that was his plan. Mahaney asked about number of vehicles – Croney stated he had around a dozen vehicles and trailers.

Smith wondered if there was a checklist for Conditional Use permits. Throenle indicated that he did not have one. Throenle indicated that things such as number of vehicles could be limited by a condition on the permit.

Mahaney asked if there were any plans to build a structure at the site. Croney indicated he does not do maintenance, so he has no desire or need to build anything there. Meister indicated that with a Conditional Use, you would have to come back to the Planning Commission. Smith indicated that the potential use needs to be considered, in case of sale.

Mahaney asked how this fits with the Master Plan. Throenle indicated that this is Commercial property, and fits in with the uses listed there.

Milton indicated that a contractor's yard next to a Class A highway is a valuable piece of property.

There was some discussion on the number of vehicles that could be in the yard at one time. Smith explained that the reason for this was because the Conditional Use permit goes with the property, and if the property was sold tomorrow there needed to be some guidelines as to what is acceptable. Throenle indicated that the type of trucks that will be in this contractor yards are the crew cab type – smaller and less noise.

Commissioner Discussion

Smith indicated there needs to be conditions – to leave it wide open causes problems. He feels it is very important that this is done right. This is a conditional use, so it needs to have conditions. It sets the bar for everyone. Smith feels there should be limits set on hours of operation, days of work and what's stored. Smith would like to see a generic checklist to make sure they are considering everything.

Mahaney indicated there were some things that the Commission needs to discuss such as hours of operation and days of work. Milton asked if it was going to be electrified. Croney indicated there was no need for electricity – he would not be there after hours, and there would be no maintenance being performed.

The hours of operation were discussed – many different options were discussed.

The decision was made that hours would be Monday through Saturday from 6 AM – 7 PM, and Sunday 9 AM – 3 PM. These hours would be year round.

The number of vehicles was then discussed – Throenle indicated that the size of the lot is limited (0.63 acres) and the size for the container (180 sq. ft.), which will greatly decrease the number of vehicles if you set the condition that all vehicles must be on the lot. It was also suggested that Croney may be able to negotiate with other property owners (Habitat for Humanity, Cherry Creek Market) to be able to have employee parking on their lots.

With fencing, the Planning Commission feels that the whole area should be enclosed. Croney felt he would need some additional time to fence the west side, such as by September 1, 2017. Other sides will be fenced immediately, primarily for security and visual reasons.

Milton asked if there would be deliveries made to the property. Croney indicated that once a month there would be a delivery of seal coat by a tanker. This would not be on Sunday.

Maintenance was discussed, such as changing a tire, oil changes, etc. in the yard. This would need to be contained. Croney indicated that he does not feel they will be doing this, as he usually has his mechanics (who are off site) go over the vehicles before starting up for the spring. Throenle stated maybe it should be limited to emergency repair. Supervisor Bohjanen commented from the audience wondering who would normally regulate this. It was noted that the owner would need to go through the MDEQ. Bohjanen felt that there should not be regulating at this point – if Croney decided he wanted to do maintenance, it would then need to go through the MDEQ.

Kangas asked about the driveway on Cherry Creek Road. Croney feels this would be a safer entrance, rather than the entrance on Carmen Drive. The entrance on Cherry Creek would allow for a better line of sight. Kangas indicated he was glad that Croney had thought about the line of sight, but questioned whether it was a good idea to put another driveway on Cherry Creek Road if it was not needed, especially from an access management perspective. Kangas is also concerned about the speeds on Cherry Creek Road. Throenle pointed out that the speed limit is 45 mph. Smith indicated Marquette County would have control on the addition of a driveway. Meister stated that having access from Cherry Creek Road would be safer than pulling out off of Carmen Drive onto Cherry Creek Road. Croney indicated he would like to add the driveway in the fall.

Mullen-Campbell moved, Kangas seconded, that after public comment and staff review and analysis in consideration of Conditional Use application CU 17 02, 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 Zoning Ordinance, the Planning Commission approves Conditional Use Permit 17 02, with the additional conditions of:

1. *Completion of a fence by September 1, 2017 along the west property line.*
2. *Hours of operation will be limited to Monday through Saturday, 6:00 AM – 7:00 PM, and Sunday from 9:00 AM – 3:00 PM, year round.*

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

A motion was made at 8:50 PM to take a short 5-minute break.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Meeting resumed at 8:55 PM.

B. Zoning Ordinance Rewrite

Mahaney moved, White seconded to skip this agenda item at this meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Review of Planning Commission Priorities

Meister asked Throenle to give more detail on the Asset Management Plan. Throenle indicated that Manager Lawry will be working on this as part of his responsibilities to go in-depth on roads, the sewer system, and a potential water system. This would then go to the Planning Commission. Kangas asked if Lawry would be collaborating with the Road Commission on this. Throenle indicated that Manager Lawry is part of the US 41 Corridor Group.

Mahaney asked about the order of the priorities. Throenle indicated that the Planning Commission is not held to a certain order.

Meister asked about the Nuisance Control Ordinance – Throenle indicated that this is to take a look at the Ordinance in the AF zoning district.

Mahaney asked about the Accessory Homesteading Activities – Throenle indicated that this had to do with the trend for different structures on a property, and the possibility of renting these structures (i.e. two houses on the same property – is one able to be rented).

Meister moved, Mahaney seconded, to accept the 2017 – 2018 Planning Commission priorities as presented.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Short Term Rentals

Throenle opened this discussion with a trip he had taken downstate to a conference last week and a side trip he had taken to the Boyne Highlands area. All areas at the base of the mountain are rentals. He then went to Harbor Springs, where everything along the lake was a rental, and the homes were huge. After seeing this, he would like the Planning Commission to keep the rural character of our area in mind when looking at definitions for short term rentals. He would also suggest staying with the

size restrictions that are currently in our Ordinance.

Mahaney asked how to police this – Throenle indicated that they would still need a Zoning Compliance permit for an addition.

Meister felt the only way to make it acceptable is to have restrictions that would make it fit in with what is there. Mahaney also felt that the owner or someone who is responsible for the property needed to be local.

Throenle felt that short term rentals need to be looked at district by district. Meister stated that they could possibly look at road frontage. Throenle stated that the Planning Commission will need to use caution when establishing restrictions.

The Planning Commission then went through the definitions.

Zoning Ordinance Definitions in Relation To Short Term Rentals

Bed & Breakfast

Current

Means a use that is subordinate to a single-family detached dwelling unit in which transient guests are provided sleeping rooms (not to exceed four (4) rooms) and a breakfast only, in return for payment; is the owner's personal residence; is occupied by the owner at the time of rental; and, the length of stay of any guest is not to exceed 14 consecutive days and 30 days in one year.

Proposed

A use of a single-family dwelling unit in which guests are provided temporary sleeping rooms, meals, and related amenities in return for monetary payment to the owner.

The dwelling unit is the owner's personal residence, is occupied by the owner at the time of rental, and the owner does not provide more than four sleeping rooms for guests.

The length of stay for the same guest is limited to 14 consecutive days and 30 days in a calendar year.

Discussion

In the proposed, the related amenities would involve any kind of services that would be provided to the guests. The current only includes breakfast. The change would allow the owner some flexibility on if they wanted to provide coffee, treats, or other meals, or other services such as yoga or massage therapy.

The question was then raised about Home Occupation. Throenle stated that if this is just offered to the guests, it would not be considered a Home Occupation. If it was

offered to the public, then it would be necessary to obtain a Home Occupation permit.

There was some discussion on length of stay, and it was decided by the Commissioners that this should be a decision made by the owner, and not regulated by definition. The Planning Commission suggested the following for the Proposed:

*A use of a **single-family dwelling** unit in which guests are provided temporary sleeping rooms, meals, and related amenities in return for monetary payment to the owner.*

The dwelling unit is the owner's personal residence, is occupied by the owner at the time of rental, and the owner does not provide more than four sleeping rooms for guests.

~~*The length of stay for the same guest is limited to **14** consecutive days and **30** days in a calendar year.*~~

Campground

Current

A parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.

Proposed

*A **tract of land** under the control of an owner or owner designee where the land is divided into sites offered for use by organizations or the public for the establishment of temporary living quarters consisting of any combination of **three** or more recreational vehicles, tents or other temporary habitable structures or sites.*

This tract of land can be offered for use either free of charge or for a fee.

Discussion

Throenle explained this is in this discussion because he felt the language needed to be cleaned up in regards to "tract of land". The State of Michigan requires five camping spaces. Throenle also indicated that Chocolay Township has a campground at the marina, which has two camp pads which were built by a DNR grant in 2010. Because we are governmental, we are exempt.

Meister asked if there was any reason that we would need to match to the State. Throenle indicated that this was not necessary. Mahaney asked if campground was an allowable use in the AF district. Throenle stated it was.

The Planning Commission decided to go with the Proposed definition.

Dwelling, Multi-Family

Current

*A structure containing two or more dwelling units designed for residential use, with or without separate kitchens or dining facilities, and conforming in all respects to the standards set forth in **Section 6.3**. These may include apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types, but not including hotels, motels, hospitals, or nursing homes.*

Proposed

A structure containing two or more dwelling units designed for residential use, with or without separate kitchens or dining facilities, without interior access to the other dwelling units, and conforming in all respects to the standards set forth in Section 6.3 of this ordinance.

This definition does not include hotels, hospitals, or nursing homes.

Discussion

Throenle indicated that since the Proposed is already pointing to Section 6.3 there was no need to go through the list.

The Planning Commission went with the Proposed definition.

Dwelling, Single-Family

Current

A structure containing not more than one dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 6.3.

Proposed

A building designed for use as one dwelling unit where no more than one family may occupy the dwelling unit.

A single-family dwelling unit must meet all requirements described in Section 6.3 of this ordinance.

Discussion

There was a question on why the proposed includes “no more than one family”. Kangas read the definition of family from the zoning ordinance. This seems to be consistent with the definition.

The Planning Commission agreed with the Proposed definition.

Hotel

Current

Means a structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts and motels, but not including hospitals and nursing homes.

Proposed

A place of business that rents multiple rooms at the same location for temporary occupancy, and has generally offers other amenities that may also be offered to the public (such as restaurants, pools, meeting rooms, and retail stores).

The length of stay for the same guest is not limited to a set number of calendar days.

This definition does not include hospitals, nursing homes, or group homes.

Discussion

Due to some confusion because of definitions of tourist homes, etc., this has been rewritten to clean up the language. Kangas requested that line two of the proposed definition read "... occupancy, and ~~has~~ generally offers ..."

This change was agreed upon by the Planning Commission and the proposed definition was accepted.

Recreational Unit

Current

Means a tent or vehicular type structure, primarily designed as temporary living quarters for recreational, camping or traveling use, which either has its own motive power or it is mounted on or drawn by another vehicle which is self powered. (Such unit shall not include a mobile home as defined herein.)

Proposed

A tent or vehicular type structure, primarily designed as temporary living quarters for recreational, camping or traveling use, which either has its own motive power or it is mounted on or drawn by another vehicle which is self powered.

This definition does not include mobile homes.

Discussion

Mullen-Campbell asked about "tiny houses". Throenle indicated that in this case they would not be considered a recreational unit.

The Planning Commission agreed on the Proposed definition.

Recreational Structure

Current

Means a cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency.

Proposed

A permanent structure used intermittently for occupancy for recreation or vacation purposes and which is not a permanent place of domicile or residency.

This definition does not include tents, blinds, tree houses or trailers generally used for travel or camping.

Discussion

The Planning Commission agreed on the Proposed definition.

Resort

Current

Means any parcel or tract of land under the control of any person wherein buildings or building space are offered for the use of the public or members of an organization, either free of charge or for a fee, for temporary living quarters incident to recreational use for any period less than one month.

Proposed

A **tract of land** under the control of an owner or owner designee where two or more structures are offered for use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for any period less than one month.

A resort has generally offers other amenities that may also be offered to the public (such as restaurants, pools, meeting rooms, and retail stores).

This definition does not include bed and breakfast, hotels, short term rentals, hospitals, group homes, and nursing homes.

Resorts are limited to the AF zoning district.

Discussion

Throenle indicated that the Proposed language was modified to distinguish between a single family dwelling.

Resorts are currently listed in the AF district as a conditional use.

Mahaney asked if there were currently any resorts in Chocolay Township. Throenle indicated that we don't. Meister indicated that the language doesn't differentiate between a hotel and resort. Mahaney suggested that in a hotel everything is contained, whereas in a resort, it would be spread out, with more than one structure. Mahaney questioned as to why this would not be able to apply to the waterfront district. Throenle will remove the sentence "Resorts are limited to the AF zoning

district.” The Planning Commission approved the Proposed definition, minus the above removal.

Short Term Rental

Current

None

Proposed

A dwelling unit, owned and/or operated by the property owner, providing temporary accommodations for periods as short as one overnight stay, and rented more than fourteen days per year.

Such rentals are only permitted in specific zoning districts – AF, C, R1 and WFR – and must meet the established regulations for Short Term Rentals (section to be defined).

Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

Additional Language for Consideration

This definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster-care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health care related clinic

This definition does not include housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity.

Discussion

Throenle indicated that he recommends that the language needs to keep the language of anything restricted by deeds or covenants. Also, there is the stipulation of fourteen days – after this, the homeowner would lose their PRE.

There was much discussion about length of stay. Throenle indicated that the line, “A dwelling unit, owned and/or operated by the property owner, providing temporary accommodations for periods as short as one overnight stay. ~~and rented more than fourteen days per year~~”

Throenle indicated there was a need to rewrite the long term rental length of stay.

With the revision of the above, the Planning Commission agreed on the Proposed definition.

Structure

Means any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way or limitation, buildings, mobile homes,

radio towers, sheds, signs, and storage bins, but excluding fences, sidewalks, and paving on streets, driveways, parking areas, and patios excluding uncovered open porches not to exceed four feet above grade and not to encroach into the front yard setback by more than six feet in front of the single family dwelling.

Proposed

Placement of constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way or limitation – buildings, garages, mobile homes, pole barns, sheds, signs, and towers that will be in use more than six consecutive months.

This definition does not include fences, sidewalks, paving on streets, driveways, and parking areas.

This definition does not include patios and uncovered open porches or decks that do not exceed four feet above grade and not to encroach into the front yard setback by more than six feet in front of the dwelling unit.

Milton stated that code says 21” – Throenle stated that ours shows 4’. Milton feels that it should match the building code – anytime you need a handrail.

The Planning Commission decided to leave the definition of structure for another meeting, as there are many different aspects that need to be discussed in this definition.

Rural Character

Current

The rural character of Chocolay Township embodies a quality of life based upon traditional rural landscapes, activities, lifestyles, and aesthetic values. The measures of this quality of life and what future rural developments to look like can be found in the Comprehensive Master Plan. For purposes of this section, rural character shall also be defined to mean areas perceived as having a low density pattern of development, being generally void of man-made improvements such as city essential services and exhibiting open fields, farmlands or woodlands as common elements of the visual landscape.

Proposed

None

Throenle will bring the updated definitions back to the May meeting.

C. Mixed Use Corridor

Mahaney moved, Mullen-Campbell seconded to table this subject to next meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Milton – None

White - None

Mullen-Campbell – None

Kangas – None

Meister - None

Mahaney – Great meeting

XI. DIRECTOR'S COMMENTS

Throenle stated that he obtained much information from the conferences he attended. One of the key pieces was the availability of low interest loans from the USDA. These loans not only cover residential, but also infrastructure such as roads and sewer systems.

Next meeting there may be a potential Site Plan Review for the KBIC Casino project. If not in May, it will happen in June.

Suzanne Sundell is the new Community Development Coordinator – this will be a great help to Throenle and Manager Lawry as the Township moves forward with different projects.

There is a scenario that will come up next meeting – the property across the street (St. James the Less) is up for sale. Realtors are marketing the property as commercial, but it is zoned residential (R1). The Planning Commission will need to discuss the rezoning of this property. (Churches are a conditional use in a residential district)

Thanked the Planning Commission for their patience in going through the Conditional Use permit.

Mahaney questioned if the PC would be discussing Short Term Rentals next month. Throenle indicated that this is going to depend on if the Site Plan happens.

White asked about the possibility of having a special meeting in order to get caught up with some of the items that are pressing. This would be a possibility.

In regards to the Site Plan, there have been preliminary plans which have been reviewed by Chocolate Township personnel and the Fire Department. Kangas asked about the test well findings. No results yet. Throenle also indicated that KBIC is planning on having a Town Hall Meeting prior to the Site Plan review. There is a possibility that this could be combined with a Special Meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 03/17/17 Marquette City Planning Commission

B. Minutes – 03/20/17 Township Board Minutes

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 10:35 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 15, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Jon Kangas, Judy White (Board)

Members Absent: Kendell Milton (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Suzanne Sundell (Community Development Coordinator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by White and seconded by Kangas to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

April 17, 2017

*Motion by Meister, and seconded by Mullen-Campbell, to approve the minutes as corrected (Page 3, under Applicant Discussion, second line should read, "...anything stored there would not be a groundwater **issue** ...). The tape was reviewed for the correct word.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Janet Amundsen – 2029 State Highway M-28 East – she had some things she would like to have cleared up. Who makes up the agenda for the Planning Commission meeting (**Throenle indicated he did with input from the Planning Commission**), who makes up the agenda for the Township Board (**Township Manager, with input from the Board of Trustees**), when are packets received (**Thursday prior to meeting**), how soon are minutes posted (**approved within 3 working days of meeting, draft within 8 working days of meeting**), who started the Casino parking lot rezoning (**KBIC requested the rezoning**). Amundsen thanked the Township for giving her a copy of the US Geological Survey, but questioned the year the report was made. She feels there were not as many houses and other properties that would be drawing down the wells. Amundsen questioned the Commission on if they had read the whole report. Amundsen also has concerns about the increase in highway speed – she feels that this is very dangerous. She wondered if the Board plans to represent the homes on M-28 on this matter. Mahaney stated that the Township has no control over this, as it is a state designated highway. White suggested that Amundsen contact MDOT.

Matt Blondeau – owns the apartment building at 125 Kawbawgam – he would like to address some zoning issues that he is facing. Blondeau's property is zoned Multi-

Family Residential, while the apartment building across the street is zoned Commercial. This has created some setback issues for him, as he only has 2 acres – not able to rebuild in case of fire or to expand. He felt that his property should have been zoned Commercial. He would like the Planning Commission to look into this issue further and try to correct the zoning discrepancies. This property was used as a motel for forty years before the zoning ordinance was adopted, so he felt it should have been commercial from the start. Blondeau felt it should align with building codes. Mahaney asked Throenle if this is something that should go to the ZBA. Throenle indicated that he would be addressing this in his Director's Comments later, as this is not the only property out there with issues such as this. Throenle has gone through records and can find nothing indicating why things got changed in 2008. Meister pointed out that the Commercial district does not allow multi-family, so this would create a new problem.

John Wilson, 1987 M-28 East – he is a year round resident. He is for short term rentals, if regulated properly. He has used them himself when visiting other cities. Prior to buying their home, they had a long term lease at 1963 M-28 East, which had a short term rental next door, with its own driveway. There were no problems while living there. Now that they live at 1987 M-28 East, they have had multiple issues with a short term rental next door, as they have a shared driveway – the renters park on their property, ring their doorbell trying to get in, take their firewood – the renters seem to think that both properties are the rental. He has called the police. On the other side, there is a family camp with their own driveway – there are people coming and going all the time, but there are never any problems. He feels there needs to be some sort of compromise, possibly with permits, regulating the number of short term rental in the area, not having permits issued to owners with shared driveways, limits on the number of overnight guests, limit on number of vehicles that can be parked there. There needs to be a mechanism to revoke the permit if there are too many complaints. He would like to volunteer his time, and would like to be more involved as this goes forward.

Deborah Mulcahey, 633 Lakewood Lane – she is totally opposed to short term rentals. Mulcahey does not feel that Chocolay Township should follow the City of Marquette. She feels there is no impact to local economy in Harvey – very few businesses. Enforcement is a very difficult thing – how does the Township determine there are more than four unrelated people? Historically, our present Township attorney has stated that it will be difficult to enforce. Our prior Township attorney, Mr. Summers, in writing talked about rental properties and calls them a commercial operation. In 2011, Jennifer Thum, previous Planning Director / Zoning Administrator had also addressed short term rentals. Mulcahey would like to know what the economic benefit to the community is. She sees a big negative. The Township is losing people – the rental properties don't bring census numbers. She feels we need to remember that we are a rural township for zoning. The legislation proposed for short term rentals moves slowly. People are dealing with short term rentals worldwide. Mulcahey stated she lives in a residential community and wants to stay in a residential community.

Linda Rossberg, 1975 M-28 East – commended the Planning Commission for wanting to

serve when issues such as these come up. Rossberg provided a handout, which was included in the packet under correspondence. She had provided this information, as she had the sense that there was not a lot of history out there, so she went back and gathered information – minutes, letters to the editor, and things related to the casino. For over 30 years there have been concerns about the water in that area. It doesn't matter what type of commercial business it is – the concern is the homeowners and the wells going dry. At one of the meetings she attended, a spokesperson from KBIC stated that their intent was not to take away the water from the people out there. She has been a homeowner on M-28 for over 28 years – there have always been problems – it not only is undrinkable, but the tannins stain clothes. They have water – just not good water. She went through the Master Plan to see where the Township is getting their information – it stated that the majority of people get their information by word of mouth and the newspaper. She felt that one of the major goals of the Master Plan was to protect water resources. She felt the way the questions were asked in the survey were kind of misleading, which may have led people to believe that there was a need for commercial development. She has talked to several experts that indicate they would not build in that area. She is not opposed to the Casino – she is opposed to development. She previously worked for MSU Extension, and she sincerely hopes that the Planning Commission will gather information before making a decision.

Tony Harry, 6369 U.S. 41 South – he started an ATV / ORV club in Marquette County. He would like the Planning Commission to look at the ordinance to allow ATVs and ORVs to ride far right on Marquette County roads and connected trails. He worked with the Planning Commission in Marquette Township, and was able to get approval from them, and to seek approval from the Marquette Township Board. They have changed their ordinance to allow ATV / ORV to use County roads from 7:00 AM to 10:00 PM. They are looking for a connection to get through Chocolay Township, and to be able to get gas and lodging. They have a trail by the Casino, but they are not able to connect to it.

Public comments closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Zoning Ordinance Rewrite

Staff Introduction

Mahaney read the background portion of the memo presented to the Planning Commission. There are changes that have occurred since the ordinance was written in 2008. Considerations were not included for some of the issues the Planning Commission is facing (short term rentals, extended growing season structures,

temporary structures, and alternative energy possibilities). In some zoning districts, there are large numbers of non-conforming parcels. Some sections are very lengthy and difficult for citizens to comprehend and comply.

Mahaney also read the staff recommendations that Throenle had presented as to the possible ways for the rewrite to occur. Three possible solutions are: (1) Planning Commission and staff take on the task, (2) budget in the next cycle for a firm or organization to complete the rewrite, or (3) retain the current ordinance and continue to make changes to the language.

Commission Discussion

Meister indicated that if a complete rewrite were going to be done, he would suggest having professionals do it. He would like to have some dollar amounts associated with this. Meister indicated that option 3 is like filling potholes, but the second option would be preferable.

Throenle indicated that the 2008 rewrite cost approximately \$16,000. His estimate for the 2018 rewrite would be around \$25,000. White asked who had written the 2008 ordinance – Throenle indicated he thought that CUPPAD had. Throenle indicated that he has no historical documents on this. He feels that there is a lot of ambiguity, zoning maps that need to be cleaned up, and language that needs to be cleaned up.

Throenle would need to put out a Request for Proposal (RFP) and specify the criteria such as number of town hall meetings, surveys, and the timeframe to accomplish. There would also be constant updates to the Planning Commission and Township Board. With everything else that is going on, Throenle does not see the Planning Commission being able to take on the rewrite of the Zoning Ordinance.

Mahaney feels that some of the challenges for the Planning Commission is that they do not always understand the language of the ordinance – this makes it very time consuming.

Mullen-Campbell feels that you would understand the ordinance better by doing it themselves.

Throenle feels there needs to also be some type of statement in our ordinance that allows the Planning Commission more flexibility.

Mahaney questioned the information that would be given to someone rewriting the ordinance. Throenle indicated we could survey people to see how we can balance all the inconsistencies in the Township.

Throenle indicated that now is the time, as we are going into budget planning for next year.

Meister feels that it is a good idea to have professionals rewrite the zoning ordinance. Smith agreed with Meister. Smith also indicated that the rewrite that Marquette Township did provided much more clarity. Mullen-Campbell also agrees

that a rewrite by professionals is a good idea. Kangas felt it was monumental, and he is in support of hiring professionals to do the rewrite. White (as a Township Board member) stated she has gone through the ordinance a number of times, and she feels that the ordinance needs to be simplified and clarified for easier use, and if a professional can do that, she is all for it.

White moved, Mullen-Campbell seconded, to recommend to the Board that monies be made available during the next budget cycle to fund a search for a firm or organization to complete the rewrite of the Zoning Ordinance by the end of 2018, with a requirement that the Planning Commission direct the process and input for the revised ordinance.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Review of Existing Ordinances – Ordinance 47 and 57

Staff Introduction

Throenle indicated that the purpose of bringing these two ordinances to the Planning Commission was based on a recommendation by the Board at the joint meeting in March. Ordinance 47 and Ordinance 57 were selected as they were one page ordinances.

Commission Discussion

On Ordinance 47 (Watercraft Speed), Kangas questioned if Throenle knew if Act 303, Public Acts of 1967 was still applicable. Throenle indicated that he would have to check into that. Kangas indicated that everything else in the ordinance made sense – his concern was referencing Acts that are that old.

Smith stated on Ordinance 57 (Bicycle and Snowmobile) that he believes to allow snowmobiles on a bike path there had to be an ordinance written in order to achieve funding to have a bike path with snowmobile access (with MDOT input).

Throenle indicated all he was looking for is Planning Commission input on if the language needed changing.

Mahaney wondered if Ordinance 57 was even necessary. Smith indicated that his understanding is that anytime you have a bike path over an MDOT right-of-way, there is a need for an Ordinance.

Kangas brought up the formatting on the different ordinances. Throenle indicated that in order to change the formatting, the ordinance would need to have a Public Hearing.

Meister moved, Kangas seconded, to table Ordinance 47 Water Craft Speed for review of reference to Act 303, Public Acts of 1967.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

Meister moved, Kangas seconded, to accept Ordinance 57 Bicycle and Snowmobile as written and to hold the recommended ordinance for a public hearing that will be scheduled in the future.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

C. Conditional Use Checklist

Staff Introduction

Throenle stated that at the last meeting, Smith had requested a checklist for reviewing conditional use permit requests. Throenle has attached a proposed checklist which incorporates the information the applicant must provide and the information outlined in Section XVI of the Zoning Ordinance regarding conditional use permits. This checklist would be used as part of the hearing process.

Commission Discussion

Mahaney asked about the 500' notification condition – Throenle indicated that is part of the checklist that is on the application.

Meister asked about guidelines for conditional use such as number of vehicles, etc. so the Planning Commission can be consistent. Throenle will work on guidelines for this.

Throenle asked that the Planning Commission accept this checklist, and be aware that as things come up, they can be added to this.

Kangas moved, Meister seconded, to adopt the Conditional Use Permit checklist as presented.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Planning Commission Priorities – 2017-2018

Throenle indicated that this was a minor change, but for ease of printing the agenda he would like to remove the priorities to a separate sheet, which will be included in the packet.

Kangas indicated he felt that having priorities on the agenda does not seem like the right place, but having them available as a separate sheet is a good idea.

Kangas moved, Mullen-Campbell seconded, to remove the priorities from the agenda and provide a list of priorities in the packet material, as referenced in VIII.A.1.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Mixed Use Corridor

Staff Introduction

Throenle indicated that he is looking for direction on the mixed use corridor. He is looking to see how he can condense the material.

Commission Discussion

Meister feels that some of the information can be combined.

Throenle indicated that he will plan on starting with the language at the meeting to go forward on this project.

Smith questioned the rezoning of St. James the Less Episcopal Church – who is responsible for the rezoning? Throenle indicated that property owners are retaining the right of refusal (even on the intended use). Meister indicated that this is the responsibility of the buyer / seller – either apply for a rezoning or wait until the mixed-use district goes into effect. It could become a condition of purchase when making an offer.

Smith feels that the rezoning that was done in 2008 is unfortunate, and it was not well publicized. Most people did not even know it was happening until it was done – not only in Chocoday Township, but most of Marquette County. Now residents are notified in writing if there is going to be changes.

C. Short Term Rentals

Staff Introduction

Throenle indicated that last month the Commission went through definitions of short term rentals, and these are presented in the packet. Throenle indicated that there are two bills that have been introduced into the House and Senate, with the same language, which are addressing short term rentals specifically. The goal of the bill is to make a blanket application which states that a short term rental is not a commercial use of property, but is a residential home, and should not be subjected to a special use or conditional use permit, or any different procedure from anyone else that lives in that same zone. If these bills were to go into effect, they would supersede anything we may have in place. Throenle is looking for direction from the Planning Commission on how to move forward.

Commission Discussion

Meister asked if this would take away any of the restrictions that the Planning Commission may put on short term rentals. Throenle indicated it would. Kangas stated it would take away any local control. Throenle stated that both bills were introduced at the same time from different areas of the state.

Mahaney felt it was prudent to wait and see what the State does.

White asked Supervisor Bohjanen (in the audience), if there was anything provided to him at the Michigan Township Association conference that he attended when he went to a session on short term rentals. Bohjanen indicated there was not anything provided, except for the fact that you need to have it spelled out in your definition and conditions. He feels that conditions are necessary. Bohjanen also indicated that the Township could still have restrictions when it comes to the health and safety of the residents.

Mahaney moved, Meister seconded, to table short term rental definitions until next meeting when more information may be available on the proposed House Bill (4503) and Senate Bill (329).

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – casinos, short term rentals, and now ORVs. She remembers the meeting three to four years ago and there was not much support at that time. She is also upset that the Commission did not deal with the short term rentals. The concept of short term rentals is already here – hotels, resorts. She is not opposed to short term rentals, she is opposed to short term rentals in Waterfront Residential. She is concerned about fences – would like the Commission to think about requiring surveys when people are doing buildings. When they bought their property, there was an issue of encroachment on one side which was not a problem, but on the other side the neighbor kept moving the survey stakes, along with mowing their grass to his satisfaction. Now they came home this past spring, and there is a generator adjacent to their house (electric with a gas line). An air conditioning unit has setback requirements, but not generators. This could become a safety issue if they would decide to put their driveway right on the property line (which is legal). She feels that people should be required to obtain a survey before they build, and asks that the Planning Commission discuss this.

John Wilson, 1987 M-28 East – was wondering if it is possible to offer to pay for his neighbor’s driveway in order to alleviate the problem of a shared driveway. Would he need a permit? Throenle indicated Wilson would need to speak with MDOT first. Once again, he offered assistance with short term rentals. Smith indicated that Wilson would also need to take a look at any easements that may be associated with doing this, and go through an attorney to make sure things are done properly.

Tony Harry, 6369 US 41 South – just wanted to let the Planning Commission know that he has been a resident of Chocolay Township for 35 years, and has worked in the Marquette Public Schools for 33 years. He is a DNR recreational instructor. The education is getting out there, and he has taught many classes across the UP. He is trying to get a UP wide trail – he is trying to get a safe way to get in and out of Chocolay Township. He feels this would be a boost to the community with money being spent at local businesses. He is very familiar with the ORV program – grants and other things. He offered his assistance in making this happen.

X. COMMISSIONER’S COMMENTS

White - None

Mullen-Campbell – None

Kangas – None

Meister – None

Smith – None

Mahaney – Great meeting again. Thanked everyone for attending. Mahaney brought up that fact that during discussion on agenda issues, the discussion is for the Commissioners. The public has their time to speak on any of the issue during the two Public Comment periods.

The Commissioners asked about when they would be receiving tablets.

XI. DIRECTOR’S COMMENTS

Throenle updated the Commissioners on changes in staff – Sam Gerber has been hired as the new Assessor, starting on June 1, 2017. Kristin Cannoot is our new Administrative Assistant in the Clerk’s office who started May 15, 2017 – she will be involved with packet preparation, along with her other responsibilities.

The tablets have been purchased, but are not working as expected. As the new Community Development Coordinator, Suzanne will also be taking over responsibility for technology. We are working with Lasco to come up with some suggestions, and then will be looking at getting the necessary funding.

Next month there will be a Site Plan review on the agenda.

The Casino project is moving forward – they are now looking at connecting to the Township’s sewer service. There are still some issues to be resolved before they come to the Planning Commission for Site Plan review. There is still not a defined project plan.

Throenle would like to resolve the issues regarding some of the zoning issues that are happening in the Township. He would like to take this by quadrants. This would be in keeping with the Master Plan. The Planning Commission felt this would be a good idea.

Supervisor Bohjanen commented that in discussion with KBIC, it sounds like the speed limit change will start east of Kawbawgam.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – 04.04.17 Marquette City Planning Commission
- B. Minutes – 04.18.17 Marquette City Planning Commission
- C. Minutes – 05/01/17 Township Board Minutes
- D. Correspondence – Linda Rossberg 04.17.17

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 8:55 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 19, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:05 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Jon Kangas, Kendell Milton, Judy White (Board)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Steve Lawry (Township Manager), Suzanne Sundell (Community Development Coordinator), Kristin Cannoot (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Kangas and seconded by Smith to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

May 15, 2017

Motion by Donna Mullen-Campbell, and seconded by Smith to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Janet Amundsen, 2029 M-28 East – questioned the June 22 ZBA meeting and wondered if this was a private meeting, since only the people that are within 500 feet were notified. Attended Board meeting a month ago and is disappointed in her Township leaders. Questioning who is in charge of the Township. She feels that everything that has been KBIC related was not done in the proper order. Attended KBIC town hall meeting and feels most residents are more concerned about water storage and test wells, not the hotel, gambling, and restaurants as those will happen either way. She feels the bottom line is water quantity, not quality. She thanked the commission.

Deborah Mulcahey, 633 Lakewood Lane – She is upset that the agenda material was not available sooner than mid-morning. Short term rental have been a problem for 6 years, and now there are three new things on the agenda. Casino, wastewater – she wants to make sure that there is no cost to Chocolay residents. Site review on the storage units – need to look at lighting, vegetative buffer and fencing, acreage needs to be combined. Has a concern with 140 Carmen Drive - looks horrible and fence is not constructed on any portion – it is not behind Main St Pizza but adjacent. Need to be mindful of other residents. Short term rentals definition should be addressed.

Public comments closed at 7:15 pm.

V. PUBLIC HEARINGS

CU Permit 17-03 Daycare:

Dale Throenle reminded attendees that the current homeowners, Don and Lori Carlson, are applying for the permit and that they are not the ones who will be running the daycare. Read an email from the neighbor who lives at 130 Katers from Lance Gilliam. Question 1: Will the homeowners be living in the house? Answer: The owner/operator will be living in the house, the daycare will not be a separate business. Question 2: Is this a business that only the homeowners will run or will there be additional employees? Answer: The homeowners will run this business and there will be no additional employees. Question 3: Is there a maximum number of children that this daycare will provide for? Answer: Yes, the maximum number of children is 10. Throenle also read a letter that supports the fact that there is a need for additional daycare in the area.

PUBLIC COMMENT

Tina Brandel, 201 Terrace Street – she runs an in home daycare which is licensed for six children. She explained the difference between a center and an in-home daycare. She feels there is a definite need for this type of business. She explains that she has been running her daycare for 13 years and has a waiting list.

Mellisa Gilliam, 120 Katers Drive – wondered about the hours the daycare will be open. No problem with the daycare, she is concerned with her two dogs and the chain link fence that separates the property. She is worried that a child may put their hand through the fence and get hurt by her dogs.

Donna Marine – 150 Edgewood Drive – she bought property in a residential area and not one with businesses in it. Questions if there are restrictions or anything about running a business within a residential area. Mahaney stated there are within the Township Zoning Ordinance, such as home occupations, or in this case a Conditional Use permit, which is what the applicant is going through right now, that is the process to allow or deny the daycare. Marine went on to say she is unfamiliar with the process and is wondering how this works, vote on it? Mahaney replied that this is the process we are doing right here and we will vote on it tonight. There is a process, Conditional Use Permit turned in to Throenle, reviewed and then comes to the Planning Commission and the Commission will vote on it. Marine went on to explain that her whole adult life was spent looking after children and she came here to retire and she thought this was the kind of place where she could be free from that kind of thing and she wants it noted that she would not like the daycare there.

Abbey Lawrence – no address stated – she and Kyle Carlson are the ones that would like to open the daycare in the home after purchasing it. The business hours are primarily 7 to 5:30, licensing requires her to be compliant with state rules in order to keep her license, she has liability insurance and would like to put in a wood, privacy fence to

have a more appropriate barrier so there is no liability issue on her end. Lawrence stated she had thought about dividing the backyard to keep kids away from the neighbors with the dogs. Mahaney asked her if she has thought about the maximum children she would have. Lawrence responded that licensing does not allow her to have more than 12 children and that for the space she has she doesn't think that she would exceed 10. It depends on the age of the kids in the group. Meister asked if the fencing she is talking about is something she is planning on doing? Lawrence responded, if it's deemed necessary, absolutely and then follow the zoning ordinance to obtain that. Mahaney asked if the hours of operation are mandated by the state? Lawrence responded, no, that you choose hours when applying for a license and that it is safe to say that she will be licensed from 6:00 AM until about 5:45 PM, with main hours being 7:00 AM to 5:30 PM. Lawrence indicated they would not be open on the weekends and no evening or overnights. Mahaney asked if it would be open year round? Lawrence responded correct. White asked if Lawrence is applying for a day care center or a family day care? Lawrence responded that it is considered a group daycare. She is currently running a daycare in Gwinn and is zoned through Forsyth Township - she has been through this process before. Four of the five families from Gwinn are interested in coming to the new daycare and she has daily calls from people looking for daycare. White asked Lawrence if other than her own family would she have children there on weekends. Lawrence responded she is not licensed for weekends, and family is not considered as part of the daycare. Throenle interjected that children will not be outside before 9:00 AM. Lawrence stated that they will be courteous to the neighborhood and that they encourage children to behave. Mahaney asked if she will be working this alone or expect to hire? Abbey responded that depending on the ratio of children she can be alone with up to six children. Mahaney asked if Lawrence was planning on hiring someone? Lawrence responded she was. There was some discussion between Throenle and the Planning Commission on the hiring of employees.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Conditional Use Permit CU 17-03 Daycare

Staff Introduction

Throenle went through information that was presented in his staff comments in the packet.

Commission Discussion

Throenle indicated this is a home occupation, but falls under the home occupation of daycare. Daycare license under the State of Michigan, requires an additional employee after you reach six. This is part of conditional use, so there will not be a need for a separate home occupation permit. Under State law, Lawrence is required to have one or two employees. Meister asked for clarification on the location of the

privacy fence. Throenle requested that there be a condition of a privacy fence between 130 and 120 Katers. Mahaney stated that the Commission would like to add the fence condition as a requirement. He then asked Lawrence if she will hire additional employees. Lawrence responded that she plans on hiring two employees. Kangas asked if the State has a requirement on background checks. Lawrence indicated it does.

Meister moved, White seconded, that after public comment and staff review and analysis in consideration of Conditional Use Permit CU 17 03, 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 Zoning Ordinance, the Planning Commission approves Conditional Use Permit 17 03 with the following conditions:

(1) A six foot privacy fence be constructed between 120 and 130 Katers Drive.

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

B. Site Plan Review – Hudson Storage Units

Staff Introduction

Throenle introduced the proposed storage units Hudson Properties at 110 and 120 Carmen Drive and read the description of the property. The proposed storage units will be located in a commercial district, the only residential district is to the south of the proposed units, which is LSS Manor on Cherry Creek Road. Both lots are non-conforming lots of record. Three storage units are proposed: one is 40 x 130, the second is 40 x 60 and the third is 40 x 120. Scott Swenor (UP Engineering) will be representing the engineering firm.

Applicant Discussion

Scott Swenor – UP Engineers and Architects – He lives in Chocolay, his partner Mark Daavettilla was pulled away and not able to be at the meeting.

Commission Discussion

Throenle directed Commissioners to section VII.B.4 and proceeded to walk through the site plan review checklist. Proposed snow storage is a concern. Swenor replied that it would be pushed between two of the storage units. Mahaney asked Throenle if there is a fence. Throenle replied that there is a silt fence. Kangas asked if that silt fence would be to prevent erosion during construction. Throenle recommended a fence as a requirement. Mahaney, suggested a fence on the back side with the storage units being 24/7 and housing units behind it - would give more privacy. There is not much of a buffer there for the trees, maybe fence should extend all the way, access from the back. Milton interjected, there is an existing building there and would not want snow pushed over the line and affecting drainage with the existing building. Throenle directed the Commission to a graphic to show where buffers and

fence could be placed. Some of the tree line may be preserved. Throenle suggests that leaving trees could be requirement along with the fence. He also indicated that storage units typically do not generate a lot of noise but car lights could be a problem, however, tree buffer and a fence could diminish that. Kangas questioned plan sheet C103 as he is trying to figure out the contours. Meister asked if we have the authority to require a fence, Mahaney said to approve the site plan, he believes we do. He asked if there would be any utilities, Swenor replied that if there are any lights they would be downward facing. Swenor asked if they could move buildings closer to Carmen Drive to allow more space in the back for a buffer to leave more trees. Mahaney stated setbacks are already at the limit. Smith asked about storm water retention required. Throenle commented that the silt fence is there during construction, the storage units are drive in and drive out, not looking at a whole lot of water, just snow removal. There was some discussion on access. Throenle suggested that access could be a requirement. Swenor asked if the two lots could be combined to allow two buildings. Mahaney responded there was no approval for that. Throenle indicated we would need to pull this site plan off the table if that were the direction the engineers were going. Swenor responded that he withdrawals that idea. Smith would like storm water retention because the new buildings with metal roofs will be creating a lot of run off. Meister asked if the ditch would affect the property owner. Mullen-Campbell questioned where LSS Manor pushes their snow. Mahaney asked Throenle if they could approve it with conditions, as there was concern about the six foot strip on the east side of the large building, especially if that was sold separate without a permanent easement from Hudson? The Commission would like to see the easements, snow removal, storm water retention, privacy fence and buffer issues addressed at the next meeting.

Meister moved, Kangas seconded, to table the Site Plan Review to either the July 6, 2017 Special Meeting or the July 17, 2017 Regular Meeting to allow the applicant to address concerns of the Planning Commission.

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

C. Site Plan Review – KBIC Casino Remodel / Expansion

Staff Introduction

Throenle began the discussion by adding a letter sent from Gundlach Champion regarding landscaping, which Mahaney read. Throenle confirmed that each member of the Commission received the detailed plans. Throenle stated that there are representatives from Gundlach Champion and KBIC in the audience. Throenle described the expansion to include a hotel, restaurant, entertainment venue, casino expansion which is on the tribal trust land, as well as a conference center. The lot size, currently a parking lot, is 21.59 acres; he also provided a description of adjacent zoning districts and land uses. Throenle showed a graphic while describing the land and describing the moving of three homes to a residential site, the location of the new road, hotel, entertainment center, water tower and casino. The casino

expansion is on Tribal trust land and is not up for discussion tonight. The fire department will have access to the new water tank.

Applicant Discussion / Commission Discussion

George Meister, project manager, GEI Consultants (Scott Richards; for water questions) G. Meister proceeded to go over the drawings which are part of the agenda materials. He highlighted the MDOT plans for acceleration/deceleration lanes for entrance and exit from the casino. These are decided by MDOT, not the Township or Casino. The eight-foot wide shoulder will become a two-foot wide, paved shoulder with a two-foot wide gravel shoulder. All permits will come through MDOT. He then described the new entrance and parking lot and he feels that about half of the residential traffic from Kawbawgam will use the new route and should reduce traffic on Kawbawgam. He discussed the utilities, specifically the elevated water storage tank and pump house as well as the three test wells. There will be a new hydrant that will be specifically for the fire departments use. He addressed the concerns regarding water quality and quantity with the three test wells, the water is not coming from a basin, the water is coming from water that is moving north to Lake Superior. The pump tests have shown very little impact on the surrounding area. After an eight-hour test, one of the test wells went down a quarter of an inch. The projected peak use will be 132 gallons per minute, giving a pump capacity of 264 gallons per minute. Milton asked if that is all three wells together – Richards stated it was. Mahaney questioned how long they have been testing the wells. Richards replied that they have been tested for eight hours, the initial test was to consider impact to see where the test wells should be sighted and the goal is to turn the test wells into production wells. Once permitted, Mahaney asked if the wells have to meet a certain State requirements. Richards stated yes, as they are type 1 water supplies. Mahaney questioned if the preliminary tests were felt to be adequate. Richards replied he does – they have done a lot of exploratory wells. There was a question from the audience on recovery. Richards stated that they came right back. Once the final permit test is done that information will be available. Mahaney asked if the State is there during the testing. Richards replied no, but the information would be submitted to them. Mahaney asked about the abandoned well on the plans – wondered if this is the existing well. Richards replied there are two wells, and both wells will be abandoned. Richards stated that the new wells will not have any residents to the south - nothing developable there. Throenle interjected to show in the graphic where the wells are. Mahaney asked if there will be monitoring wells to the south and if they are required? Richards replied that they are not required at this time, but it is highly recommended. If it is shown that the wells are drawing down the wetland then they are required. Smith asked if there are multiple aquifers out there? Richards replied that the wells are non-confined aquifers. They are not in the sandstone, they are in a layer between the clay lens and sandstone. Milton asked if they use screens? Richards replied screening coarse medium clean sand. Mahaney asked how deep the wells are? Richards replied that from the bottom of

the casing they are 100 to 110 feet for all three. Kangas asked Scott to cut to the chase - will the DEQ permit these wells? Richard replied that he thinks so and that they there is a lot of money invested in this and that they have been very cautious. Kangas stated that there are enough concerns out there and he thinks it's definitely warranted. Mahaney asked if the DEQ approval that Kangas mentioned going to happen before construction. G. Meister replied that it has been permitted along the way and then at the end they will need a final permit. Mahaney asked to go back to the highway and asked if they feel that with the new entry and exit if the two-foot paved shoulder is adequate with the new speed limit. Mullen-Campbell interjected that the speed limit change is proposed east of Kawbawgam. Throenle confirmed that the change is well past Kawbawgam. Kangas asked Township Manager, Steve Lawry (in the audience) about the exact location. Lawry stated, that MDOT has been asked to take into consideration the pedestrian traffic and the campground that is out there, but they have not determined the exact location yet other than it will be east of Kawbawgam Road. Kangas stated that MDOT is listening. Mahaney's concern is with the acceleration lane and the two-foot shoulder, that it is not much of a buffer with people walking or biking. G. Meister replied it is up to MDOT. Mahaney thinks it would be prudent to bring it up to KBIC because with the speed limit change people will not immediately slow down from the speed of 65, so two feet is not much of a buffer for non-motorized traffic. G. Meister replied that they will review it. Mahaney responded that with the push that Marquette County has with non-motorized he sees that area being used quite a bit and with the Heritage Trail just to the south of it, there are people using it - it would be prudent to enlarge the shoulder. G. Meister responded that he agrees with that and widening it to five feet. Milton asked if there would be any access for private homes to tie into water? G. Meister replied no. G. Meister indicated the other item to note on the public utilities is the sanitary sewer. It will be a combination gravity and forced main sewer, and the receiving system looks to be able to handle that. Looking at the design, the line would be turned over to Township once completed, allowing residents to tie into the sewer. He sees that being a bonus to this project for the residents. Mahaney questioned if this would run alongside the highway. G. Meister responded it will be on the right of way. Mahaney questioned when this would begin. G. Meister responded that would probably be a next year project – not fully designed yet. Milton asked what size pipe they would use? G. Meister responded they would start with eight-inch and it would vary as they go. Milton if this is an eight-inch forced main. G. Meister responded that the forced main would probably be more in the size of four-inch. Mullen-Campbell asked, what the average depth of residential wells in the area. Throenle responded roughly about 40 feet. Mullen-Campbell questioned if the KBIC deeper well would drop the level of their wells. G. Meister indicated it would not. There was a question on what the capacity of the storage tank is. G. Meister replied it is planned to be 75,000 gallons as of right now and a big part of that is for fire suppression needs. This will also be used for the casino. Mahaney asked if they are pretty confident on their construction schedule. G. Meister replied yes, the tentative start date is July 24th and

that is based on getting the remainder of the permitting process complete. Most of the big construction should be done by the end of September of next year and by the end of 2018 that will be pretty well wrapped up. There was some discussion on storm water, retention basins, and snow removal. Throenle asked G. Meister to address lighting. G. Meister commented that it will be a down lit style light. He referred to the packet and that it shows lumens etc. It will not be like a Walmart, it will be designed with modern features. It was stated that our ordinance requires that type of lighting. Throenle commented about the dark sky concept. Commissioner referred to the letter we received and asked about the tree being planted in each parking island along with a light, is that going to be an issue. G. Meister replied, no, it is in accordance with the ordinance. Kangas asked if we can recommend approval of this site plan contingent upon receipt of all state permits - wells, public sewer, MDOT permit. G. Meister responded that holding off construction until all permits are through is not realistic.

Commission Discussion

Kangas asked how the motion should be stated with permits not being complete. Mahaney asked if the sewer has been approved and if permits are issued through the Township. This is permitted through the DEQ. Mahaney commented that we don't know if that will happen. Questioned if there would be a reason the Township would not take ownership. Manager Lawry responded that the Board has addressed that issue, but at this point if the DEQ denied this they would have to suggest another way. This is the way the DEQ has suggested it be done. It may take a while. Mahaney asked Lawry if he thinks the permitting will happen. Lawry responded yes. Kangas indicated he thinks we should hold them to the promise in the letter we received today on proper screening on the east side with the fence and mixture of plantings. Mahaney asked Throenle if the landscaping would have to be specified? Throenle responded, yes. Milton asked what the street address is - Throenle responded 105 Acre Trail.

Before the vote, E. Meister indicated his relationship with G. Meister – he has no financial interest in the business. The Planning Commission indicated they had no problem with E. Meister voting.

Mahaney moved to approve with conditions, Kangas seconded, that after staff review and Commissioner discussion, Site Plan Review Application SR 17-35 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following conditions:

- (1) The letter dated June 16, 2017 regarding landscaping issues is part of the accepted site plan review.*

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

VIII. UNFINISHED BUSINESS

1. Mixed Use Corridor – moved to July 17, 2017 agenda
2. Short Term Rentals – moved to July 17, 2017 agenda

IX. PUBLIC COMMENT

Deb Mulcahey, 633 Lakewood Lane – commended the Commission on thorough review of the project. Regarding the Casino, she expressed her dissatisfaction with the timing of the information being available to the public. Suggestion to G. Meister she would like them to use native seeds and plantings. Right of way is a safety issue heart and she would like proper signage, especially for people from out of the area. With water quality, it was mentioned there is very little impact, but she feels there should be no impact. She is very concerned about the water.

Mark Maki, 370 Karen Road – commented about the public hearing, Mahaney corrected him that it was a typo error. Site Plan Review should be submitted 30 days prior, does not believe the timeline was followed. Maki also feels the zoning ordinances have not been followed. Water issue should have been part of the rezoning. Feels no one cares. No letters from fire department, police department, county health department, DEQ, state highway dept. Feels they should have approved it. Private road discussion, commercial driveway and he will put those in writing.

Janet Amundsen, 2029 M-28 – widening of the highway, wondering what side of the road the space will come from? She would like it to come from the KBIC side, not the lake side. Wants to know if the plans were available to the public, and if so where would she be able to see them. Throenle responded yes, but that we currently do not have a scanner to accommodate that size of paper, however, the plans are listed as part of the agenda materials. She attended the town hall meeting and wanted a copy of the plans instead of a goodie bag.

Jennifer Misigan – VP KBIC – She would like to thank everyone for their due diligence. She apologized to Janet for not having a copy of the plans available for her. Their intent is to be really open with the community and transparent and to be good neighbors.

Public Comment Closed

X. COMMISSIONER'S COMMENTS

White – Mark was right - plans should have been submitted 30 days prior to the meeting and it wasn't. Throenle interjected that they were. White stated that she was looking at a date of May 31, the day it was signed. Throenle responded that it was a supplemental document and the original was submitted May 18. Throenle indicated on it was on the first page of the application, VII.A.1.

Milton - none

Mullen-Campbell – wondered if there was an attorney on staff.

Kangas – withhold my comments

Meister – none

Smith – none

Mahaney – Thanked the Commissioners

XI. DIRECTOR'S COMMENTS

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 05.02.17 Marquette City Planning Commission

B. Minutes – 05.16.17 Marquette City Planning Commission

C. Minutes – 05/15/17 Township Board Minutes – Special Meeting

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 10:00 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES
SPECIAL MEETING**

Thursday, July 6, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Jon Kangas, Judy White (Board)

Members Absent: Andy Smith (Vice Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Kristin Cannoot (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister and seconded by Kangas to approve the agenda with additions; change the day of the week from Monday to Thursday.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

None to approve – minutes for the June 19, 2017 meeting will be on the agenda for the July 17, 2017 meeting.

IV. PUBLIC COMMENT

Lynn Staubin – Property manager at 201 Cherry Creek Rd – Expressed her concerns about the Hudson Storage Units; questions about snow removal, ice forming in parking lot as snow melts (there are elderly residents), rain water run off onto property, requested for downcast lighting requested, fence to be pleasant to look at and easily maintained, leave as many trees as possible to form a natural buffer.

Deborah Mulcahey – 633 Lakewood Lane - Expressed concerns about the Hudson Storage Units, not a good neighbor, Hudson junk, (clean up their mess), water retention, mosquitos. Feels that the minutes are not reflective of public comments, feels she was treated inappropriately at the last meeting. Feels Meister should have recused himself from Casino project vote. Concerned about the Casino and water quality and quantity. She is wondering what the impact of the Dutch Campground will be on residents.

Sherry Nelsen – 1849 M28 – Expressed concerns about water from the original casino construction, she had to put in a new well, wants an answer about water. Mahaney informed her that it was all addressed at the last meeting.

Dalia Pavalkyte – 1943 State Hwy M28 – Concerned about expansion of the highway, water and that the highway expansion will be too close to homes.

Mark Daavettila – UP Engineers and Architects – Asked if he could be part of the

Commissioner's discussion regarding Hudson Storage Units later in the meeting. Commissioners approved that.

Connie Barto – 1951 State HWY M28 E – Concerned about highway regarding entrance to casino, brought up previous developments, wants to know where the water for the tower is coming from and what effect it will have. Concerned about casino expansion.

Frank Somerset – Cottage on M28 – Discussed the poor water quality, low water table, he wants the casino to replace his well so he has clean water.

Mark Maki – 370 Karen Road – KBIC issues; He feels that the new commercial entrance goes across residential zone. Water tower, view of it should be part of the site plan review. Talked about what zoning should be doing. Discussed the Hudson development easements; need to amend the plat.

Andy Larsen – 130 Carmen Dr. WHWL FM – He supports the Hudson Storage development, but wants trees on the west and north left as a barrier as he is concerned people will drive across WHWL property.

Linda Rossberg – 1975 M28 E – Concerned about water quality/quantity, referenced a letter from Governor Snyder requesting further dialogue with KBIC in regard to the airport site (letter dated April 22, 2016), litigation if wells are negatively impacted, lives in a residential area and does not want commercial.

Public Comment Closed at 7:30 p.m.

V. PUBLIC HEARINGS

Deferred to VII.B.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Site Plan Review SR 17-35 – KBIC Casino Remodel / Expansion Vote Rescind

1. Staff Introduction - Throenle requests the vote be rescinded. Throenle accepts responsibility for the clerical error.
2. Applicant Discussion - None
3. Commissioner Discussion - None

White moved, Milton seconded, that the Planning Commission rescind the vote taken on June 19, 2017 in regard to site plan review application SR 17-35 as the application did not meet the minimum thirty day submission date requirement found in section 9.1 in the Township Zoning Ordinance.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Site Plan Review SR 17-35 – KBIC Casino Remodel / Expansion

1. Staff Introduction – Throenle addressed public comment regarding the 500' notification requirement and the MDOT highway easement; No personal property will be taken for the expansion, it will all be on the State easement. He told the audience that at the June 22, 2017 ZBA meeting the hotel and water tower were both approved. Throenle used a graphic to show the audience and Commissioners where everything is located and which parts are zoned commercial and which are zoned residential.

2. Applicant Discussion – None

3. Commission Discussion – Kangas asked if the existing wells will be abandoned. Peter Dupuis, Gundlach Champion, answered that three wells will be abandoned.

Mahaney asked about the depth of the existing wells. Dupuis responded, he does not know, they are 50 gpm, the new wells are 132 gpm and are 100' to 120' deep and they have been monitored by Chuck Thomas from the DEQ. Dupuis reiterated the well information from the last meeting and that no water will be taken from residents. The well field development will begin next week and on July 17th the final eight hour test required by the DEQ will be conducted. Mahaney inquired if the final well test needs to be approved by the state. Dupuis responded, yes.

Throenle addressed the sewer line that KBIC will be building. It is on an MDOT easement, the casino will pay for the construction of the sewer line and will then be a customer of the Township when the Township takes ownership of the sewer line. This will only affect the residents who choose to hook up to the new sewer line.

An audience member asked about security at the casino. Don Wren from KBIC addressed security issues and explained that KBIC has a full time police force.

Meister brought up a possible conflict of interest as his son works for GEI and is involved in the casino project. The Commissioners all agreed that there is no conflict of interest and value Meister's input in this decision.

Kangas expressed a concern over the 30 day paperwork requirement regarding the clerical error and would rather follow a democratic process than a bureaucratic process. Kangas suggested the timeline be amended for future meetings to avoid wasting time. Kangas stated that the Commission will follow the process as required for this particular meeting. Meister suggested it be added to a future agenda to correct the timeline. White and Milton agreed. Milton brought up the fact that the Commission approved the site plan before and he is in favor of approving it tonight. Meister stated that there is no new information.

Kangas reiterated Throenle's statement regarding the highway; that MDOT has the final say. As a Commissioner, Kangas would not recommend something that was not safe and feels it is not the Commissioners place to decide how the highway should be done. Highway safety has to prevail in that situation.

Kangas moved, Mahaney seconded that after staff review and Commissioner

discussion, Site Plan Review Application SR 17-35 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following condition:

- The letter dated June 16, 2017 regarding landscaping issues is part of the accepted site plan review.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

C. Conditional Use Permit CU 17-04 – Dutch Homes, LLC Campground

1. Staff Introduction - Throenle addressed an error that has led to the CU permit for the campground showing up on tonight's agenda; if approved, the Commission will proceed directly to the site plan review. Mahaney asked if the green area on the map in the packet is AF. Kangas asked if the area shown had been previously prepped as a golf course. Throenle responded yes and then showed a graphic to clarify the location of the proposed campground for the Commissioners. Throenle stated that there are two concerns regarding this particular location; 1. The residential property to the North and the potential development of said property. 2. The entrance to the property comes directly Chocoy Downs Rd. Throenle stated that the campground would have to be licensed by the State of Michigan before opening.

2. Public Hearing Open at 8:15 p.m.

Mark Maki – 370 Karen Road – Asked if there is a site plan available. Mahaney stated that site plan review comes next. Commented on conditional use requirements; garbage, police, fire, trash and traffic, type of road, impact on river, wetlands and natural characteristics. Maki proceeded to tell the Commission how he feels they should interpret the conditional use permit.

Deborah Mulcahey – 633 Lakewood Lane – Concerned that while looking at the map she could not figure out where the Chocoy River is, is it in a flood plain, flood zone. Concerned about traffic and passing lanes for casino. Discussed calling of a meeting in under 30 days and wants the public to have 30 days to review items.

Public Hearing Closed at 8:20

3. Commission Discussion -

Milton is asking for clarification on tonight's process. Mahaney explained that the Commissioners can approve the conditional use permit to allow a campground and then deny the site plan if they feel it is unacceptable. Milton asked if this was applicable to this AF parcel. Throenle responded, yes. Meister stated that usually conditional use and site plan are discussed together. Throenle responded that tonight they are separate. Meister asked what recommendation the Commission gave to Mr. Smith the last time he came to this body for advice and direction. Throenle responded, Smith was told he needed rezoning approval and prove that he has access to the parcel through an easement. Meister stated that if the Commission is just approving conditional use then it meets the requirements, well isolated and buffered. Meister and Mahaney both question the road and traffic, however, feel it is more part of the site plan. Milton states that it is

Consistent with the area. Mahaney states that it is a large enough parcel and questioned the squiggly line. Throenle stated that is the Chocoley River and that it shows up that way on the map as the southern border of the property. Mahaney asked if the campground needs a DEQ permit. Throenle stated yes and they need to have a State of Michigan operator's license as well. Meister asked what the distance from the campground sites to the river. Al Conrad, project manager, stated half a mile. Meister asked what the setbacks from the camp sites to the property line are. Conrad responded 100 feet.

Meister moved, White seconded that after public comment and staff review and analysis in consideration of Conditional Use application CU 17 04, 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 Zoning Ordinance, the Planning Commission approves the Conditional Use Permit 17 04.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

D. Site Plan Review SR 17-34 – Dutch Homes, LLC Campground

1. Staff Introduction – Part of the Commissioner discussion
2. Applicant Discussion – Part of the Commissioner discussion
3. Commissioner Discussion –

Mahaney stated that the campground parcels look close to the property line. Conrad stated that the road is twenty feet off of the property line and the campsites are thirty feet. Mahaney asked how far from the northern boundary line south to the campsites; where the tail end of that camper would park. Conrad discussed the two way road. Mahaney asked what the proposed road surface is. Conrad stated that NMU insisted on gravel. Meister commented that it seems that would create a dust problem by the cart sheds. Conrad stated that there is continuous traffic there already from the golf course. Kangas asked where the road would travel. Mahaney asked if Conrad is responsible for that road. Conrad stated they are responsible for the easement and that they maintain NMU's roads. Mahaney asked if NMU is aware of the development. Conrad responded yes and the easement was moved 700 feet at Conrad's expense with NMU's approval. Mahaney asked if NMU was notified. Throenle responded, yes and then showed on a graphic the other properties that were notified.

White asked if they are just providing electrical for the campground sites. Conrad responded, full hookup with electrical and water and then discussed the well and a pumping test. Mahaney asked if the well pumping test was monitored by the DEQ. Conrad responded that it was monitored by McDonald Well Drilling and the information was forwarded to the health department which supplies the DEQ with all of their data. Meister asked if all water needed final approval by the DEQ. Throenle responded yes. Mahaney asked about NMU not allowing ATV's on that easement. Conrad responded, yes and that they are discussing an easement with KBIC. Throenle addressed the

Commission to let them know that ATV/ORV discussion should not be on the table at this time as Chocolay does not allow ATV/ORV traffic in that area. Throenle added that within the campground they may use ATV's / ORV's.

Mahaney asked if there are any concerns for Conrad for the residential property to his north, specifically fencing. Conrad responded that the property is currently vacant and that there is a natural ten foot barrier of jack pine and that if need be in the future they would put up a fence. Mesiter commented that a well planted tree line is a better barrier.

Meister asked about traffic and if it is an MDOT responsibility. Throenle addressed public concerns regarding the amount of traffic entering and existing off of M-28 as there will be 91 sites. The campground is open May through October, therefore, traffic is only a concern during those months. The Commissioners discussed other campgrounds and their lack of entrance/exit lanes to the campground. Milton asked about a sign. Throenle responded that is a different issue. Mahaney asked how MDOT could be involved. Throenle suggested that Kangas put it on the 41 Corridor group's radar. Kangas responded that he would run it by the group. Conrad discussed that the campground would be promoted as a seasonal rental so there is not so much in and out. They plan on utilizing a Pure Michigan DOT sign. White asked the name. Conrad responded, Stay and Play.

Throenle addressed the fact that this is a unique situation as the entrance goes through a residential area. Conrad stated that there are eight to nine homes. Meister stated that the residents chose to build on an entrance road to the golf course and are familiar with the traffic. Kangas stated that the campground traffic is usually safer, slower traffic than what you have on the highway. White is all for it and for developing in that area. Meister is concerned about the dust by the clubhouse, but if NMU requested it he is ok with it. Milton asked if they will have home brew like Gitchee Gumme. Conrad stated that on the site plan there will be a home brew, there will be a drain field and septic tank and that the soil analysis shows great sand that is very permeable. Kangas questioned the location for the waste. Conrad stated that the bar would be 150 feet from it.

Mahaney asked if the campground will be completely shut down October through May. Conrad responded that water will be shut down prior to the first freeze. Throenle stated that no matter what it will close by October 31, freeze or not. Mahaney asked about people being able to access it year round. Conrad stated that there will be a gate for people wanting to use it as a day camp with no water and they will not plow through the winter. Throenle addressed the ninety day maximum to live in an RV. The Commissioners discussed it and after Throenle researched the ordinance, it does not apply to campgrounds.

White moved, Kangas seconded that after staff review and Commissioner discussion, Site Plan Review Application SR 17-34 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following condition:

- *Proof of final DEQ licensing and approval*

VIII. UNFINISHED BUSINESS

A. Site Plan Review SR 17-33 – Hudson Storage Units

1. Staff Introduction - Throenle stated that the Site Plan is pretty much the same, the difference in this particular application is the redesign as requested by the Commissioners at the previous meeting regarding snow removal, lighting, run off, storm water, fencing, easements for eastern storage unit and security.
2. Applicant Discussion – Part of the Commissioners discussion
3. Commissioner Discussion –

Mark Daavetilla, UP Engineers and Architects, questioned the easement. Mahaney responded that it is important and that if that parcel would be sold without an easement the new owner has no access. Mahaney stated that it looks like they are trying to cram as much as possible on the space. The building should be shifted over to eliminate the problem. Daavetilla feels that the access easement would be up to the future buyer to deal with that. Milton stated that it is a legal document that is submitted to the county that allows that parcel to be accessed. Daavetilla hopes to have everything approved and the access easement as a contingency. Mahaney addressed the concerns from the last meeting; the fence along the south side and that the land owners from the west and south expressed their concerns at tonight's meeting regarding fencing, natural barriers of trees and water retention. Mahaney stated that he drove back there and that the property line is right on top of the group home and that all water is going in that direction. Daavetilla stated that there are some trees being kept as they are outside of Hudson's property line and he addressed that the lighting will be downcast and attached to the buildings for security. Mahaney questioned lighting. Throenle stated that it is not part of this site plan review.

Meister asked if there will be a ditch along the southern property line for storm water. Daavetilla responded, yes, all of the storm water will go to the basin. White directed the Commissioners to C103. Daavetilla asked if there is a storm water, snow removal ordinance that he can refer to. Mahaney stated that it is a concern for the existing neighbors and that the southern lot line drops toward the group home. Throenle addressed the aesthetic aspect more than zoning and that the property division should have adequate buffers.

Daavetilla stated that as undeveloped property, all of the snow and runoff melt away anyway. Mahaney stated when developed there will be hard surfaces such as metal roofs, and paved surfaces that will cause the melting snow and water run off to go directly south instead of being partially absorbed into the ground. Daavetilla stated that they went with a five year storm.

Milton asked the height of the snow pile. Daavetilla does not know and continued to ask for an ordinance to refer to. Kangas states that he sees the attempt being made to

remove water properly, but it is not adequate in his opinion. Mahaney stated that snow removal is always a guess. Kangas asked how often snow is removed. Mahaney stated, after a snow storm. Meister asked if the five year flood plan accounts for just the buildings or does that cover the gravel areas. Daavetilla responded top soil and gravel.

Mahaney states the concern for a fence to give privacy to the group home Daavetilla asked if the fence would be for screening, privacy and security, or headlights. Kangas replied that it would be a visual buffer between the zoning districts. Milton stated it would be to make sure the snow stays on their property.

Kangas wants to recommend it with three conditions. Kangas wants the easement, fence and curbing. Mahaney wants to deny based upon conditions and bring it back with a proper site plan. Commissioners Meister, Kangas and Mahaney discussed what a proper site plan would entail. Daavetilla stated that they want to be good neighbors and would provide what is required or desired and then brought up the access easement. White asked the possibility of going from three buildings to two. Mullen-Campbell suggested an L-Shaped building. Mahaney stated that those suggestions would eliminate the easement problem.

Throenle stated that the easement needs to be in place prior to construction. Milton said it would have to be done through a surveyor or lawyer. Daavetilla feels that an easement can be obtained in twenty minutes. Throenle stated that has to be a legal document and to go through filing in the courts. Kangas stated it has to be recorded. White interjected, recorded with the county. Discussion of changing plans, Daavetilla stated that would require new building permits.

Daavetilla stated that Hudson wants to use some of the storage units for personal property. Kangas stated that he gets what Hudson is trying to accomplish and if it means the mess will be cleaned up it gives him more incentive to see this project happen, however, the issue is the surrounding properties and considering this development as if it were separate ownership; it needs to be looked at long term. Mahaney suggested moving the building over. Daavetilla stated the plans are not changing.

Kangas moved, Milton seconded, that after staff review and Commissioner discussion, Site Plan Review Application SR 17-33 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following conditions:

- *Proof of access easement on parcel 52-02-440-002-00 or moving of the building to accommodate the same*
- *Provide screening by way of fencing on the south property line*
- *Curbing or bollards along the west property line to restrict traffic from continuing westward off the property*

Vote: Ayes: 3 Nays: 3 (Mahaney, White, Mullen-Cambell) MOTION FAILED

Further Commissioner discussion; Mahaney stated we have a tie and questioned Throenle as to what happens next. Throenle informed the Commissioners as to how

they may proceed. Mahaney's comment is that he is not opposed to the use of the property, he is opposed to the design. White and Mullen-Campbell both agreed with Mahaney. White feels it should be developed. Mahaney feels it is being crammed and would be a burden to surrounding properties and the lack of an easement is a glaring error on the site plan.

Daavetilla questioned if the Commissioners may deny based on the fact that they do not like the design. Mahaney interjected, the lay-out, not the design. Throenle informed the Commissioners that they may deny based upon specific reasons listed so the applicant may address/correct them in order to move forward. Daavetilla feels all of the requirements have been met and that the vote should be based on that, not whether the Commissioners like the look of it. Throenle cautioned the Commissioners that in order to deny the application, there needs to be specific reasons. White stated if we do not like the design it is not a good enough reason to deny. Throenle stated, yes. White stated she will change her vote. Throenle stated that the motion needs to be restated with new wording and a new vote.

Meister addressed the five year storm and that we need to trust that the engineers are accurate. Daavetilla stated that the engineers have met all of the specifications. Mahaney stated he still has a problem with how close the building is to the property line and would like to see a new site plan. Mullen-Campbell asked about lighting. Meister stated that lighting needs to meet Township standards. Throenle stated that the lighting ordinance requirements are quite extensive. Kangas is in support as long as the easement is completed prior to construction, natural tree buffers remain and would not need to see anything else except restricting traffic to the west.

Throenle and the Commissioners discussed options and rules to approve, deny or do a new motion.

Milton moved, White seconded, that after staff review and Commissioner discussion, Site Plan Review Application SR 17-33 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following conditions:

- *Proof of access easement on parcel 52-02-440-002-00 be obtained prior to proceeding with the construction of the storage buildings*
- *Bollards or some sort of traffic control device on west to keep cars from accessing the property next door*
- *Fence or barrier to south to give the appearance of a screen including trees*
- *Downcast lighting*

Vote: Ayes: 5 Nays: 1 (Mahaney) MOTION PASSED

B. Mixed Use Corridor – moved to July 17, 2017 agenda

C. Short Term Rentals – moved to July 17, 2017 agenda

IX. PUBLIC COMMENT

Mark Maki – 370 Karen Road - Discussed the easement and how to obtain one. Brought up the KBIC driveway across residential zone. Talked about amending the plat for an easement. Mahaney questioned Maki, won't their lawyers tell them that. Maki responded, lawyers will let them do whatever they want. The township needs to tell them what to do.

Deborah Mulcahey – 633 Lakewood Lane – Pleased with review of project and asked what happened with Jet Black and how poor it looks; fence is still not constructed. Related to that, she brought up the casino and water issues. She feels that those questions and issues were not addressed. Storage units should have vegetative buffer along the fence on the outside so the public sees the vegetative buffer.

Public Comment Closed at 9:55 p.m.

X. COMMISSIONER'S COMMENTS

Milton – None

White - None

Mullen-Campbell – She is learning fast

Kangas – None

Meister - None

Mahaney – Inquired about the tennis court project. Throenle responded that the tennis court project has a DNR Passport Grant and needs more money to finish the project. Mahaney asked if it will come to fruition. Throenle responded, yes. Mahaney asked about the tablets. Throenle responded that they will be coming, however, no date yet.

XI. DIRECTOR'S REPORT

Next meeting July 17th

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 10:00 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES**

Monday July 17, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:05 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Jon Kangas, Judy White (Board)

Members Absent: Andy Smith (Vice Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Kristin Cannoot (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS /APPROVAL OF AGENDA

Motion by White and seconded by Mullen-Campbell to approve the agenda as written.

Vote: Ayes 6 Nays 0 MOTION CARRIED

III. APPROVAL OF MINUTES FROM LAST MEETING

Monday, June 19, 2017 Planning Commission Meeting

Motion by Meister, and seconded by Kangas to approve the minutes as written.

Vote: Ayes 6 Nays 0 MOTION CARRIED

IV. PUBLIC COMMENT

Jenny Camerata – 669 Lakewood Lane – Opposed to short term rentals when homeowner is not present, however, she is ok with renting a room.

Deborah Mulcahey – 633 Lakewood Lane – She is not opposed to short term rentals, but to where short term rentals are allowed. Asked if short term rentals are conditional use or carte blanche. She wants all of her comments as part of public record. She commented on zoning history. Her opinions on short term rentals included concerns about decrease in affordable housing, decrease in housing values, elevated prices for property, they are a commercial operation and they are an economic disadvantage.

Mark Maki – 370 Karen Road – Commented on the Township’s lack of enforcement. Proposed language for short term rentals lacks a focus.

Discussed the way Commissioners should do things. He stated that short term rentals should not be allowed in R1 and WFR zones. He commented that Jennifer Thum's township emails were intentionally deleted.

June Rydholm – 221 Lakewood Lane – Concerned with short term rentals using beach, families bringing tents and trailers when no homeowner is present. Feels it is dangerous with dogs, noise, beer parties. Township should watch who is buying property.

Peter Ollila – 633 Lakewood Lane – He is opposed to short term rentals and they need to be enforced.

Lori Krzymowski – 741 Lakewood Lane – She does not want short term rentals in her neighborhood because of the disruption from renters. Doctors live in the neighborhood and they need sleep and a good quality of life. She does not want short term rentals allowed anywhere, if they are allowed they should be limited to a certain area and have hard wired smoke detectors.

Stepanie Gencheff – 597 Lakewood Lane – She is opposed to short term rentals less than thirty days.

Public Comment Closed at 7:25 p.m.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

None

VIII. UNFINISHED BUSINESS

A. Mixed use corridor

Staff Introduction – Throenle stated this has been brought back for continued discussion and the goal is to wrap it up in the next few meetings. Throenle directed the Commissioners to keep in mind the five questions on page VIII.A that need to be considered/answered while having the discussion.

Commissioner Discussion – The Commissioners, with direction and advice from Throenle, discussed and went through the mixed use corridor matrix and re-categorized, combined and deleted various items. Throenle stated that the

revised matrix will be brought before the Commissioners for review at a future meeting.

The Commissioners decided to review the new matrix at the next meeting and then notify the parcel owners of a public hearing regarding changes when necessary.

B. Short Term Rentals

Staff Introduction – Throenle addressed Maki’s public comment regarding Jennifer Thum’s deleted emails. He stated that no emails have ever been intentionally deleted. There is a two year retention policy and that covers Thum’s emails. Throenle stated for the record that he has never told anyone that they could rent their property as a short term rental, nor has anyone from the Township. Throenle stated that the language concerning short term rentals has not been defined. Throenle directed the Commissioners to note the highlighted verbiage in the proposed language sections for the definitions. The word “family” needs to be defined for use in the definitions. Mahaney asked if there is legal precedent for the word family. Throenle stated no. Throenle proposed that the definition for Rural Character be pulled out of the definitions and placed as a precursor at the front of the Zoning Ordinance.

Commissioner Discussion – Mahaney read verbatim the current and proposed language for the Zoning Ordinance Definitions in relation to short term rentals. After discussion of each definition/proposed definition the Commissioners approved the proposed definitions for Bed and Breakfast; Campground; Dwelling, Multi-Family; Dwelling, Single-Family; Hotel; Recreational Unit; Recreational Structure; Resort; and Structure. Throenle will research riparian rights, as brought up by Milton, to possibly add to the Rural Character section.

The proposed definition for Short Term Rental changed to: A dwelling unit providing temporary accommodations for periods as short as one overnight stay. Such rentals must meet the established regulations for Short Term Rentals (Section to be defined). Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

C. Non-Conforming Lots

Staff Introduction – Throenle stated that this is on the agenda to remediate non-conforming lots/parcels that have been zoned inappropriately in 2008; for example parcels zoned as waterfront that do not touch any water. The goal is to rezone the non-conforming lots to bring some consistency. Throenle directed the Commissioners to the three main concerns from residents are listed on page VIII.C.

Commissioner Discussion – Throenle would like to bring a list of the non-conforming lots to the next meeting for remediation. Mahaney asked Throenle to clarify that the goal is to bring the non-conforming lots into the existing zoning districts. Throenle stated yes, to bring them into a conforming status. Mahaney confirmed that this will be accomplished in the next meeting.

IX. PUBLIC COMMENT

Deborah Mulcahey – 633 Lakewood Lane – Discussed and quoted Jennifer Thum’s letter. Family is a nebulous issue, it should be looked at as a number, don’t say family. A definition of short term rental is already in the ordinance under resort. She wants to know if short term rentals are approved or not. If so, why aren’t we enforcing them.

Lori Krzymowski – 741 Lakewood Lane – Referred to five year master plan and asked if the Commissioners were familiar with a charrette. She described a charrette and how it works and suggested that the Commissioners may consider utilizing a charrette.

Stephanie Gencheff – 597 Lakewood Lane – Asked Throenle to answer Mulcahey’s question about where short term rentals are allowed. Throenle stated that he would not because it is part of public comment.

Peter Ollila – 633 Lakewood Lane – Why do we have ordinances if we are not enforcing them. He knows short term rentals are controversial.

X. COMMISSIONER’S COMMENTS

Mahaney – None

Meister – None

Mullen-Campbell – None

Smith – Absent

Milton – None

Kangas – None

White – None

XI. DIRECTOR’S COMMENTS

Throenle presented an interactive map to the Commissioners. The interactive map was created by Joe Lawry, Steve Lawry’s son, who did the maps while interning with the Township. Throenle demonstrated for the Commissioners and audience how it works.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Throenle informed the Commissioners that he will not be available for the August 21, 2017 Planning Commission Meeting. He asked the Commissioners if they would prefer to keep the date as scheduled, change the date, or postpone. The Commissioners agreed to postpone to the September 18, 2017 regularly scheduled meeting.

Mahaney motioned, Kangas seconded to schedule the next meeting for September 18, 2017 and skip the August meeting.

Vote: Ayes: 5 Nays: 1 (White) MOTION CARRIED

XIII. ADJOURNMENT

Tom Mahaney adjourned the meeting at 10:15 p.m.

Minutes submitted by:

Planning Commission Secretary

Donna Mullen-Campbell



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on August 21, 2017.

The meeting was cancelled.

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 18, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:03 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Jon Kangas, Kendell Milton, Judy White (Board)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Suzanne Sundell (Community Development Coordinator), Lisa Perry (Administrative Assistant), Sgt. Tony Carrick

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister and seconded by Kangas to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

July 6, 2017

Motion by Kangas, and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

July 17, 2017

*Motion by Kangas, and seconded by Mullen-Campbell, to approve the minutes as amended (Page 5, Section XII in the vote, the Nay is listed as Mahaney, should be **Nays: 1 (White)**). The tape was reviewed.*

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Throenle indicated there are two spokespersons that would like to do a presentation on the Short Term Rental issue, and would like additional time to speak. Mahaney questioned how long the presentation will be – it was indicated by spokespersons Jennifer Bruggink and Scott Emerson that it would take approximately 10 minutes. The Planning Commission approved this, and after discussion on where to add this item, it was decided it should be dealt with as a presentation.

Motion by White, and seconded by Meister that the presentation be included as part of agenda under Item VI. Presentations, with a limit of ten minutes.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Patrick Dudley, 2413 M-28 East – he is a vacation rental owner who opposes any bans of vacation rentals in Chocolay Township. He appreciates the concerns of the residents of Lakewood Lane, but feels there are other ways to resolve issues rather than outright bans. He has owned his house since 1990, and started doing vacation rentals in 2005 when family circumstances changed. The rental dollars pay for the property taxes and upkeep of the home he plans to retire to. He rents strictly through Airbnb, and has strict rules that the renters must comply with. He knows of no complaints from the neighbors. Many of his renters return every year, and have some type of tie to the area – current and former residents of Marquette County and parents of NMU students. He pays 6% sales tax, along with higher property taxes. When he travels for work, he almost exclusively stays in short term rentals. This allows him a better experience of the community. The issue on Lakewood Lane appears to be a lousy neighbor issue. He feels there are many ways to control this – a permit process, with maximum occupancy, permit fee, number of homes allowed as short term rentals per applicant, renewal process, complaints substantiated. Also, there should be a safety check. He feels banning a single area opens up the issue for a ban Township wide.

Kenlyn Hubbard, 121 Wintergreen – Hubbard's in-laws live at 739 Lakewood Lane. She supports short term rentals – she feels people take better care of their property. She stated that many people have family-owned camps along Lakewood Lane that they would like to keep in the family and retire to. Short term rentals are a way to provide an income that would allow the taxes and upkeep on the property until the time they can retire. There are other ways to control short term rentals. The Township needs to allow the community to expand.

Hal Pawley, 643 Lakewood Lane – he has lived there for 23 years, and is definitely against short term rentals. He has four places that do short term rentals within 1/4 mile of his house, and they have not done anything to improve their properties. He is against all the disturbances that come with short term rentals – parties, music, fireworks. This is not why he moved to Lakewood Lane. He tried to confront on his own, but now calls the Chocolay Police Department whenever there is a problem. He thinks the Township should take action to put an end to short term rentals.

Ruth Ziel, 734 Lakewood Lane – she is one of seven families that have deeded access to a pathway to the beach. Last year she was told by a renter that she was not allowed on the beach. When everyone left, and the places were closed, there was a lot of garbage. She ended cleaning up after the renters. She feels there should be phone numbers for residents to call if there is a problem. She has used Airbnb and there are always numbers posted. Trash is also put out on Sunday when the renters leave, and not picked up until Wednesday – this creates a nuisance with animals and birds. Has the Planning Commission considered the septic systems and the age of these systems. There is a lot of work to be done.

George Krzysmoski, 741 Lakewood Lane – there are always concerns about trash, septic and water, but he would like to bring up issues such as tax fraud and insurance fraud – when renting out a house, you are not insured with a homeowner's policy. There

are lots of safety issues. There is a lot of work that needs to be done. We are encouraging tax fraud by allowing the rentals.

Peter Ollila, 633 Lakewood Lane – opposed to short term rentals. The Planning Commission needs to reflect on what has been going on since 2011. The former supervisor, Gary Walker, and the current supervisor, Richard Bohjanen, have both stated on record at Township meetings “short term rentals are not illegal because they are not prohibited in the waterfront district”. The only thing that is permitted in the Waterfront Residential is a single family dwelling. Zoning laws throughout the state are written to show what is permitted. He went on to cite a Supreme Court decision from 2003. Some of his neighbors have been getting questionnaires from their insurance companies concerning number of people in house and if they are related. This triggered him to call his insurance company – he has a residential policy that runs less than \$1,000 per year. In questioning his insurance company, a long term rental policy would cost approximately 2 – 2 1/2 times the residential amount, and his company would not offer a policy on short term rentals. This would be under a resort / commercial basis and would cost 4 – 5 times the amount.

Stephanie Gencheff, 597 Lakewood Lane – Lakewood Lane lots are sometimes only 50 feet wide. Some homes are 20 feet away from the next home. She likes knowing who is sleeping 20 feet away from her, and does not feel this makes her selfish. The difference between a hotel and short term rental is that you can call the front desk of a hotel and have the problem taken care of. After the Township Board meeting the previous Monday, where M-28 short term rentals showed support, she went to the neighbors of the short-term rentals that were at the meeting. There was mixed feelings. She is having trouble understanding why the Township Board and Planning Commission feel so compelled to ignore Lakewood Lane residents who have gone on record stating their opposition to short term rentals.

Richard Bohjanen, 140 Edgewood Drive – (Township Supervisor) He made a couple points. (1) Definitions must be concise, clear and true; (2) Most resorts are rentals, but not all rentals are resorts; (3) Some hotels are short term rentals, but not all residences are hotels; (4) It may be more appropriate to define the term vacation rentals; (5) It appears that we deal with long term rentals in the same way as short term rentals, that is, they are not delineated in the ordinance, (6) In order to be understood by all, the ordinance needs to be amended; and he finished with (7) “Not everything stated as fact is factual, some are opinions. These are my opinions.”

Marla Buckmaster, 519 Lakewood Lane – has lived at this address for 22 years and prior to that she lived in the 600 block of Lakewood Lane – has lived on Lakewood Lane since 1971. She loves Lakewood Lane, loves the diversity of Lakewood Lane. She loves walking the beach and meeting the people that live there – sometimes as many as 20 miles per day. Up until three years ago, when she had to stop walking, she knew almost everyone on the beach. There were no complaints on short term rentals. She received a phone call a couple weeks ago in regards to the petition that was being circulated in opposition to short term rentals. Her response to the caller was that short rentals have

always been a part of Lakewood Lane, that she loves the eclectic nature of Lakewood Lane, and that she does not believe laws should be based on one bad experience of one person. They should be based on the negative experience of a broader population. Observations were that stories seemed to grow (climbing an apple tree to cutting down an apple tree) and that people who signed the petition may not have had an understanding of what they were signing. She also stated that people that signed the petition received notice of the last Township Board meeting, and those that were unwilling to sign the petition were not notified, so the deck was stacked in opposition to short term rentals. She feels there is a “mass hysteria” on Lakewood Lane based on some untruths, some exaggerated events, and a lack of factual information.

Kim Parker, has short term rental on 483 Lakewood Lane – he would like to comment on the trash, disorderly conduct, and other things. People, whether they are residents, short term renters, or long term renters, can be bad. He has been renting for ten years with no complaints. He also does not understand the magic number of 30 days – a person can be a bad renter no matter what the time frame. Short term renters are good for the economy. He works with Airbnb who is very good at vetting.

Deborah Mulcahey, 633 Lakewood Lane – the magic of 30 days is based on the ordinance. She is concerned about the short term rental definitions. She is totally opposed to short term rentals on Lakewood Lane. She would like to know what the Planning Commission vision is. If the plan is to allow short term rentals along Lakewood Lane, she would ask that the Planning Commission remove Lakewood Lane from the WFR zoning district and make a separate zoning district for the properties that are abutted by Lake Superior and a county road, which would include north side of Lakewood Lane along with the properties on Shot Point. If short term rentals go forward, she would ask that they be a conditional use as opposed to permitted use. The Master Plan before 2015 did not include anything on short term rentals. The current zoning ordinance does not list vacation rentals or short term rentals as either a permitted use or a conditional use. In 2008, her property was converted to WFR from R1, and now the Township is looking to allow commercial operations. The Township should take into consideration everyone’s property rights. In the Master Plan, volunteers are discussed. Short term renters typically do not volunteer. There is also the issue of availability of affordable housing.

Public comment closed at 7:52 pm.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

Jennifer Briggink, 673 Lakewood Lane – she questioned if the members of the Planning Commission would like to have their neighbors changing on a regular basis. There was an overlay district to protect lakefront. Then Lakewood Lane was changed to WFR. She wants a sense of community and neighborhood that comes from having long term neighbors. This provides stability. She wants to be able to tell her children where to go

in case of an emergency or if someone has an extra key – you can't do this with a short term renter. She is looking for community neighborhoods that build health, trust, resilience, relaxation, etc. There is a difference between Lakewood Lane and M-28. M-28 has bigger lots, more wooded, more private. The letters in the packet from people that are in support are not residents. The people that rent out their houses are businesses. Lakewood Lane should stay residential.

Scott Emerson, 119 Lakewood Lane – he has lived on Lakewood Lane for 38 years. He feels this is a global issue – there is a global boom in short term rentals, the definition of which is less than 30 days. This has been driven by web-based companies, and their business plans are very unique. The other term thrown around is “creative destruction”. Short term rental business plans encourage illegal activity. Zoning laws scramble to try to accommodate these business plans. He feels that this is a dangerous trend. The zoning laws are part of the resident's protection. As governments try to accommodate these businesses, problems have arose such as (1) decrease in availability of long term rentals; (2) creation of dark zones, which are blocks of outside investor properties; (3) increases in complaints, such as noise, trespass, creation of party houses, etc.; and, most importantly, (4) loss of neighborhood character – loss of sanctuary. When you look at integrated health, one thing that stands out is sense of community, and if this is lost, it increases your stress. Two things that are contributing to this are non-owner occupied short term rentals and density and concentration of short term rentals in residential zones. His recommendations to the Planning Commission are: (1) Don't rush this – it is continuing to evolve and sort itself out, and we need to learn from other's experience; (2) the main thing to address is the non-owner occupied short term rental; (3) Keep the Township regulations on this simple and enforceable; (4) Need to enforce the existing zoning ordinance; (5) Ordinance change proposal (short term rentals in all commercial zones, and short term rentals in all residential zones, including Lakewood Lane, and a conditional use with 5 acres or more). Handouts were given to Planning Commission.

Presentation closed at 8:25 PM. Short recess.

Meeting resumed at 8:32 PM.

VII. NEW BUSINESS

None

VIII. OLD BUSINESS

IX. Short Term Rentals

Staff Introduction

Throenle indicated that on the cover memo, the Motion from the Township Board should be:

“Rhein moved Engle second to give the Planning Commission three months to come up with a viable plan to present to the Township Board on Short Term Rentals.”

*MOTION CARRIED (Nays – Maki, **White**)*

Throenle also indicated that when the packet was put together, the Short Term Rental Definition page was inadvertently left out. It has now been put as a separate handout to the Planning Commission, along with additional copies on the back table for the public. There is also one email that was received in the correct time frame.

Comments on the packet information: Short term rentals have been in the Township since the 1980's. Since that time, there have been six zoning administrators, five of them since 2002, one for a period of three months. With this change in administrators come different interpretations of the zoning ordinance. In regard to the Jennifer Thum letter of 2011, at the time there was a motion made to direct the staff to consult with the Township Attorney. There does not appear to be any follow up to this motion. Thum then resigned in February of 2012. He has consulted with the Police Department an outline of complaints generated from Lakewood Lane for the past year – nine complaints were found, most with the people not knowing the ordinances. There is a need to be able to get this information out. There is no distinction in the Police calls as to the type – short term rental, long term rental, resident. Throenle has had two rental related incidents reported to his office – one of someone showing up at the wrong residence by mistake to request a key and the other was concerning trash. There may also be group owners of a single property for consideration in this discussion.

Another consideration is that there are two bills in front of the Michigan Senate and House right now – Senate bill No. 329 and House bill No. 4503. Both are in committee right now, and have identical language. If approved as written, the discussion on short term rentals will become a moot point.

Throenle pointed out that as the Planning Commission goes forward, the definitions need to be concise, as there could be many interpretations.

Based on emails and discussion, Throenle stated the arguments for opposition are loud music and noise, unleashed pets, fireworks, no respect for property or neighbors, privacy issues, safety issues, and trash. The arguments for are enhanced tourism, assistance in paying for the existing property and keeping it in the family, income for local businesses, not a hotel or resort, property rights, and an option to use if circumstances change in the future. Throenle also discussed the term “commercial”.

Throenle explained that the Planning Commission is directed by the Township Board to come up with a viable plan in a three month period – there does not have to be an ordinance in place in that time frame. His recommendations are: (1) Develop a plan; and (2) Continue working on the short term rental ordinance at the same time.

Throenle pointed out that the document laying on the Commissioner's table was a petition that was signed by residents of Lakewood Lane – 183 signatures representing 135 properties.

Throenle also encouraged the Planning Commission to consider the long term vision

for the Township – 10 to 15 years out. This should be based on the vision in the Master Plan.

Commission Discussion

Mahaney asked how many properties are in the waterfront district. Throenle explained he has two maps that show Lake Superior property – Lakewood Lane to Shot Point. It does not include anything on the river or on Kawbawgam Lake. This would include the ECF districts that are classified as Superior 1 and Superior 2. When running a report on properties that are less than 100% homestead, 37% fall into this category.

Smith questioned why, if we have a Zoning Ordinance and it appears that it is being violated consistently, we are not enforcing it. Throenle indicated it comes back to ambiguity of the ordinance – very hard to take to court and enforce.

Mahaney indicated that he has been researching this – this is a tough issue, and with the bills that are in the House and Senate he wonders what will happen if they do go through. There is a lot to consider.

Smith asked if there has ever been an attorney opinion requested. Throenle indicated that the first was a verbal from Mike Summers and the second was a written from Roger Zappa.

Kangas felt that the Planning Commission needs to adopt a definition for short term rental (or vacation rental), there will continue to be the ambiguity which makes it a challenge for staff to be able to enforce it. The reason that this is so public now is because of the internet – properties can no longer fly under the radar. He feels that it ultimately comes down to the property owner / manager responsibility. Attention has been diverted at this point to focus on one small district, when the real need is to take a look at the big picture. Need to focus on the definition.

Milton indicated that he like the term “vacation rental” – he feels this term fits better.

Meister thought it would be useful to include other concerns when talking about short term rentals such as requirements, restrictions, protection of property owners, and the entire township.

Kangas indicated that in his time on the Planning Commission there has never been talk of allowing short term rentals unrestricted in the Township.

Smith indicated that he would like there to be some type of criteria behind the definition of short term rentals. No reason to reinvent the wheel.

Meister feels the definition is a good place to start. Kangas feels if you have a definition it allows you to make a better determination on which district it would be considered appropriate in.

Throenle indicated that the definition should be fluid.

Smith moved, Kangas seconded, to have the Planning Director follow through on the motion that was made on September 12, 2011 and look at a broad range of communities for the next meeting.

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

X. PUBLIC COMMENT

Peter Ollila, 633 Lakewood Lane – the proposed definition of short term rentals – the first sentence needs boundaries. Less than 30 days, monthly, what about February?

John Peterson, 733 Lakewood Lane – has live here for 47 years. Has not seen any change in the fireworks ordinance – still the same from year to year. People are complaining about the trash problem – people are putting out there in bags - need to put in garbage cans. The people who took the petition up and down Lakewood Lane were basically harassing the public.

Jennifer Bruggink, 673 Lakewood Lane – the one thing that wasn't mentioned previously was community. Other issues can be resolved. Community is about quality of life. She thinks there approximately 200 – 225 parcels on Lakewood Lane with water frontage. She apologized for the fact that some residents may have felt harassed – if it's hard to tell someone you won't sign their petition think of how hard it would be to tell someone you don't like what they are doing. Hopes there are some rules that can be made concerning short term rentals.

Kenlyn Hubbard, 121 Wintergreen Trail – wanted to talk about community and neighbors. Her mother-in-law who lives on Lakewood Lane has a neighbor on one side who is wonderful, on the other side is the neighbor from hell. Everyone wants community and good neighbors. Short term rentals are not a bad thing – make some rules, but don't cut them out. Community comes from the heart, not property.

Deborah Mulcahey, 633 Lakewood Lane – the two pieces of legislation in committee – suggested the Planning Commission look at the Birch Township Supreme Court decision. Sense of community and property rights are important to her. The WFR district specifically says the permitted use is single family dwellings. There is nothing about short term rentals. Mulcahey, Jennifer Thum, and Mike Summers had many discussions about this issue. She stated that the Supreme Court has ruled that if something is not specified as allowed, then it is not allowed. Any attorney will say that enforcement may be problematic. Mulcahey read one sentence from a document from a previous attorney, "... The conversion of what is otherwise a single family dwelling in a residential for seasonal rental on a periodic basis to different families or groups is a commercial use by definition ...” If you are going to have zoning, you should do the enforcement.

Public comment closed at 9:52.

XI. COMMISSIONER'S COMMENTS

White – Stated that this is her last meeting. She has given notice to Supervisor Bohjanen than she no longer wishes to serve on the Planning Commission. She stated she has learned a great deal, and has a lot of respect for the members of the Planning Commission. The Planning Commission is derived of many talents and much experience – they give up their time for the community and the citizens should be proud of all the work that they have done.

Milton – None

Kangas – Something to remember during the short term rental discussion – if it's not enforceable, the Planning Commission is probably wasting their time.

Mullen-Campbell – Don't be too discouraged – there is a lot to digest on the subject of short term rentals. Feels the Planning Commission needs to persevere.

Smith – None

Meister – Feels the Planning Commission needs to get the overlay district back on the agenda.

Mahaney – Thanked the audience for their comments. Also wondered about the tablets – Suzanne will have a report the next meeting.

XII. DIRECTOR'S COMMENTS

Throenle thanked the Planning Commission for their patience, and also apologized for the quality of the packets.

Throenle had also recently completed FEMA training and has been designated as the Flood Plain Manager for Chocolay Township. In the future, this may mean looking at certifying our community which would possibly help with reductions in flood insurance for the residents.

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Marquette City Planning Commission, 07.11.17

B. Minutes – Marquette City Planning Commission, 07.18.17

C. Minutes – Marquette City Planning Commission, 08.01.17

D. Minutes – Township Board minutes, 07.10.17

E. Minutes – Township Board minutes, 08.14.17

XIV. ADJOURNMENT

Mahaney adjourned the meeting at 9:56 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 16, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Andy Smith (Vice Secretary), Jon Kangas, Kendell Milton, Don Rhein (Board)

Members Absent: Donna Mullen-Campbell (Secretary) (Excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Suzanne Sundell (Community Development Coordinator), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton and seconded by Rhein to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

September 18, 2017

Motion by Kangas, and seconded by Meister, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Mark Maki, 370 Karen Road – referred to Throenle’s letter dated October 3 in the packet concerning short term rentals. Doesn’t agree with the statement, “...After reviewing public comment, staff has determined short term rentals there is no documented evidence that short term rentals are causing problems in the Township”. Maki then referred to a letter in the packet from Deborah Mulcahey stating that this has been on the agenda since 2011, and quoted several items from that letter.

Deborah Mulcahey, 633 Lakewood Lane---Commented on the Bed and Breakfast section of the mixed use district information. Objects to increase to six and in the multi district to 10. Mulcahey also asked Throenle if he had checked for efforts in historical protection along the lakeshore. Mulcahey feels that the Planning Commission is not moving along with short term rentals as directed by the Board. Also, has concerns about fires being allowed on the dunes. She feels there are many diversions when discussing short term rentals. Mulcahey would also like to see Lakewood Lane and Shot Point rezoned.

David McNamee, 809 Lakewood Lane---His property has been in the family since the 1940’s. Was approached with the petition, refused to sign. How many short term rentals are in Chocolay Township? Did research online, saw that many places are having many

problems with the short term rentals. Seems there are laws in place, just need to be enforced. Maybe it's an enforcement problem? How many disturbance calls have had an Officer show up? Doesn't see the short term rental as a problem but does see the confrontation of people living on Lakewood Lane as a problem. They shouldn't be able to dictate what someone does with their property.

Kim Young, 2339 M-28 East---Her property has been in the family for generations. She has seen many properties from M-28 listed for sale as short term rentals on Airbnb, where present owner will show how to be managed as such. Marquette is growing and she feels the Township needs to be careful as to not sell out the limited water front for such use. Has talked with Throenle regarding these heated issues and feels that many voices should be heard and all pros and cons should be considered. She currently owns a commercial rental property in Marquette.

Public comment was closed at 7:18 pm

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Flood Plain Insurance Program Community Certification

Staff Introduction

Throenle attended a FEMA class regarding Flood Plain Insurance as his duties have been amended to include Flood Plain Management. As of 2015, when the new maps came out, it is required to have Flood Plain Insurance in certain areas of Chocoday Township. He introduced the Community Rating System (CRS) would allow residents to be eligible for a discount on the required insurance based this system. This is outlined in section VII.A.1 of the packet. This could have significant savings to the residents in those areas, who are required as part of their mortgage to carry this insurance. This process has already been initiated. He is asking the Commissioners if it would make sense to proceed. This rating system will help to inform the residents in those areas of the process involved in how we obtain their status in the Flood Plain. He also referred to the table (Preferred Risk Policy Premium Table) located in VII.A.6 of the packet. This would be the information that would be sent to the public.

Commission Discussion

Kangas asked what effort it would take to make this possible? Throenle stated it would be minimal as this information is published by FEMA. Then main thing would be getting this information out to the public.

Mahaney questioned the time frame. Throenle indicated that once you achieve the

points it goes forward.

Meister asked if there was an annual renewal on the rate change—Throenle indicated that it was his understanding that it would happen when the individual insurance came up for renewal.

Mahaney asked how to get points. Throenle directed the Planning Commission to VII.A.1—Table 2. Told them some things are already done so this could be ready by spring.

Meister stated it sounded like it would be safer, save the residents some money and protect the properties.

Milton asked if on the maps you can find the residences. Throenle stated that the maps are laid over an aerial view---they are assumed in the flood plain unless they can be proven out. Throenle also stated that there is a link to the FEMA information on our website.

Mahaney asked if there are any other Upper Peninsula communities doing this rating system. Throenle stated there may be one other.

Smith questioned if this would make it easier to build on some of the properties in the Township. Throenle indicated that the CRS is about insurance costs and helping to keep them lower.

Mahaney asked if there would be public notice to the residents once the system is in place. Throenle indicated that this would be part of the educational process.

Throenle stated that Marquette County is a high flood area, so this plan would be beneficial to many residents.

Kangas moved, Rhein seconded that the Zoning Administrator begin the process for a Community Rating System (CRS) certification for the Township.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. OLD BUSINESS

A. US41/M-28 Business Overlay District

Staff Introduction

Throenle asked that the Planning Commission move this along as it had been on hold. He referred to revised maps which are now included in the packet. He wanted to go over the definitions and language for the overlay district to allow multiple possibilities on the same parcel. There are several that need to be considered, one

being the Church across the street. It is zoned R1 and cannot be used as a commercial property as it stands. Another is the red house on the corner and is zoned commercial and the vacant property across the street. Kangas had come aboard in the middle of this process but has read through it and feels it makes sense except for the one change on the Site Plan Approval.

Site Plan Approval

Site plan approval shall be required in accordance with the requirements of Section 9, Site Plan Review. The type of site plan review required and the site plan review process shall follow the procedures identified in Section 9. Site plans must contain all of the information required in Section IX.

Meister thought it seemed complete but does see some problems with the Table 1- Overlay District Used (page 7)-Commercial – Bar, tavern or other alcohol service establishment shows as conditional use in the table, and a permitted use in the narrative on page 9. Meister thought the table could be removed. Kangas pointed out that was a Quick Reference Guide. Table changed to show use as “Permitted”. Meister also showed that under the “Residential”, Multiple family dwelling unit was shown as “Permitted” in Table 1, but in the narrative it was listed as “Conditional” under “Apartments”, townhouses, condominiums, and other similar uses. This was changed to “Conditional” on Table 1.

Use	Permitted Use	Conditional Use
Commercial		
Bar, tavern, or other alcohol service establishment	x	
Residential		
Dwelling unit in a mixed-use building	x	
Live / work unit	x	
Multiple-family dwelling unit		x

Mahaney had a question in the Recreational Facility on Page 3, concerning golf courses. After discussion, it was decided that golf courses be removed.

Word or Phrase	Definition
Recreation facility	A non-commercial recreational facility consisting of primarily open space including, but not limited to parks and playfields and playgrounds. and golf courses.

Meister has a question about “Building Entrances” on page 11. He felt there would be times you wouldn’t want entrances on two streets. Kangas questioned if it referred to the building entrance or the property. Based on the description, he is envisioning a Walgreens, on a corner lot with the main entrance oriented towards the corner. This was changed to include “Entrance to...”.

Building Entrances

Entrance to buildings located on corner lots or lots that front upon two or more streets or roads shall be required to have a principal entrance onto each street or a corner entrance oriented toward the intersection of the two streets.

Smith asked if there was anything pertaining to clear sight distances. Throenle said the only thing would be on page 1 under “Effective turning radius”. Kangas stated that this would mostly be under MDOT and would be required.

Kangas moved, Smith seconded, to accept US41/M28 Business Overlay District document as amended.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Throenle indicated the next step is to schedule a Public Hearing to incorporate this into the Zoning Ordinance.

Rhein moved, Mahaney seconded to set up the Public Hearing on the Overlay District for the December Planning Commission meeting.

Vote: Ayes: 6 Nays: 0 MOTIONED CARRIED

B. Short Term Rentals

Staff Introduction

Throenle stated the intent for tonight it to look at the plan to be submitted to the Township Board at the December meeting. This plan is covered in section VIII.B.1 of the packet.

Throenle wanted to clear up a couple of comments that were made during public comment. There was a comment regarding two documented issues, but there have been no documented enforcements against any short term rental in the Township since the 1980’s. Throenle also cautioned on short term rentals being defined as vacation rentals, as this could be misleading. Short term rentals are used by many that are not necessarily using them for vacation, such as professionals associated with the hospital or college.

Throenle stated there may be a need for a Town Hall meeting to involve everyone in the Township.

Throenle presented VIII.B.1, which is a Short Term Rental Plan to be looked at by the Planning Commission for presenting to the Board. Throenle stated he is also in the process of looking at short term rentals in other communities in the Upper Peninsula, as Marquette is a unique environment.

Throenle feels this cannot be done in a short period of time. Once approved, the plan will be submitted to the Board. The Planning Commission will continue to work on the language.

Throenle referenced No. 7 on the Plan which discussed the House (4503) and Senate (329) bills concerning short term rentals that are still in committee. He is currently monitoring these, and the Michigan Township Association feels that there should be some progress on this by the end of the year. The State of Wisconsin has already passed their version of these bills.

Commission Discussion

Meister questioned No. 5 of the Plan---“Determine if language for long term rentals should be included in the Township Zoning Ordinance.” Kangas also wondered about No. 3 of the Plan---“Determine if definitions for long term rentals should be included in the Township Zoning Ordinance. Kangas stated that the definition does not currently exist, and there does not seem to be any problems. He feels that the distraction of long term definition should be eliminated, and they should focus on the language for short term rentals. Rhein feels at some point the Planning Commission should be looking at long term rentals.

After discussion, the Planning Commission agreed that No. 3 and No. 5 concerning long term rentals should be taken out of this plan.

Mahaney went on to read the remainder of this Plan.

Kangas stated it seemed like a good plan---wondered about setting milestones/dates for when items should be achieved. Smith wants to make sure that the Planning Commission stays on track for this.

Meister moved, Kangas seconded, that the Short Term Rental Plan, as changed, be submitted to the Township Board for consideration.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Mark Maki, 370 Karen Road - Feels everything to do with short term rentals is been stalled. There seem to be no rules anymore. There have been no short term rentals allowed on Lakewood Lane since 1977. Grand Marais Township has 26 people and they amended their ordinance years ago. He also asked for information on determinations

made concerning violations.

Deborah Mulcahey, 633 Lakewood Lane - Feels this has been a constant game of Kick the Can since 2015. There has been talk tonight of safety, insurance, flood plains— those people chose to live in a floodplain – she chose to have her house on Lakewood Lane, but did not choose to be in a fire area from people that don't know when they should or should not have a fire. She questions the statement that people felt embarrassed or harassed by the petition – she received thank you letters and hugs. Questioned what will be done about people that are currently putting their short term rentals up for sale. She stated her definition of a vacation rental. Implored the Planning Commission to do their job.

Peter Ollila, 633 Lakewood Lane - Enforcement, if you're not going to do it, it's useless, waste of time. Do it or don't have an ordinance.

Lori Krzysmoski, 741 Lakewood Lane - Has some safety concerns, would like to see something added to the Short Term Rental Plan that would make a violation a civil infraction, not a criminal offense. Also, have some safety monitoring of the short term rentals - consider the density of short term rentals as smaller lot sizes don't meet current building standards, to maybe include some buffers, also fire safety.

X. COMMISSIONER'S COMMENTS

Rhein – None

Milton – None

Kangas – he has been sitting on the Planning Commission since the beginning of the year, and not since 2011. He feels the Planning Commission can be hasty on this and do it really sloppy and regret it. The process is slow, but wants to get it done right the first time.

Smith – None

Meister – Welcomed Don Rhein to the Planning Commission.

Mahaney – questioned when the tablets will be available versus the packets. Suzanne Sundell indicated one is being tested at this time, with the hopes of being able to provide them soon. Mahaney asked about the use process – Sundell indicated that they would keep their tablets, and when the packet was available they would receive an email to download from the website.

DIRECTOR'S COMMENTS-

Throenle requested the Planning Commission to consider rescheduling the November

20 meeting to November 27.

Mahaney moved, Kangas seconded, that the November Planning Commission meeting be moved from November 20 to November 27.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Marquette City Planning Commission, 08.15.17
- B. Minutes – Marquette City Planning Commission, 09.05.17
- C. Minutes – Marquette City Planning Commission, 09.19.17
- D. Minutes – Township Board minutes, 09.11.17
- E. Minutes – Township Board minutes, 09.25.17
- F. Mulcahey and Ollila Correspondence

XII. ADJOURNMENT

Mahaney adjourned the meeting at 8:46 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 27, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:03 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Jon Kangas, Kendell Milton, Don Rhein (Board)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Smith and seconded by Milton to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

October 16, 2017

Motion by Rhein, and seconded by Kangas, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Perry Laing, 625 Lakewood Lane – In favor of short term rentals, he has a cottage on the same property as his home that he wants to rent out. He is taxed as a second residence on this property therefore paying additional taxes. He likes short term rentals as he feels the owner has the ability to kick someone out after a few days vs. a longer rental term. Also thinks that the owner should have residency in at least the county of their property and have rules that are enforced. Would like to see a policy put in place to have the Police fine the renter for the first violation and if there is a second one, the owner should be fined. Also, if short term rentals are terminated from the Township, will there be any compensation for those that want to rent their properties.

Stephanie Gencheff, 597 Lakewood Lane – There are more issues than fireworks and noise involved with short term rentals. There are trespassing and parking issues as well that need to be addressed.

Public comment was closed at 7:10 pm

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Noise Ordinance Rewrite

Staff Introduction

Throenle stated in reference to the short term rentals, noise and fireworks are the most common complaints but there others such as trespassing and parking. In reviewing the ordinances related to these complaints he found that they need to be reviewed and revised. There are no signs in Chocolay Township determining “quiet zones” for hospitals or schools, and there was a section in the noise ordinance that prohibited construction on weekends.

Additional language was needed to bring the noise ordinance up-to-date. For example, noise from motorized lawn care equipment was not covered.

Commission Discussion

Mullen-Campbell asked about a decibel meter, Throenle stated some places have them but they are expensive and users have to be trained to use them properly.

Meister asked how to determine what is “excessive” as some people have a lower/higher tolerance of noise. Police could visit but is it hard to enforce?

Mahaney asked if Chocolay Township has had any noise issues that Throenle was aware of?

Throenle commented that this would be found in police records, but it was not reported to his office. This can be documented but is hard to enforce due to the fact that most times the source of the noise is hard to prove by the time law enforcement shows up.

The Commission had several questions and concerns pertaining to the existing ordinance and agreed it needed to be changed. Some of the concerns were: all construction, snow and trash removal, lawnmowers, signal devices, ice cream trucks, ski and snowmobile trails and emergency situations. After much discussion, the following revisions to the proposed ordinance were the decision of the Commissioners:

Ordinance 64 Noise

Section 4 Prohibition

(C) Snow removal, snow trail grooming, and commercial trash removal are exempt activities that can be performed any time.

Section 5 Prohibited Noises and Acts

(G) Construction or Repairing of Buildings and Roads

Except in the event of an emergency:

- i. *The demolition, excavation, alteration, construction or repair of any building or structure other than between the hours of 7 a.m. and 10 p.m., where such activity results in the creation of unusually loud noise or noise which annoys, disturbs, injures, or endangers the comfort, rest, health, peace or safety of others.*

ii. Road and general construction is exempt with prior approval from the Township Board.

(I) Business Operations and Other Premises Activities

- i. *The carrying on of any business operations, or any other activities upon any premises in such a manner so as to create any excessive, unnecessary, or unusually loud noise, which disturbs, injures, or endangers the comfort, rest, health, peace or safety of others at a distance of fifty feet or more from the edge of the business ~~operation~~ property*

Section 6 Violations

A violation of this Ordinance shall be deemed to be a civil infraction, and any person, firm, or entity found responsible therefore shall be subject to a fine of not to exceed ~~three~~ five hundred dollars (\$~~300~~ 500.00) for each offense.

Section 8 Effective Date

This Ordinance shall take effect thirty calendar days from February 12, 2017 ~~2018~~.

Kangas moved, Rhein seconded that proposed Ordinance 64 Noise to be presented for public hearing as changed at the January 2018 meeting.

Votes: Ayes: 7 Nays: 0 MOTION CARRIED

B. Proposed Fireworks Ordinance

Staff Introduction

Currently fireworks are not included in Chocolay Township's ordinance. Throenle has researched many ordinances, and found one from the city of St. Ignace. He spoke with the St. Ignace staff; they told him there were disturbances at all times with fireworks and since they have set their own guidelines and enforced them, they have not had many problems with them. Throenle is proposing that Chocolay Township do the same in setting a new ordinance.

Commission Discussion

The Commission had concerns and questions such as: were there any complaints? Does the noise ordinance have anything set for fireworks? Fireworks aren't always used in the designated days, should allow extended times for the 4th of July. In discussing this, the Commission has decided on the following:

Ordinance 65 Fireworks

Section 4 Prohibition

No person shall ignite, discharge or use consumer fireworks within the Chocolay Township, except during the following times:

1. On the day preceding, the day of or the day after a national holiday as defined herein, except the Fourth of July, as defined herein between the hours of 8 AM and 1 AM consistent with Section 7 (2) (b) of Michigan Public Act 65 of 2013.
2. Between the hours of 6 PM and 11 PM on Fridays and Saturdays with a permit issued from the Township.
- 1.3. Three days preceding, the day of, or three days after the Fourth of July, between the hours of 8 AM and 1 AM consistent with Section 7 (2) (b) of Michigan Public Act 65 of 2013.

Meister moved, Mullen-Campbell seconded to make the changes to the proposed Ordinance 65 Fireworks and to present the ordinance for public hearing at the January 2018 meeting.

Votes: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. US41/M-28 Business Overlay District

Throenle recommended the Commissioners review the revised definitions to ensure the revisions have been made to their satisfaction, and to determine if additional revisions need to be made prior to the public hearing.

Throenle stated that Steve Lawry, Township Manager also recommended the public hearing date be moved to the January 2018 meeting to accommodate citizens that may not be able to attend or provide comment for the December 2017 meeting due to the holidays.

Kangas moved, Rhein seconded, that the language for the proposed US 41 / M-28 Business Overlay District be accepted as written and the proposed US 41 / M-28 Business Overlay District public hearing be moved from December 17, 2017 to the January 2018 meeting.

Votes: Ayes: 7 Nays: 0 MOTION CARRIED

B. Short Term Rentals

Staff Introduction

Throenle pointed out for several months the Planning Commission has been working on a plan concerning several aspects of short term rentals, and the Commissioners developed a plan for the issue. Throenle presented this plan to the Board as part of the Board's November agenda and they informally accepted the plan with a June 1, 2018 date for the Planning Commission to have a draft version of recommendations ready for the Board.

Throenle has been conducting surveys from other Planners in the central UP area to see different variations concerning short term rentals. He has been concentrating on areas with waterfront. He asked the Commission to finish the definitions tonight.

Commission Discussion

Mahaney asked how many areas Throenle was checking into. Throenle replied twenty to twenty-five townships, to get as many with waterfront as possible. Some are hard to find contacts for, and he will continue to gather that information.

Smith commented it is good to look at others so we don't reinvent the wheel. He would like to see the ordinances to check for pros and cons, so that the language can be written correctly.

Meister would like to see links from the web to reference the ordinance.

As short and long term rentals have been allowed in the Township since at least 1980, Throenle stated the language for short term rentals should apply to long term rentals as well.

Smith felt there could be problems with short term rentals as the time frame is shorter, help eliminate problems for opposing people. Smith also feels long term rentals haven't been an issue. Kangas replied that short term rentals may not be a problem but could become one.

Mahaney asked if it should be a *Rental Ordinance*, not just a Short Term Rental Ordinance. This would combine the short and long term rentals with terms special to short term rentals if needed. He felt they should follow the same ordinance as they have the same issues....noise, fireworks, parking, garbage, etc. Rhein felt they should be combined as well.

Throenle asked if the landlord should be held responsible. Rhein thought they could be fined. Smith talked about having it in the ordinance, and asked if it is violated would they lose the rental rights, and questioned if that was legal.

Mullen-Campbell also asked if there has been any progress on the bills in the House and Senate pertaining to short term rentals. Throenle answered there has not been any and if they do not come out of committee they are finished for the year.

Rhein and Mullen-Campbell suggested twenty-eight days or less be classified as a short term rental, anything twenty-nine days or more would be a long term rental.

Throenle pointed out that after fourteen days property owners that rent would lose their principal residence exemption for tax purposes.

Throenle asked if the Rural Character definition should be removed as a definition and moved to the introduction of the Zoning Ordinance. Smith asked where the definition was currently located, and Throenle stated it was in the definition section in the official Zoning Ordinance. Milton stated that rural character was all part of the Master Plan. Throenle recommended rural character be taken off the definition list as a definition and leave it out until the Commissioners decided where to put it.

Rhein interrupted the discussion and asked to be excused at 9:05 for a work commitment. He was excused.

Mullen-Campbell would like time to read the Rural Character definition over, as she was concerned about man-made improvements in the statement. Smith sees it as a statement, more of a definition for the Master Plan. Meister doesn't see it as a definition, it's in the Master Plan, so it should be a general goal. Kangas would like to see it left alone, as it creates confusion, and is not part of the short term rental discussion. Mahaney sees it as a definition as well.

Throenle suggested it be brought back to the December meeting for additional discussion with the review of the proposed definitions.

Commission Decision

After much discussion, the following changes were proposed:

Long Term Rental

Proposed

A dwelling unit providing temporary accommodations for periods of twenty-nine successive days or more.

Such rentals must meet the established regulations for Property Rentals (section to be defined).

Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

Short Term Rental

Proposed

A dwelling unit providing temporary accommodations for periods of twenty-eight days or less.

Such rentals must meet the established regulations for Property Rentals (section to be defined).

Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

IX. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – Short term rentals and single family homes are different, they should not be held to the same laws. Have listened to many people at the podium complain about short term rentals. Do the police document the complaints to the property owners? Had a long term rental next to her and are still friends after they moved. Thinks it's a mistake to combine the rules for short and long term rentals

Laurie Krzysmoski, 741 Lakewood Lane – Has been both a short and long term renter. Short term renters are different, they don't treat property the same. Long term renters are members of the community, they act like a homeowner. There are different boundaries from a short to long term renter, exercise different levels of caution, have different set of rules regarding this.

Perry Laing, 625 Lakewood Lane – Address the noise ordinance, modify it. Agree that people should be able to do what they want with their property, but if they are going to be a short term renter the property owner should set rules and post them on the property. If they violate the rules the renter should be asked to leave. Also, maybe ask for a significant fee to be refunded if there are no issues, people would think twice.

The noise exceptions discussed sound good but contracting work doesn't always go as scheduled, how does a contractor get Board approval when they only meet once a month?

X. COMMISSIONER'S COMMENTS

Rhein – No comment, excused early for a work commitment.

Milton – None

Kangas –None

Smith – Would like to see a list of the complaints from the Zoning department put in the packets. Does not have to include their names.

Meister – None

Mahaney – Appreciates the comments from the public, their input is important. Wants them to know that the Commission appreciates it.

XI. DIRECTOR'S REPORT

Throenle – Tablets will be ordered soon, and staff will try to have them operational for the January meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Marquette City Planning Commission, 10.03.17

B. Minutes – Marquette City Planning Commission, 10.17.17

C. Minutes – Township Board minutes--draft, 10.09.17

D. Minutes – Township Board minutes--draft, 11.13.17

E. Correspondence – Mulcahey # 1

F. Correspondence – Mulcahey # 2

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 9:26 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 18, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Jon Kangas, Kendell Milton, Don Rhein (Board-joined at 7:20)

Members Absent: Andy Smith (Vice Secretary)-unexcused

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister and seconded by Mullen-Campbell to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

November 27, 2017

Motion by Milton, and seconded by Kangas, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Scott Emerson, 119 Lakewood Lane – Has been involved in the community for 40 years, also served on the Planning Commission. He has concerns regarding fireworks. He researched sixteen Township ordinances in Michigan, twelve in northern Michigan and four in lower Michigan and found one in Acme Township that he thought would work well for Chocolay Township. He presented the Commission with a copy of the ordinance.. Also discussed prohibiting sky lanterns.

Public comment was closed at 7:13 pm

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. 2018 Meeting Dates

Staff Introduction

The following Planning Commission meeting dates were submitted to the Township Board for approval:

Monday, January 15	Monday, July 16
Monday, February 19	Monday, August 20
Monday, March 19	Monday, September 17
Monday, April 16	Monday, October 15
Monday, May 21	Monday, November 26
Monday, June 18	Monday, December 17

The November date was changed from the third Monday to the fourth due to the Thanksgiving holiday.

Commission Discussion

Mahaney questioned the February 19 date as it is President's day, would the Township be closed? Throenle stated the Township is open on that day and would not be an issue.

Mullen-Campbell moved, Kangas seconded, that the meeting dates for 2018 for the Planning Commission be published as written.

Votes: Ayes: 5 Nays: 0 MOTION CARRIED

Don Rhein joined the meeting at 7:20.

B. Planning Commission Priorities for 2018

Staff Introduction

Throenle stated each year the Planning Commissioners should review the established priorities for the Planning Commission to determine if those priorities are still valid for the upcoming year.

Commission Discussion

Meister recommended adding the National Flood Insurance Plan (NFIP) Community Rating system as a priority 1. The Commissioners changed some of the priorities around and removed some. After discussion, the following priorities were voted on:

Planning Commission Priorities for 2018

Priority 1

- Asset Management Plan for Township roadways, sewer and water systems
- Begin planning for implementation of high priority Master Plan projects
- Complete and adopt language for short term rentals
- Complete and adopt language for US 41 and M-28 Business Corridor Overlay District regulations
- Review existing ordinances
- Consider rewrite of current zoning ordinance
- NFIP Community Rating System
- Further amend the Zoning Ordinance to address changes in State Legislation
- Recreation plan review and update

Priority 2

- Further amend the Zoning Ordinance to implement the Zoning Plan of the Master Plan
- Monthly land use explorations in preparation for amending of the Zoning Ordinance to implement the Zoning Plan of the Master Plan, Zoning Classification, Accessory Homesteading Activities, etc.
- Plan for four-season transit facility
- Reconsider the Accessory Homesteading Activities regulations after evaluating public input

Priority 3

- Consider Firewise zoning regulations
- Reconsider approach to private road regulation

Rhein moved, Mullen-Campbell seconded, that the priorities for the Planning Commission for 2018 be published as changed.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Noise Ordinance

Staff Introduction

Throenle asked that the number for the recommended ordinance be changed from 64 to 66, as there is already an ordinance 64 (Alger-Delta Franchise Agreement). He also stated that he spoke with Supervisor Bohjanen about some minor language changes, and he presented those to the Commissioners.

Commission Discussion

There was a brief discussion about the changes, and the Commissioners found no problems with the recommended changes.

Commission Decision

Kangas moved, Meister seconded, that proposed Ordinance 64, Noise be renamed to Ordinance 66, Noise and be presented for public hearing as changed at the January 2018 meeting.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

B. Fireworks Ordinance

Staff Introduction

Throenle stated he had recommendations in the packet, but after a conversation with the Police Chief, he recommended that the proposed permitting process and extended times for Fourth of July be removed from the proposed ordinance.

He also recommended adding a restriction for sky lanterns as outlined in the ordinance from Acme Township.

Commission Discussion

There were many concerns regarding fireworks, such as allowing fireworks for special occasions (birthdays, weddings, anniversary), weather, permits, and sky lanterns. Also concerns regarding legal aspects and liability.

The following change was added to the proposed ordinance as a definition:

Sky lantern	An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne
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Language in Section 4 was changed as shown:

Section 4 Prohibition

No person shall ignite, discharge or use consumer fireworks within the Chocolay

Township, except during the following times:

- 1. On the day preceding, the day of or the day after a national holiday as defined herein between the hours of 8 AM and 1 AM consistent with Section 7 (2) (b) of Michigan Public Act 65 of 2013.*
- 2. No person shall release or cause to be released an untethered sky lantern.*
- 3. Between the hours of 6 PM and 11 PM on Fridays and Saturdays with a permit issued from the Township. One permit per property address per calendar year will be allowed.*

Commission Decision

Rhein motioned, Milton seconded, the fireworks ordinance as modified.

Votes: Ayes: 3 Nays: 3 MOTION FAILED

Throenle recommended they save the language as modified with Step 3 included until the Acme Township ordinance could be researched.

Meister motioned, Mullen-Campbell seconded, that the modified language be accepted but this be tabled until the January meeting to review. This would give Throenle time to research the ordinance from Acme Township that Scott Emerson had presented to the Commission.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

C. US41 / M-28 Corridor Overlay District

Staff Introduction

Throenle had a conversation with the Township Supervisor regarding the name for the district. As the current name implies, the proposed district is overlaying business opportunities over the entire corridor, which is primarily a business corridor already. A better name for the corridor would be the “Mixed Use Overlay District”.

Throenle also reviewed the document, and clarified language (such as definitions), included a section defining the corridor boundaries, and formatted the document to make it easier to read and follow.

Commission Discussion

Throenle suggested one change to the “Residential Uses” section

Residential Uses

Dwelling unit in a mixed-use building

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

Removing “Such units may not be located on the ground floor of the building”.

Meister asked about the construction of storage units vs. retail commercial, Throenle commented they are covered under the section “Habitable Space”.

Mahaney questioned contractor yards, Throenle commented they need to be reviewed in future discussions but would be covered in the “Commercial Uses” section under commercial. Milton asked if the changes were going to public hearing in January, and if the changes were to be added in the Zoning Ordinance. Throenle replied the date is correct, and the changes will be put in the ordinance as section 5.5

Commission Decision

Kangas moved, Rhein seconded, that the language for the proposed Mixed Use Overlay District be accepted as changed and be presented to the Township residents at public hearing at the January 2018 meeting.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

D. Short Term Rentals

Staff Introduction

Throenle has developed a list of 290 cities, villages, and townships in the UP. He narrowed it down to 65 townships that are on waterfront, and from those randomly chose 34 townships and researched their ordinances for language on short term rentals.

Throenle discovered that there was a mix of information in the researched ordinances. Some townships had rentals as conditional use, some did not specify any information, and others permitted use in all districts. There was no consistency across the ordinances, other than the short term rental time frame, if specified, was set to 14 days, except in the case of Keweenaw County, where the time frame was set to six months.

Only three had additional language defining criteria for the rentals. This led to the question, “What is the problem with short term rentals in Chocolay?” Throenle stated he could not separate language for short term rentals from long term, as the only distinction between the two was time. Throenle recommended language to be added to the zoning ordinance that states “*Rentals for a fee are permitted in all districts*” to remove the distinction between short term and long term rentals.

Commission Discussion

Kangas felt it was an easy solution but doesn’t make the problem go away. He felt it didn’t address issues such as trespassing and garbage. Throenle stated it wasn’t just a rental problem for those issues as they happen to home owners as well.

Rhein felt if the ordinances were dealt with and put in place the local authorities could handle any issues accordingly.

Meister felt garbage is covered under junk and goes back to the owner to be held accountable. Throenle stated that people complain but there is no documented proof of violations or citations, so he asked if it is perceived or an actual problem in the Township. Mahaney also felt there may be issues but just not known/heard of.

Milton asked about inspections, Throenle commented that the Township would have to have people contracted out to do this. If this were to be followed, then inspections for both long and short term rentals would have to take place.

Throenle also stated that hotels in Marquette are taking on a new direction. They are going for the extended stay, which is basically a short term rental with a desire to meet the needs of business travelers and other that want different types of accommodations.

Kangas and Rhein felt his wouldn't be the end of the short term rental discussion as those opposed would continue with their attempts. Mullen-Campbell felt the ordinances would be a good place to start in moving forward with this plan. Milton felt they shouldn't be able to tell people what to do with their property.

Commission Decision

Mahaney suggested Throenle move forward with a recommendation for the Commission for the January meeting.

IX. PUBLIC COMMENT

Chad Laurich, 512 County Road 480 – He is for short term rentals, has one across the street from him. It was an old, vacant house and has been fixed up. The outside has been landscaped and it is good to see people using it.

Public comment closed 9:12.

X. COMMISSIONER'S COMMENTS

Rhein – None

Milton – If you want to make noise, you can get a blasting permit for \$1

Kangas – None

Smith – None (Absent)

Meister – Was nice to see the violation reports added to the packet, allows to get more information

Mullen-Campbell – Merry Christmas

Mahaney – Merry Christmas

DIRECTOR'S REPORT

Throenle –Need to start thinking about the election of the executive positions for the Planning Commission for January, as by the law, it needs to be discussed in January.

He stated the tablets are here, they are getting set up. He stated they may be available for the January meeting but for sure by the February meeting. He wished everyone a Merry Christmas and Happy New Year!

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Marquette City Planning Commission, 11.14.17
- B. Minutes – Marquette City Planning Commission, 11.21.17
- C. Minutes – Township Board minutes, 11.13.17
- D. Correspondence – Mulcahey # 1
- E. Correspondence – Mulcahey # 2

XII. ADJOURNMENT

Mahaney adjourned the meeting at 9:15 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 15, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:01 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Kendell Milton, Don Rhein (Board)

Members Absent: Jon Kangas (due to accepting employment as Township Manager)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton and seconded by Rhein to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

December 18, 2017

Motion by Meister, and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Scott Emerson, 119 Lakewood Lane – Is a physician involved in the community for 40 years. He has heard of many complaints regarding fireworks. Feels an increase in the number of days that fireworks are allowed will lead to more complaints. Also feels it will lead to more potential fires, danger, and liability to the Township. Also referred to the adverse effects that impulse noise has on a person's health. Should follow the Police chief recommendation and follow the State law.

Tom Noren, 169 W. Main – Has been an UP doctor since the mid 70's. Stated his concerns regarding the negative effect fireworks have on the birds and other wildlife in Chocolay Township. Also applauded Chocolay Township on the continued efforts to enhance the natural splendor around us, such as the Bayou Nature Preserve.

Joe Holman III (and Anthem), 210 Riverside – has a service dog and the fireworks have a negative effect on pets and vets. Should follow the State law as when it is planned, it is easier for them to adjust to. Should respect pets and vets.

Marla Buckmaster, 519 Lakewood Lane – read the letter in the Planning Commission packet from Bill and Marsha Karas, 195 Lakewood Lane. Also agrees with them.

Tim Hunt, 2361 US 41 S – is a veterinarian in Chocoley Township and stated that dogs don't get rid of the fear of fireworks and with the increased number of days, it would have a negative effect on them.

Ruth Ziel, 734 Lakewood Lane – has lived in Chocoley since 1990, feels the fireworks already are more than the allowed thirty days. Can't always tell where they are coming from to report them to the authorities. Also fears the fireworks would have a negative effect on the land values.

Dr. Daniel Arnold, 111 Lakewood Lane – has lived in Chocoley since 1979, Chocoley is a bedroom community, people live here for the peace and quiet. Don't make fireworks easier and for more days, stick to the State law. He would restrict it more than the State law if he could.

Mary Pat Linck, 367 Lakewood Lane – has lived here since 1972, the state ordinance is more than enough time. Fireworks go off most of July. Looks forward to the end of July as it is a relief when they die down. Asking for problems we don't need, adhering to State law is the best way to go.

Jude Catallo, 119 Lakewood Lane – according to the Chocoley procedures and bylaws, Article 4, Section 6, everyone on Planning Commission shall vote unless a financial conflict causes it to be unethical. Urged Mr. Mahaney not to contribute discussion or vote regarding fireworks, as they have been sold at a business his family owns.

Cindy Baker, 123 Ridgewood Drive – can't add more than what has already been said, emailed, or phoned in. Obvious that somebody that stands to gain financially can or try to pass this through.

Public comment was closed at 7:30 pm

V. PUBLIC HEARINGS

- A. Proposed Noise Ordinance (deferred to Item VIII.A)
- B. Proposed Mixed Use Corridor (deferred to Item VIII.B)

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Election of Planning Commission Officers

Staff Introduction

Throenle stated that each year the Planning Commission must elect new officers as directed by Section VI in the *Planning Commission Procedures and Bylaws*. There will be a Chair, Vice-Chair, Secretary, and Vice-Secretary elected. Don Rhein, who is the Board appointed representative, is eligible to be elected for all officer positions except the Chair.

Commission Election

Motion Number 1

Milton moved, Meister seconded, to elect Mahaney as the Chair of the Planning Commission.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

Motion Number 2

Milton moved, Rhein seconded, to elect Meister as the Vice-Chair of the Planning Commission.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

Motion Number 3

Smith moved, Mahaney seconded, to elect Mullen-Campbell as the Secretary of the Planning Commission.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

Motion Number 4

Rhein moved, Milton seconded, to elect Smith as the Vice-Secretary of the Planning Commission.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

B. Planning Commission Bylaws

Staff Introduction

Staff has reviewed the current Planning Commission bylaws and noted some items need to be revisited, added, or updated for clarification and consistency. See the following for the *Procedures and Bylaws* section:

Article IV Township Planning Commission Meetings

Section 6.

Voting – Every member who shall be present when a question is last stated by the Chair shall vote for or against the motion unless (1) excused by unanimous consent of the Planning Commission members present or (2) the member ~~is financially interested~~ **has a financial interest** in the question. (Amended ~~2-87-01-18~~)

Article V - Duties of the Executive Committee

Section 1. The Executive Committee, **or their designee**, shall prepare agendas for monthly meetings and make necessary arrangements for special and monthly meetings. (Amended, **01-18**)

Article VIII - Fiscal

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

The Chair, **or their designee**, shall prepare an annual budget to be presented to the Chocolay Township Board for their approval. (Amended ~~7-97~~, **01-18**)

Article XI Rules of Order

For meetings of the Township Planning Commission, the rules of parliamentary practice comprised in ~~“Roberts Rules of Parliamentary Procedure”~~ **“Robert’s Rules of Order Newly Revised”** shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Chocolay Township Planning Commission and not contrary to any laws of the State of Michigan. (Amended ~~8-02~~, **01-18**)

Article XIII Agenda and Packet

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

Correspondence will be accepted from the public **until 12 p.m. on the Tuesday preceding the regular or special meeting of the Commission.** Submitted correspondence must contain the name and address of the submitter to be included in the packet. (Amended **01-18**)

Staff also noted some changes be clarified in the *Public Participation Policy* as well. The following were presented:

II. Public Comment

Public comment is an opportunity for citizens and organization representatives to voice their opinions to the Planning Commission.

1. Individuals wishing to speak must be recognized by the Chairman prior to speaking. Individuals not following this rule are subject to dismissal from the meeting.

2. Individuals must state their name and address for the record. Individuals representing an organization must state their name and the organization they represent for the record.
3. All speakers will be limited to three (3) minutes per person. No person can grant his or her time to another speaker.
4. The Commission Secretary, or designated representative, will be responsible to keep time on speakers and inform the Chairperson when time limits have expired.
5. At the close of public comment, Commission members may address issues raised by speakers during public comment.

Commission Discussion

The commission discussed the proposed changes, including the definition of the Executive Committee and changes to the Public Participation Policy. Commission felt the changes were pretty much straight forward and agreed to make the above changes.

Commission Decision

Meister moved, Rhein seconded, to revise the *Planning Commission Procedures and Bylaws* as revised.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

Milton moved, Rhein seconded, to revise the *Planning Commission Public Participation Policy* as written.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS
A. Proposed Noise Ordinance #66

Staff Introduction

Throenle stated the language was approved last month to move this ordinance forward to a public hearing. There was one memo from the Police Chief added and one item of correspondence, from Dr. Emerson that was given to the Commissioners after a misunderstanding about including the document in the packet.

Also discussed with Supervisor Bohjanen a change in the following definition:

Section 3 Definitions

Horn	A device in good working order that is capable of emitting sound audible under normal conditions from a distance of not less than 200 feet greater than 50 feet.
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Consider the following change to the following Ordinance as well:

Section 5 Prohibited Noises and Act

(I) Business Operations and Related Activities

i. The carrying on of any business operations, or any related activities in such a manner so as to create any excessive, unnecessary, or unusually loud noise, which disturbs, injures, or endangers the comfort, rest, health, peace or safety of others from the edge of the business property

Public Hearing

Scott Emerson, 119 Lakewood Lane – his understanding that he can't present items to the Commission for Public Hearing? Throenle responded he can but it won't be included in the public minutes. Emerson has read through the ordinance and looks good, and he gave the Commissioners two documents for consideration.

Perry Laing, 625 Lakewood Lane – is going off of the old ordinance and asking for two changes. One being that contractors don't have to get the ok from the Commission to work out of the designated time as they Commission only meets once a month. The second change is allowing an individual, who wants to do their own repairs to their property, to be able to work on their property on the weekend. As it stands, they can only work from 7 a.m. to 9 p.m. weekdays.

Public hearing closed at 8:00 p.m.

Commission Discussion

While the Commission was preparing to discuss Throenle stated that the two issues presented by Laing in the public comment had been covered in a previous Noise Ordinance discussion and are listed in the proposed Ordinance under Section 5, G, i and ii. (These were the public comments regarding Construction time and days allowed)

Mahaney questioned if the language reviewed presented in the proposed Ordinances tonight will go to the Township Board. Throenle stated yes, language determined tonight will to the Board for consideration of adoption as an ordinance.

Meister questioned the 50 feet rule, what is someone owns more than the 50 feet, say 300 feet. Also felt this dealt with mostly commercial properties, not residential.

Milton felt traffic is loud so some noises have to be louder to be considered a problem.

Smith questioned the difference from the existing ordinance and what Dr. Emerson is proposing. Mahaney replied the distance it's allowed to carry if it's a business/commercial property. Throenle also commented that if it's residential, once it crosses the property line it would be a violation.

Throenle also asked to address the public, in doing so he pointed out that whatever

is passed here tonight, does not become law. This is a recommendation from the Planning Commission to the Township Board for the recognized language. The Board has three options:

1. Accept the language as written
2. Modify the language as they see fit
3. Reject the language and send it back to the Planning Commission to modify

The Commission also decided to change the Ordinance language as shown:

(I) Business Operations and ~~Other Premises Related~~ Activities

i. The carrying on of any business operations, or any ~~other related~~ activities ~~upon any premises~~ in such a manner ~~so~~ as to create any excessive, unnecessary, or unusually loud noise, which disturbs, injures, or endangers the comfort, rest, health, peace or safety of others ~~from at a distance of fifty feet or more from~~ the edge of the business property

Commission Decision

Rhein moved, Milton seconded, to send the Noise Ordinance to the Board with the changes we made tonight.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

B. Proposed Mixed Use Corridor

Staff Introduction

Last month, the Commissioners reviewed and revised the proposed Zoning Ordinance language for the Mixed Use Overlay District and approved adding the proposed language to the January 2018 meeting for public hearing.

369 notifications were sent to property owners that were located within 800 feet of the center line of the proposed district. This was to accommodate the proposed 300 feet identified for the district on either side of the center line and the required 500 feet for property owner notification. Five notifications were returned as undeliverable due to address issues. Also one call for expansion of the map that would have to go before the board if the Commission decided to go ahead with that.

Throenle indicated there were two responses from residents; both were positive. One wanted to extend the corridor to be included and the other was happy regarding some changes they want to make to their existing business.

Also, the Public Hearing was listed in the Mining Journal within the time frame in December.

Public Hearing

Mark Maki, 370 Karen Rd – feels the map doesn't go far enough to include the Welcome Center and the Jehovah Witness Hall. They were never designed to be commercial, the Jehovah Witness Hall is currently residential. Maybe they should be removed from the district. This could be a chance for rezoning. He asked when looking at a map online, how can you tell what the overlay district would it be.

Richard Bohjanen, 140 Edgewood Drive – if you choose to add the extra property to the Overlay District, do you have to extend the notifications? Throenle said he would have to take a look at the notification map that was used but doesn't feel it is an issue. It would have to go to the board and notifications could be sent out then.

Public hearing closed at 8:38 p.m.

Commission Discussion

Mahaney and Meister both asked to participate in the discussion but to be recused from the vote due to conflict of interest with both owning property within the corridor. This was voted on and granted by the remaining Commissioners.

Milton moved, and Smith seconded to allow Mahaney to participate in the discussion but be exempt from voting on Public Hearing for *Proposed Mixed Use Corridor*.

Votes: Ayes: 4 Nays: 0 MOTION CARRIED

Milton moved, and Rhein seconded to allow Meister to participate in the discussion but be exempt from voting on Public Hearing for Proposed Mixed Use Corridor.

Votes: Ayes: 4 Nays: 0 MOTION CARRIED

Throenle stated that in following the process here tonight, the Planning Commission could approve the map as presented and send to the Township Board for consideration of adding the additional parcels. Mahaney asked if they would have to hold another public hearing and Throenle stated the language does not affect the map. The language does not identify the individual parcels.

Meister questioned why the one resident wanted to be included in the Overlay District and Throenle stated is was from the stand point he may want to use his property for commercial use in the future and thought now would be the time to address this now versus the future.

Mahaney was wondering why the property was not included and Smith was thinking the same, he thought was included. Throenle stated there were some properties that weren't considered usable during previous discussions. Commission discussed the area being a swampy area, smaller lot sizes and the quantity of commercial driveways this would create on M-28. After discussion they felt comfortable leaving the new proposed area out.

Rhein questioned what would happen if the Jehovah Witness were to ever sell their property. What about potential runoff in the swampy area. Mahaney felt that would be a DEQ issue.

Smith wanted to address Mr. Maki's issue regarding finding the Overlay district online. Throenle said they would be able to select a certain parcel and it would tell you the underlying zoning and would also show that it is in the Overlay and would show you what you can do with the property.

Mahaney questioned the tax bills, if this would put you in a different zone. Throenle stated his understanding is if you were in the Overlay and are currently a R1 you can select to stay in that zone or be commercial. You would revert to the underlying designation in that zone.

Commission Decision

Milton moved, and Rhein seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the *Zoning Ordinance* language for the proposed Mixed Use Corridor as written to provide the capability of expanding the business presence in the Township business corridor, and to attract additional prospective business owners into the Township.

Votes: Ayes: 4 Nays: 0 MOTION CARRIED
(Mahaney and Meister abstained from voting)

Rhein moved, and Milton seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve location of the proposed overlay district as shown on the Township map as presented.

Votes: Ayes: 4 Nays: 0 MOTION CARRIED
(Mahaney and Meister abstained from voting)

C. Proposed Fireworks Ordinance #65

Staff Introduction

Throenle addressed the audience and asked before they call his office regarding an issue in the Planning Commission packet to please read/research through the material being presented prior to calling. Some of the calls are due to being misinformed regarding the subject at hand.

At the December meeting the Commissioners reviewed language for the proposed *Ordinance 65 Fireworks* and decided to table it for January, as there was a tie vote.

The main discussion was for Section 4, item 2 in the proposed section. There is a memo from the Police Chief and one correspondence item that was received and they are included in the packet.

One call came from a resident in the agricultural forestry district asking if fireworks could be allowed in the larger parcels without permit as they don't disturb anyone.

For Smith, who was absent last month, and the audience, there was one definition added regarding the sky lanterns. Also, language was added in Section 4 Prohibition pertaining to this.

Sky lantern	An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne
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Section 4 Prohibition

No person shall release or cause to be released an untethered sky lantern.

Commission Discussion

Mahaney inquired if the sky lantern was similar to a kite. Throenle answered yes, a heated kite. They can go wherever they want and come down anywhere, not necessarily in the Township. They may still be hot when they come down.

Mahaney stated the intention of the permit was for special occasions but with the letter from the Police Chief they should consider striking it. Meister agreed. Meister also asked if it was removed would it be in line with the State law? Throenle stated yes, it would be except the definition added regarding sky lanterns.

Mullen-Campbell asked how is the public informed regarding this. Throenle stated it would be a combination of the ways including the news, and it will be published in the Mining Journal if it does become ordinance.

Throenle also stated to the audience that they do have the right to call law enforcement regarding fireworks. There were folks who called him regarding this that were unaware of this. We also need a public education process and it is up to him to figure this out. Comments regarding how to make this happen can be sent to him.

Throenle also reminded the public that this does not prohibit all fireworks. This doesn't include the low impact fireworks such as sparklers.

Commission Decision

Milton moved, Rhein seconded, that proposed *Ordinance 65 Fireworks* be presented for public hearing as changed at the February 2018 meeting.

Votes: Ayes: 6 Nays: 0 *MOTION CARRIED*

Mahaney asked about tabling the rest of the Agenda for next month. Meister asked to just get it done. The rest of the Commission agreed to get them done.

D. Zoning Ordinance Updates (formerly Short Term Rentals)

Staff Introduction

From now on these will be known as *Zoning Ordinance Updates*. This change was made to accommodate additional changes, and there are many, that will occur as a result of adding to the *Zoning Ordinance*.

Tonight we are looking to wrap up the discussion related to short term rentals, definitions need to be finalized so the correct language can be added to the *Zoning Ordinance*.

First change proposed is to the Dwelling, Rental section of the ordinance.

Dwelling, Rental

Current

None

Proposed

A dwelling unit providing temporary accommodations for periods of one day or more for a fee.

~~Does not include bed and breakfast, group homes, hospitals, hotels, nursing homes or resorts.~~

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

The second one is under the Resort section.

Resort

Current

Means any parcel or tract of land under the control of any person wherein buildings or building space are offered for the use of the public or members of an organization, either free of charge or for a fee, for temporary living quarters incident to recreational use for any period less than one month.

Proposed

A tract of land under the control of an owner or owner designee where one or more structures are offered for use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for any period less than one month.

A resort ~~has~~ generally offers other amenities that may also be offered to the public (such as restaurants, pools, meeting rooms, and retail stores).

The last one is under the Structure section.

Structure

Means any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way or limitation, buildings, mobile homes,

radio towers, sheds, signs, and storage bins, but excluding fences, sidewalks, and paving on streets, driveways, parking areas, and patios excluding uncovered open porches not to exceed four feet above grade and not to encroach into the front yard setback by more than six feet in front of the single family dwelling.

Proposed

Placement of constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way of limitation – buildings, garages, mobile homes, pole barns, sheds, signs, and towers that will be in use more than six consecutive months.

This definition does not include fences, sidewalks, paving on streets, driveways, and parking areas.

This definition does not include patios and uncovered open porches or decks that do not exceed four feet above grade and do not encroach into the front yard setback by more than six feet in front of the dwelling unit.

Commission Discussion

Milton questioned if Section 6.3 of the Zoning Ordinance regarding the definition of a structure, building codes, occupancy, and habitation needed modification. Throenle stated that there is no language in 6.3 that needs modifying, it outlines the standards for housing. Throenle also stated that 6.3 identifies and clarifies what is a dwelling.

Milton also stated a tent would be above ground but you wouldn't want to live in one for very long. Throenle stated that 6.3 covers key elements, it deals with the square footage of a structure. The square footage has to be 800 square feet and one side has to be at least 20 feet, this prevents single-wide mobile homes from being brought in on properties. And it also has to meet county, federal and state respects of building and fire codes. Milton stated this is what he was wondering.

Meister asked if this would be the end of the definitions Throenle stated yes, once these are approved, they language will be inserted and will come back to the Commissioners for approval. They will then have one more chance to look them over for approval in February and then come for public hearing in March.

Commission Decision

Meister moved, Milton seconded, that the proposed definitions for the *Zoning Ordinance* be accepted as changed.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

E. Planning Commission Priorities

Staff Introduction

At the December meeting the Commissioners established their list of priorities for

2018. Throenle asked for Commissioners to review the list to see if there are any changes that the Commissioners might want to make.

Commission Discussion

Smith had concerns regarding a resident wanting some 600-800 properties that were rezoned in 2008 from R2 to AF district to be relooked at as they are not in compliance. Would really like to see this get looked at as it could lead to potential problems in the AF district.

Meister felt instead of doing a new zoning map, could look at them by acreage size.

Mahaney asked how it would be decided the order these priorities are handled, and who decides this. Throenle stated the list will be sent to the Board and they may decide to get rid of some or all of them. Throenle suggested the Commissioners wait and see, as they can be ranked at a later time.

Mahaney also questioned the fact that there is a priority concerning the corridor and asked if there is more than the Mixed Use that we just decided on. Throenle stated to leave that on there in the event it would come back from the Board for consideration. He stated it could always be checked off later.

Commission Decision

Add a priority to the Priority 1 section to relook at the zoning ordinance structure for property increase.

Milton moved, Meister seconded, to send the Revised 2018 Priorities with the changes, to the Board for recommendations.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Perry Laing, 625 Lakewood Lane – couple questions and observations. In regards to the Noise ordinance, as having worked as an audio engineer in broadcasting for several years, is fascinated how you think you will stop noise at 20-100 feet, it's impossible. What are the restricted noises and are they allowed during the allotted times of 7 a.m. and 10 p.m? Weekends? Suggest the fireworks follows the State ordinance. Does the fireworks ordinance cover sparkly fountains and sparklers? Can those be set off any time? Will this new ordinance you discussed here tonight take care of the short term rental concerns? If you put a tether on a sky lantern, it's ok?

Mahaney answered they are currently working on the definitions for the short term rentals, they start with them and they go into the ordinance.

Public comment closed 9:29.

X. COMMISSIONER'S COMMENTS

Rhein – None

Milton – None

Kangas – None (due to employment in Township)

Smith – None

Meister – None

Mullen-Campbell – None

Mahaney – Thanked Throenle for the help during the meeting. He offered congratulations to Jon Kangas, the new Township manager, and said he will be missed on the Planning Commission. He also thanked the public for all the input tonight.

XI. DIRECTOR'S REPORT

Throenle – Planning Director's report from now on will contain the Board update that we send monthly to the Boards so what was in the packet tonight was sent to the Board. Also something buried in the Bylaws that we missed the last couple of years, there is a section stating the Commissioners need an annual Commissioner report, so it will be put together for the next meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board minutes, 12.11.17

B. Minutes – Township Board minutes, 12.18.17

C. Minutes -- Marquette City Planning Commission, 11.21.17

D. Minutes – Marquette City Planning Commission, 12.05.17

E. Minutes – Marquette City Planning Commission, 12.19.17

F. Correspondence -- Karas

G. Correspondence – Mulcahey # 1

H. Correspondence – Mulcahey # 2

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 9:31 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 19, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary) Kendell Milton, Susan Maynard, Don Rhein (Board)

Members Absent: Eric Meister (Vice Chair)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Jon Kangas (Township Manager), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, and seconded by Rhein, to approve the agenda as revised. (Section V, public hearing deferment was changed from VIII.A to VII.A)

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

January 15, 2018

Motion by Milton, and seconded by Rhein, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Ryan Soucy, 330 W. Terrace Street – Provided comments regarding removal of West Terrace and West Wright Street from the proposed mixed use district.

Throenle – There were coffee and goodies on the back table for the folks that want them.

Public Comment closed at 7:09

V. PUBLIC HEARINGS

A. Proposed Fireworks Ordinance #65 (deferred to Item VII.A)

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Proposed Fireworks Ordinance # 65

Staff Introduction

Last month the Planning Commission approved proposed *Ordinance 65 Fireworks* with changes, moving the ordinance forward to the public hearing this month. There is one other minor change in the wording in Section 4, as shown below.

Section 4 Prohibition

No person shall ignite, discharge or use consumer fireworks within ~~the~~ Chocolay Township, except during the following times:

Public Hearing

No public comments, closed at 7:13

Commissioner Discussion

Rhein felt the Planning Commission did a fine job on this ordinance. No other comments from the Commission.

Commission Decision

Milton moved, and Rhein seconded, that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve Ordinance 65 Fireworks as amended to establish regulations regarding fireworks in the Township.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Zoning Ordinance Updates

Staff Introduction

Staff prepared an extracted Zoning Ordinance with the pages that will be affected by Commissioner decisions. The documents for this process included:

- 1) Extracted pages from the current Zoning Ordinance (VII.B.1) in the packet materials
- 2) Extracted pages from the proposed Zoning Ordinance with the changes

included (VII.B.2) in the packet materials

- 3) A cross-reference summary document (listed as VII.B.3) in the packet materials, that showed the relationship between the two documents and the proposed change for each recommended item.

These are not only related to short term rentals but other district regulations to bring them up to date.

Using the cross-reference sheet (VII.B.3) each of the changes were discussed.

Items on the cross reference sheet, 1 through 14 are the definitions that the Planning Commission has approved over time have been included. There was one minor change to the *Resort* definition to be changed:

Resort	<p><i>A tract of land under the control of an owner or owner designee where one or more structures are offered for use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for any period less than one month.</i></p> <p><i>A resort has generally offers other amenities that may also be offered to the public (such as restaurants, pools, meeting rooms, and retail stores).</i></p>
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Items 15 through 25 were the individual Zoning Districts Regulations.

There were also proposed additions added to the Conditional Uses sections in the Zoning district stating:

Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses

The phrase *Township Comprehensive Plan* has been revised to *Township Master Plan* throughout the document.

There were changes suggested in the Site Plan Review section:

9.1 Application and Review Procedures

(A) Application Procedures

1. An application for Site Plan Review by the Planning Commission shall be submitted at least *twenty one (21) days* prior to the next scheduled Planning Commission meeting to the Planning Director, who will review the application materials with the Zoning Administrator to ensure that the requirements of Section 9.1, are met, then transmit it to the Planning Commission.
2. An application for Site Plan Review shall consist of the following:

- a. A completed application form, as provided by the Township.
- b. Copies of the Site Plan as requested by the Planning Director.
- c. Payment of a fee, in accordance with the *Adopted Fee Schedule*.
- d. A legal description, including the permanent parcel number, of the subject property.
- e. Other materials as may be required by this Section, the Planning Director, the Zoning Administrator or the Planning Commission.

- .
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- .

2. Final Site Plan Review

- a. Final Site Plans shall include the following information.
 - 1) Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the area.
 - 2) A site plan at a scale not to exceed one (1) inch equals sixty (60) feet (1" = 60'). Additional copies may be requested by the Planning Director.

Commission Discussion

Mahaney questioned where the Adopted Fee Schedule could be found and Throenle stated it is part of the annual budget review and it is posted on the Township website.

Milton would like to see an addition to the Final Site Plan Review, as letter, "h" stating: *Adjacent property owner zoning should be added to the site plan along with the application.*

Mahaney also questioned if it was common to grant extensions on building and Throenle responded that it depends on how far into construction it is.

Smith also stated most other townships require a grading storm water retention plan, it has come up in the last couple site review plans he has been involved with. Chocoy Township is one of the only townships that does not require it. Milton felt this was a drain commissioner issue, but also agreed it should be added. Smith and Manager Kangas both stated they would be willing to help with the language regarding it. Throenle will get together with them and bring back language to the Commission at the March meeting for review.

Mahaney asked if this would be an amendment to the ordinance. Throenle stated yes and will add Milton's request to add letter "h" and if the Commissioners approve, he will bring it back at the next meeting as language for addition in section 9.1.

Commission Decision

Rhein moved, Milton seconded, that the proposed Zoning Ordinance be presented for public hearing as changed at the March 2018 meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

There will be a public hearing on this in the March meeting.

C. Planning Commission Priorities

Staff Introduction

Staff recommended that the Commissioners look at the items under each priority category, and number them in order of importance for consideration.

Commission Discussion

Throenle asked that the priority pertaining to the Recreation plan be moved up to the top area of the list as our Recreation plan expires at the end of the year. The DNR requires we have this submitted in time to apply for DNR grants for next year.

Mahaney asked if this looks at the complete Township or certain projects, Throenle replied it is the complete Township.

Throenle stated, when looking at this with Township staff for the next five years, the DNR will not fund a grant if not identified in the plan. The Recreation plan serves as a guide, the Township doesn't have to do everything on the plan, but if it is not listed on the plan, it will not be considered for grant money.

Milton asked if this is updated every five years, Throenle stated that is the minimum but feels this should be done on an annual basis to see there are any changes to be added. He said the same goes for the Master Plan, staff and the Planning Commission should be checking this on an annual basis as well.

Smith asked if the priorities were set and asked if a Priority 2 could become a Priority 1 at any time. Throenle responded they could, they were decided that they were not the hot button items as the ones in Priority 1 but they can be added to an agenda for a particular meeting. An example would be if some grant money came in, we could move something up. Also noted, these numbers are not set in stone and can be changed at any time.

After input from Staff and discussion the following top six priorities were numbered in order according to priority per the Planning Commission.

Planning Commission Priorities for 2018

Priority 1

1. Complete and adopt language for short term rentals (in progress)
2. Complete and adopt language for US 41 and M-28 Business Corridor Overlay District regulations (in progress)

3. Recreation plan review and update
4. Begin planning for implementation of high priority Master Plan projects
5. Asset Management Plan for Township roadways, sewer and water systems
6. National Flood Insurance Program (NFIP) Community Rating System
 - Consider rewrite of current zoning ordinance
 - Further amend the Zoning Ordinance to address changes in State Legislation
 - Non-conformities regarding properties in the Agriculture / Forestry (AF) district
 - Review existing ordinances

Priority 2

1. Plan for four-season transit facility
 - Further amend the Zoning Ordinance to implement the Zoning Plan of the Master Plan
 - Monthly land use explorations in preparation for amending of the Zoning Ordinance to implement the Zoning Plan of the Master Plan, Zoning Classification, Accessory Homesteading Activities, etc.
 - Reconsider the Accessory Homesteading Activities regulations after evaluating public input

Priority 3

- Consider Firewise zoning regulations
- Reconsider approach to private road regulation

Commission Decision

Mullen-Campbell moved, and Smith seconded, that the priorities for the Planning Commission for 2018 be published as changed.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

D. Planning Commission Bylaws

Staff Introduction

In preparation for the new year, the Commissioners reviewed the *Procedures And*

Bylaws Of the Chocoley Township Planning Commission and the related *Public Participation Policy*, and last month the Commissioners approved the language for both documents.

The documents that were included in the front of the packet are now officially adopted by the Planning Commission. From now on, they will be included in your packet, whether electronic or paper.

There was no further discussion needed on this.

VIII. NEW BUSINESS

A. Mixed Use District Map Amendment

Staff Introduction

The Board reviewed the language and the map, along with the proposed additional properties. The Board approved sending the language forward for a second reading, and approved sending the map without the additional properties forward as well, while sending the proposed additions to the map back to the Planning Commission for consideration.

Staff is recommending that the Commissioners:

1. Determine if the mixed use district map should be amended to reflect the recommended additions.
2. If the answer to the first recommendation is “yes”, Commissioners should review the proposed map changes through Commissioner discussion, and provide any additional revisions, if necessary, to the proposed map amendment.

Throenle stated this is just strictly for the map as the languages have already been reviewed by the Board but they felt the map needed more notification to residents.

Commission Discussion

Milton felt they decided there were too many highway accesses there and Throenle commented there is an access management section in the ordinance that determines this. Manager Kangas commented it's its own separate overlay district that covers the US 41 and M-28 corridor, and the US 41 Corridor Advisory is looking into. In the ordinance it is known as the Section 5.3, the US 41- M-28 Overlay District.

Commission Decision

Smith moved, Rhein seconded, that the mixed use district map be amended to include the identified (green) parcels, and be presented for public hearing as changed at the March 2018 meeting.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

Rhein moved, Maynard seconded, to remove from the mixed use overlay map the ten parcels around W. Terrace.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Planning Commission Annual Report

Staff Introduction

Please review the attached document as it is written. Staff has put together a summary of the activities with the intent of keeping the document brief. Commissioners, however, can decide if the document should be expanded.

2017 PLANNING COMMISSION ANNUAL REPORT

Planning Commission Activities and Requests

The Planning Commission had a busy year. Each meeting throughout the year was related in some way to the proposed mixed use overlay district or the short term rental discussion. The Planning Commission completed the following activities and requests in 2017:

- Made recommendations for a future design for the Silver Creek Recreation Area
- Completed work on *Ordinance 62, Animal Control*
- Completed work on *Ordinance 66, Noise*
- Completed draft work on *Ordinance 65, Fireworks*
- Spent a considerable amount of time in relation to short term rentals, and prepared a set of draft definitions for consideration
- Reviewed and completed work on language for a proposed mixed use overlay district
- Reviewed and approved a rezoning request for the proposed casino project
- Reviewed and approved a contractor yard conditional use permit
- Reviewed and approved a conditional use permit for a day care / preschool
- Reviewed and approved site plans for the proposed casino project

- Discussed the necessity of rewriting the *Zoning Ordinance*
- Approved a National Flood Insurance Community Rating System project
- Reviewed and approved the site plan and conditional use permit for a proposed campground
- Reviewed and approved the site plan for proposed storage units
- Reviewed and approved a checklist for conditional use permits

Planning Director Activities

In the early part of 2017, Molly Wetters, an intern from Northern Michigan University, assisted the Planning Director in establishing a document and web presence branding for the Township. The Planning Director has adopted this format for the primary documents for the Township. She also established the base outline for a recreation brochure that will be further developed in 2018. Later in the year, Joe Lawry assisted the Planning Director, and developed two sets of interactive documents (an interactive history of the Township, and an interactive recreation directory) for the Township website

In addition to preparing Planning Commission packets, the Planning Director:

- Attended training sessions on wind energy, the 21st Century Infrastructure Report, marijuana statutes, job development for local communities, training of youth in career technical education, climate adaptation, broadband, disaster planning and entrepreneurship in the County
- Participated in a week-long FEMA training session related to flood plain management
- Attended the Small Town and Rural Development Conference

Commission Discussion

Mahaney questioned what was gathered from the training on wind energy. Throenle answered that seemed to be contentions on both sides regarding wind energy. There are many aspects such as size, density, noise, impact on wildlife, etc. Some people view it as an aesthetic problem and some see it as a way to earn money with their property. Solar also seems to be changing with technology.

Commission Decision

Mullen-Campbell moved, Rhein seconded, that the 2017 Planning Commission Annual Report be forwarded to the Board as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Ryan Soucy, 330 W. Terrace – Thank you for listening to my comments, you probably don't hear that enough. Thank you for making the consideration for me.

Public comment closed 8:36 pm.

X. COMMISSIONER'S COMMENTS

Rhein – Welcome to Susan, hope you found it interesting and thanks for joining our team

Milton – None

Maynard – Thanks Don, ready for the quick quiz...not.

Mahaney – Thank you Ryan for coming to meeting and speaking about your concerns, nice job on packet Dale

Meister – Absent

Smith – None

Mullen-Campbell - None

XI. DIRECTORS REPORT

The report that is included in your packet is taken from the monthly Board update that all staff submits to the Township Board. We are looking at taking a different direction. We are looking at adding this as a newsletter on the Township website. Throenle's report would be in the web report, will advise in the future if this in fact how it will be. The concept is to provide information to the public as a whole, keeping them informed. Hopefully this addresses some communication issues that there seems to be in the Township.

The Zoning ordinance was brought up by the Supervisor at the Board meeting and there was a motion made and passed to form a committee that will look at not only the Zoning ordinance but the rest of the ordinances. It will be made up of two Board members, the Planning/Zoning administrator, the Manager, Department of Public Works, and the Supervisor. They are also asking for two volunteers from the Planning Commission to be added. This would not be an open meeting.

These would be recommendations that would come back to the Planning Commission for consideration, more of a direction.

Throenle is hoping this committee comes back with recommendations for the Zoning ordinance as there are budgetary issues if it is not touched this year.

Please advise the Manager if you are interested to be on this committee.

Throenle will be attending a NFIP/FEMA conference in June, the goal is to learn how to set up the community rating system.

Throenle will also be attending a conference this week on storm water, this will also be related to flood plain management. With the combination of the two conferences the hope is to help us on a path for the flood plain. Throenle stated FEMA is looking at mapping all of the lakeshores for the Great Lakes to include them into their flood plain maps, and he would like to see the impact how it would affect the Lake Superior shoreline, particularly M-28 & properties on Lakewood Lane.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes –Township Board minutes, 01.08.18
- B. Minutes – Marquette City Planning Commission, 01.09.18
- C. Minutes – Marquette City Planning Commission, 01.16.18
- D. Correspondence – Hendrickson
- E. Correspondence – Evans
- F. Correspondence – Henning

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 8:45 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 19, 2018

I. MEETING CALLED TO ORDER BY: Donna Mullen-Campbell at 7:00 p.m.

ROLL CALL

Members Present: Donna Mullen-Campbell (Secretary), Kendell Milton, Susan Maynard, Don Rhein (Board)

Members Absent: Tom Mahaney (Chair), Eric Meister (Vice Chair), Andy Smith (Vice Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton and seconded by Rhein to approve the agenda as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. MINUTES

February 19, 2017

Motion by Maynard, and seconded by Mullen-Campbell, to approve the minutes as changed.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

There was no public comment.

V. PUBLIC HEARINGS

- A. Mixed Use District Map Amendment (deferred to Item VII.A)
- B. Zoning Ordinance Updates (deferred to Item VII.B)

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Mixed Use District Map Amendment

Throenle stated that last month, the Commissioners reviewed and revised the proposed Mixed Use Overlay District map, and moved the map forward to a public hearing at the tonight's meeting.

He reminded the Commissioners they reviewed and approved the map with the recommendation of removing ten parcels on West Wright Street and Terrace Street west of US 41 South, and adding fourteen parcels on the north side of M-28 to extend the district from the intersection of US 41 South and M-28 to Chocolay River Trail.

He stated one hundred notifications were sent to property owners within 500 feet of the proposed changes; forty-eight were sent to those affected by the West Terrace Street removal, and fifty-two were sent to those affected by the additions along the north side of M-28.

Throenle presented the map and discussed the map and the district options with the audience concerning the existing parcels and the proposed addition.

Public Hearing

Matt Hellman, 111 Chocolay River Trail – thanked Throenle for the presentation, doesn't want the proposed additions to go multi-use, wants them to remain residential, worried about blighted properties. Has no objections to the removal of the ones proposed for removal on the map.

Derek Anderson, 116 Chocolay River Trail – felt the district needed to remain consistent with the Master Plan. He felt any new zoning should occur after the Township follows through on recommendations relative to commercial development design guidelines, particularly in the Harvey commercial center.

Phil Johnson, 125 Chocolay River Trail – part of the Chocolay River Association, grew up in a neighborhood off of Grove Street with the commercial development in his backyard. Feels even though Throenle talked about a 100 foot setback from the flood plain and Silver Creek, he would still be able to see beyond the 100 feet. Opposed to this in his backyard, feels it will decrease the land values.

Patricia Hellman, 111 Chocolay River Trail – heard talk of the Master Plan as a vision, feels it shouldn't be blindly followed. They (people of Chocolay River Trail) are the people of the community the Planning Commission represents, they don't want this, and hoped the Planning Commission would listen. Moved here as it was a small community and residential. Talked of fixing businesses that we have before moving forward.

John Sorenson, 115 Chocolay River Trail – wife went to Northern, took them 35 years to come back here and have a camp, mailing address is by Grand Rapids.

Wanted a place in Traverse City, just went there a few weeks ago and it's a zoo, doesn't want that to happen here. Traverse City used to resemble what Chocolay is now.

Brian Dixon, 123 Chocolay River Trail – concerned about the smaller properties being changed to mixed use as they may have business such as a small engine repair and could be environmentally damaging.

Garry Koehn, 119 Chocolay River Trail – had been coming here for 44 years, researched many aspects before choosing a place to live. Moved here in 2012 as he felt it was a quiet neighborhood with a good quality of life. Suggested building a park or using the wetlands to make something similar to the Bayou area so the whole community can benefit. Feels development will mess with Mother Nature.

Cindy Anderson, 101,103,105 Chocolay River Trail – currently lives in an apartment in Marquette Township, wants to build on her property someday. Likes quiet and being away from commercial traffic, would possibly reconsider building if the mixed use was passed. Is opposed and feels would affect Silver Creek and land values.

Karl Shunk Jr, 119 Wintergreen Trail – has lived in Harvey for 40 years, grew up hunting and fishing wants the same for his kids. Didn't buy a house in Marquette Township, wanted trees and space between neighbors, this is why he chose Chocolay. Believes it shouldn't be about millennials, they may never come. We work hard and should be able to come home to clean air and elbow room.

Matt Calcaterra, 170 E. Main – bought his house on Chocolay River 30 years ago, is opposed the change to mixed use supports what people have said here tonight. Was concerned about notices only going out to people within the 500 feet of this proposed change, some people may not even be aware of the changes.

Dean Wegleitner, 126 Chocolay River Trail – moved from Montana 10 years ago. Lives on Chocolay River Trail because of the seclusion and is tucked away from the bigger city of Marquette. Was a small town kid, likes Harvey how it is. Hopes the kids and grandkids can enjoy it someday as well. Harvey is all about being a Yooper.

Mike Dayton, 114 Chocolay River Trail – agrees with everyone here. Concerned about the impact on property near the creek, could impact the water quality and the wells in the area.

Matt Gephart, 121 Chocolay River Trail – closest to a millennial that you will get in this room. Opposes for the same reasons that have been said. Wonders if any possibility for the businesses that are currently closed in Harvey, can they change to mixed use?

Jennifer Bruggink, 673 Lakewood Lane – not from the neighborhood, drives into Marquette regularly and sees the empty, blighted buildings on US 41, asks that you do whatever you can to encourage development there before opening the Township up to more commercial development.

Eric Rose, 107 Chocolay River Trail – opposed, feels there is plenty of commercial property in the community. Appears to have a higher ratio against than for.

Alex Petrin, 136 Wintergreen Trail – he is a millennial, new to the area, chose Harvey intentionally, didn't want the proximity to the big box stores and travel on the strip corridor. Chose for the access to the trails, is a good mix of wilderness, fun, exercise, and air.

Marla Buckmaster, 519 Lakewood Lane – lived here since 1971, has seen many changes in the Township, especially within the last year. Doesn't feel the Master Plan has considered what the casino will do to the Township. Feels that any development will add to what the casino will do.

Public hearing closed at 8:30.

Commission Discussion

Milton advised that the Township has responsibility to all the people that live here, Commissioners have to think of the future on many aspects such as water, fire protection, and sewer. Feels these need to be in place before more commercial can be added. The Master Plan doesn't address the need for water and sewer. The commercial overlay is the first step in realizing the problem. There are also building codes and those would also affect mixed use.

Maynard commented there are many issues ahead in the future, but the issue in front of us is about today. Decisions are made with amount of information available.

Commission Decision

Rhein moved, Mullen-Campbell seconded, that the Planning Commission would go ahead with vote.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

Rhein moved, Maynard seconded, to remove the small section on the proposed map of West Terrace(10 properties) and keep the green area (14 properties) M-28 out of the mixed use.

Vote: Ayes: 3 Nays: 1 (Milton) MOTION CARRIED

Throenle commented that the Planning Commission recommendation will now be forwarded to the Township Board, and the Board will consider the map and decide whether or not to follow the recommendation of the Planning Commission. He invited the public to attend the Board meeting on April 9, 2018 at 5:30 and make public comments then as well. He also told the audience they could send emails or a letter that would be included in the Board packet. Throenle stated that the Board has three options with this recommendation: 1) they can accept it as presented, 2) modify it, or 3) reject it and send it back to the Planning Commission. When asked, she stated there is no way to predict the Board decision.

B. Zoning Ordinance Updates

Throenle said last month the Commissioners reviewed and revised the proposed *Zoning Ordinance* language updates, and moved the language forward to a public hearing at the March meeting.

He added that the Commissioners reviewed and approved the language with a recommendation to include two additional items in Section 9.1.2 *Final Site Plan Review*. He said staff added those sections after the meeting to address adjacent property zoning and storm water management. He stated both sections were added (9.1.2.o and 9.1.2.p, respectively) prior to publishing the document for public review for the public hearing.

Public Hearing

Jennifer Bruggink, 673 Lakewood Lane – has rentals next door on the east and the west, both used as short and long term rentals for the last ten years. There is a huge difference in long versus short term rentals and doesn't believe they should be considered the same. Have called the police when there have been parties from the short term rentals and don't usually have to talk to the long term renters. There isn't always an owner to call, they may not live here or in this time zone.

Laurie Krzymowski, 741 Lakewood Lane – has young children, property lines are close, has a neighbor wanting to rent home, but waiting to see what is permitted. Concerned could be rented to a sexual predator. Also concerned about insurance coverage of short term rentals.

Stephanie Gencheff, 597 Lakewood Lane – against short term rentals. Reminded the Planning Commission of the survey of all on Lakewood Lane residents where most people were opposed. Felt by omitting long and short term rentals and putting them together as rentals is sneaky. Thinks short term rentals should be classified as their own as 30 days or less and not allow them in residential areas. She also questioned the mixed use district.

Perry Laing, 625 Lakewood Lane – felt it would be easier to evict a short term renter there for only a few days rather than a few months, the eviction process can be a long process and could take months. By not defining short from long term rentals, as a landlord it would be harder to challenge a renter in a long term rental as opposed to a short term. There are more people in the Township, not just Lakewood Lane, that may want to have a short term rental. Suggests again that any issues should be brought to the authorities. Feels you should be able to the property owner to maintain their property and the environment of the property in a congenial manner and not cause angst to the neighbors in the process.

Public hearing closed at 8:55 pm.

Commission Discussion

Maynard commented that it seemed all talk was about short term rentals and not the language of the zoning ordinance. Throenle explained the ordinance itself had language changes to address overall concept of rentals as a whole, and the definitions were completed before she became a Commissioner. He stated most of the definition language was completed in relation to short term rentals. There are other changes within the proposed ordinance that have evolved over several months that are also included. He said doing it all at once saves from having multiple public hearings.

Commission Decision

Milton moved, Rhein seconded, that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the proposed Zoning Ordinance language as presented be forwarded to the Township Board for approval.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

C. Planning Commission Priorities

At the last meeting, the Commissioners revised the 2018 *Planning Commission Priorities*, and established the order of importance for each section of priorities. Throenle presented a final draft of the priorities for Commissioner approval.

Commission Discussion

Mullen-Campbell felt they looked good.

Commission Decision

Maynard moved, Mullen-Campbell seconded, that the 2018 Planning Commission Priorities be published as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Recreation Plan Review and Update

Throenle pointed out that the Township *Recreation & Natural Resource Conservation Plan* has been mentioned in several meetings and will expire at the end of the year. This plan, which is required to apply for Michigan Department of Natural Resource (MDNR) grants, must be submitted by the end of the year to the DNR for the Township to be eligible for MDNR grants in 2019.

Throenle requested the Commissioners direct staff as to how the Commissioners would prefer to review and update the document. Suggested methods presented were:

1. Review each section, and make recommendations through several meetings.
2. Direct staff to write a draft version of the document, and present the document for review at future meetings.
3. Decide on a different method of developing and reviewing the document.

Commission Discussion

Commissioners questioned Throenle about what had been done in the past. Throenle replied that past practice was to write a complete plan and present it to the Commission for review.

Commission Decision

Maynard moved, Rhein seconded, that the Planning Commission choose option #2 to update the Recreation & Natural Resource Conservation Plan, which directs staff to write a draft version of the document, and present the document for review at future meetings

Vote: Ayes: 4 Nays: 0

MOTION CARRIED

IX. PUBLIC COMMENT

Jennifer Bruggink, 673 Lakewood Lane – as she reads the zoning language changes, it changes the definition of a rental dwelling, meaning any dwelling that is rented. Now the language for the intent of the single family residential district did not change. You are recommending that any kind of rental dwelling be allowed in the single family district. You have not made a distinction to the Township about kind of a rental dwelling is permitted, you have said any kind.

Public comment closed at 9:10 pm.

X. COMMISSIONER’S COMMENTS

Rhein – it has been a long meeting, feels the Planning Commission has done the Township well, keep moving forward. We have the whole community to think of. Likes the new tablets.

Milton – even vacant land can be rented.

Maynard – great to see so many people here and hear so many voices both in support and criticism of some decisions that were made or to be made. Hope the fervor keeps up.

Mullen-Campbell – thank you to Throenle for the information given to the public before the first public comment. She felt it gave direction to the Planning Commission tonight.

XI. DIRECTOR’S REPORT

From this point forward, there will be not be a director’s report as we will be using the Township newsletter. This will give the Commissioners the information that is presented to the Board.

XII. TABLET TRAINING

This was postponed until April due to three Commissioner’s absence.

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes –Township Board minutes, 02.12.18
- B. Township newsletter – March, 2018
- C. Correspondence – Conklin
- D. Correspondence – Harding
- E. Correspondence – Stevenson

XIV. ADJOURNMENT

Mullen-Campbell adjourned the meeting at 9:14 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 16, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Susan Maynard, Kendell Milton, Don Rhein (Board)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager), Brad Johnson (DPW Foreman), Suzanne Sundell (Community Development), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein and seconded by Meister to approve the agenda as changed. (The tablet training was moved up in the Agenda)

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

March 19, 2018

Motion by Milton, and seconded by Rhein, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. TABLET TRAINING

A recess was called, the tablets were handed out, Sundell explained usage and answered questions.

IX. NEW BUSINESS

A. Asset Management Plan

Throenle reminded the Commissioners that Asset Management is one of the Planning Commission priorities for 2018. Township Manager, Jon Kangas, presented an overview of the proposed maintenance plan for the Township roads, which was included in the packet. Kangas reminded them this plan is tentative and can be re-prioritized as necessary.

Kangas stated that following this plan, for the first year, would allow the Township to preserve a good percentage of the roads that were the most recently paved to get as much done as the Township can for the money.

Mahaney noted that some of the roads are connected to Sands Township. He inquired if Sands Township could be asked to contribute. Kangas stated this is technically a County Road Commission road but without funding they can't always keep them up. We could check with the County Road Commission if Sands Township would have any interest in doing a joint project with us.

Meister asked if the Township checked into interest rates, getting bonded and using the revenue of the millage to pay back the loan. Mahaney agreed that it could help get more done and keep residents happy. This would also save on supply costs as they rise annually. Kangas stated this could be presented to the Board as an option.

Kangas stated he would check with the County Road Commission regarding this, but asked to do the first phase, crack sealing, for 2018. This would give them time to get a bid package together for the 2019 season. The Planning Commission had no objections but would like Kangas to explore the bond idea as well.

Maynard asked about gravel as some areas are going back to this. Kangas stated there are some roads in the Township that would be good candidates.

Smith asked who was in charge of deciding the plan and Kangas stated he and DPW Foreman Johnson were, with input from the Marquette County Road Commission. Johnson stated the County Road Commission will help with the addition of ditches along roads planned for maintenance, if they are notified a year prior.

Mahaney made the recommendation for Manager Kangas to investigate the bond process to present to the Board and continue with the first year project of crack sealing.

Throenle stated the next three Agenda items are basically discussion related. This will be a Planning Commission thinking session to establish direction.

B. Master Plan / Recreation Plan

The Recreation Plan has to be re-written by the end of this year. The DNR requires the Recreation Plan to be updated every five years. At the last meeting the Commissioners directed staff to update the plan for submittal to the Michigan DNR and present a draft document to the Commissioners for review and comment.

When looking at the current plan in preparation for this activity, staff has found a direct interaction with the Township *Master Plan* under the *Community Description* section in the recreation plan. In this section, there is a description of the fourteen character areas identified in the *Master Plan*.

This raises a point of discussion for the Commissioners. The recreation plan in the past has been written with two topics in mind: 1) develop a vision of recreation for the Township for the next five years, and 2) write the plan to be consistent with the Township vision in the *Master Plan*.

The current recreation plan was adopted and submitted to the DNR in 2014, and the current *Master Plan* was adopted in 2015. Throenle stated there are three options:

1. Keep the zoning as we have it now.
2. Character zoning as currently in the Master Plan.
3. Develop a hybrid of both, somewhere in between.

Chapter 7 in the Master Plan is where all these areas are defined.

Throenle stated there have currently been issues with the language in the Master Plan. The Marquette County Planning Commission references our Master Plan when we submit anything for approval on our zoning ordinance. If the plan does not match up with the language, they recommend to not go with it. We are being held, by the County, to the fourteen character areas because they are in the plan.

Throenle reminded the Commissioners the importance of the Recreation Plan. The Township is able to write a variety of DNR grants but it needs a revised Master Plan on file, one that fits with the plans in the Recreation Plan.

Meister stated he felt the Recreation Plans was pretty current, and asked if the current zoning was in conflict, could it just be modified to fit in with the character areas. Throenle stated it was not but he was putting it out for discussion to tie it together to make sense.

C. Non-Conforming Properties

Over a long period of time, numerous references, presentations and public comment have been made at Planning Commission meetings in regards to the number of non-conforming parcels that exist in the Township. Issues for property owners and their neighbors related to those non-conformances is how to place structures on those

properties, what available uses they can do on those properties (especially in the AF district), and what will happen to those properties in the future.

As indicated at a previous meeting, there are a large number of AF properties (42%) that are non-conforming, yet they have “full” agriculture capability on their property. Conversely, some AF properties that are smaller lot sizes (one reference is 50 feet wide) cannot meet minimum setbacks of 30 feet to build on their property, even though zoning setbacks on those properties prior to 2008 would have given them that capability.

Throenle suggested they discuss this by districts, starting with the AF and R1 districts. They are the largest and AF seems to have the most issues. Smith agreed.

Throenle discussed with the Commissioners issues some residents were having splitting lots in the AF district. They would like to split for their family’s future but with the size requirements, it is hard to do. Also have people questioning the size of the property for horses.

Smith asked if there are townships that have ordinances written according to size? Throenle stated he didn’t know that answer but would be willing to look into it. Rhein agreed, he would like to know as well, it would help base their decisions.

Motion by Rhein, seconded by Meister, to look at R1 and AF districts to redefine them better to suit the time, this includes the Master Plan and Recreation Plan.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

D. Addition to Township Ordinances

Staff recently had a conversation with the Township Police Chief regarding the enforcement of the Township ordinances. One issue in particular would be if there could be an addition to all ordinances similar to the Ordinance 49 False Alarm ordinance pertaining to a billing procedure.

The purpose for this procedure would be to bill those property owners where multiple substantiated calls occur throughout a calendar year and where tickets have been issued on the property, but those receiving the tickets do not show up in court. As the Chief indicated, the only recourse from the court is to issue a warrant; however, if the ticket was issued to an individual from out-of-town, that warrant may never be served as that person may not come back to the area.

The current ordinance states if a resident gets a ticket, gets the warrant and doesn’t show up in court, it is currently added to your taxes. So the Chief is suggesting that if the ticket is issued to someone from out-of-town, the property owner be responsible for the payment if it is not collected.

Rhein and Maynard can see both sides, would want the money collected but not sure about holding the property owner responsible for someone else's business. Maynard felt maybe under a business situation (like a rental) it would be ok but not sure about a personal situation. Throenle stated it could happen when you have multiple people owning a home, like a trust, are all people who own the house responsible?

Mahaney asked about the legal aspect of it, if the property owner refuses to pay it, because they didn't do it, are they still responsible? Feels the Township attorney should be contacted regarding this. Meister also recommended talking to the attorney.

X. PUBLIC COMMENT

None

XI. COMMISSIONER COMMENT

Rhein – None

Milton – None

Maynard – None

Meister – None

Smith – None

Mullen-Campbell – Would have rather chaired this month's meeting than last month.

Mahaney - None

XII. DIRECTOR'S REPORT

One more item for consideration, under the direction of the Township Board, Throenle was asked to present the idea of opting in to the Marijuana laws. The Board is looking for a recommendation from the Planning Commission to see if it is something to looking into. Throenle also reminded the Commission of a memo he received from the Township Police Chief stating he was against opting in for safety reasons. Throenle also stated he was personally against it for moral reasons and can't see it as viable.

By not opting in, the Township would have to do nothing as they are currently not opted in. If they want to opt in, they would have to establish guidelines as there are five aspects related to marijuana: growing, processing, testing, transporting, and selling.

Supervisor Bohjanen feels there are medical benefits to using marijuana, however, the medical card isn't the same. He feels the processing, for pharmaceutical purposes, would be the most useful, but if the Township has to opt in for all of it, he is against it. Throenle stated you can opt in and have guidelines. It would be the Planning Commission responsible for the ordinance.

Smith asked if this was different from the people currently growing marijuana in the

Township. Supervisor Bohjanen answered that there is no one growing legally in the Township as the Township would need to be opted in.

Mahaney asked why this wasn't in the packet, feels they need more information. Kangas stated it was discussed at the Township Board meeting, but because Throenle put the Planning Commission packet together before going to a conference, it did not make it to this packet. Rhein and Maynard suggested tabling this for the next month.

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A.** Minutes – Township Board draft minutes, 03.12.18
- B.** Minutes – Township Zoning Board of Appeals draft minutes, 03.22.18
- C.** Township Newsletter – April, 2018
- D.** Minutes – City of Marquette Planning Commission, 02.20.18
- E.** Minutes – City of Marquette Planning Commission, 03.06.18

XIV. ADJOURNMENT

Mahaney adjourned the meeting at 9:15 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on May 21, 2018.

The meeting was cancelled.

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 18, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary) Kendell Milton, Susan Maynard, Don Rhein (Board)

Members Absent: none

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Milton, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

April 16, 2018

Motion by Meister, and seconded by Rhein, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Jackie Calcaterra, 170 E, Main St. – Walks/bikes the Iron Ore Heritage Trail several times a week in the summer and winter. She is concerned about the dust, noise, and speed from the ATVs, even if there is a speed limit sign. Would like to keep Harvey peaceful.

Tony Marusich, 422 Lakewood Lane – Walks the trail. There are hundreds of miles of trails for the ATVs, doesn't see the point for them to come through a residential neighborhood. Concerned with the noise, dust, and for little children walking or riding their bikes on the trail.

Carol Fulsher, Administrator for the Iron Ore Heritage Trail – She announced on Facebook that the ATV trail would be on the Agenda, as this is what she thought. Wants to make it clear they have a lease with the State of Michigan, since 2012, to manage the portion of the Heritage Trail discussed. It is to be non-motorized but the snowmobiles

have a compromise from the home owners for it to be non-motorized from April 1 to November 30. The Iron Ore Heritage trail is being managed as non-motorized under a director's order and that is how they plan to keep it. If ATVs wanted it lifted, they would have to go through them and they have no intentions of lifting the director's order. They put thousands of dollars in Chocolay on the trail. They added a trail to Lion's field, trail markers, kiosks, signs, clean up, cut the grass, etc. They put counters up last year and there were 5000 people using it in July last year, more than the counters in Negaunee and Negaunee Township.

Deborah Mulcahey, 633 Lakewood Lane – Members of the Board are paid by the Township to represent the citizens of this community. Asked them to excuse themselves from discussions and voting on an issue if they have conflict or perceive conflict. Followed with additional comments regarding short term rentals.

Public comments closed at 7:13

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Master Plan Update – Chapter 7 Future Land Use Plan

Staff Introduction

Staff has reviewed Chapter 7 of the Master Plan, 2015 Edition with the intent of looking at proposed revisions of Township zoning districts that were approved in 2015. No action has taken place on this section of the plan, so the question remains as to the “next steps” for this chapter.

Staff has concluded that the proposed districts outlined in the *Master Plan, 2015 Edition* were an attempt to: a) develop consistency within the zoning districts, b) address the WFR language for river front properties, and c) address the need for undeveloped space within the Chocolay River floodplain.

Commissioner Discussion

There was extensive discussion of the zoning and changing of zoning within the Master Plan. Areas of discussion were:

1. Proposed zoning districts outlined in section 7 of the current Master Plan.
2. Non-conforming parcels in the Agriculture / Forestry district (AF)
3. Consideration of reducing minimum acreage size in AF to ten acres
4. Consideration for additional language to accommodate larger parcels in R-1 and WFR (five acres or more) to permit limited additional activities on those parcels (such as horses or other agriculture activities)

Commission Decision

The Commission asked Throenle to have additional maps showing the implementation of the discussion for the next meeting.

B. Master Plan Update – Chapter 8 Project Priorities

Staff Introduction

Staff has reviewed a portion of Chapter 8 of the Master Plan, 2015 Edition with the intent of looking at projects identified for action, either through the Planning Commission, Township staff, or others.

After review of the Chapter 8 language in the Master Plan, 2015 Edition, Staff recommended the following for Commissioner action:

- 1) Review the priorities to determine the direction necessary to implement the proposed projects. Staff asked the Commissioners to consider the following when reviewing the projects:
 - a. Is the project still considered a viable project for consideration or should it be removed?
 - b. If the project is still considered viable, should it be revised?
 - c. Are other projects missing from consideration that should be included (such as National Flood Insurance planning consideration)?

Commissioner Discussion

Commissioners took on the task of prioritizing the first part of Chapter 8 in the Master Plan, Economic Development. There was much discussion with differing view points but the Commissioners were able to agree on a tentative order in which to move forward.

Throenle also asked the Commissioners to look at the rest of the priority sections and come up with a ranking for the next meeting, which would help move the process along.

IX. PUBLIC COMMENT

Tony Harry, 6369 US 41 South – There’s a professional horse place next door, check with them on the amount of property needed for 1, 2, or 3 horses.

Public comment closed at 9:04

X. COMMISSIONER’S COMMENTS

Rhein – Great effort tonight

Milton - None

Maynard – None

Meister – Notices the three beach accesses are now closed due to the stairs being damaged in the storm. Anything the Township could do to gain access to at least one?

Township Manager Jon Kangas commented that MDOT has made this decision due to the repeated expense to fix them in the spring or after storms. If the Township were able to get any kind of state funding, we would be have to fund the repairs.

Smith – How is the grant/bond funding for the roads coming? Did the Township look into it at all?

Township Manager Jon Kangas stated he has not finished the research on fees, interest rates, etc. He is hoping to have something for the Commission for the next meeting.

Mullen-Campbell – None

Mahaney – None

XI. DIRECTOR’S REPORT

There’s a joint meeting of the Township Board and the Planning Commission on July 16, 2018. Everyone is required to be there at 5:30 for the Joint Meeting and then the Planning Commission meeting will follow at 7:00. Agenda to be determined.

July 21, 2018 there is an event, Harvey Daze, to be held at the Silver Creek Recreation Area. It will start at 10:00 a.m. There will be music, a car show, disc golf tournament, food trucks, fire department will be there, and kids races. It is being hosted by the America’s Best Value Inn with the concept being to get the neighborhood and the Township together. Also, looking for volunteers for the dunk tank.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 04.19.18
- B. Minutes – Township Board – draft, 05.14.18
- C. Township Newsletter – May, 2018
- D. Township Newsletter – June, 2018
- E. Minutes – City of Marquette Planning Commission, 04.03.18
- F. Minutes – City of Marquette Planning Commission, 05.01.18
- G. Minutes – City of Marquette Planning Commission, 06.05.18
- H. Correspondence – Emerson

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 9:13 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, July 16, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:38 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary) Kendell Milton, Susan Maynard, Don Rhein (Board)

Members Absent: none

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein and seconded by Mullen-Campbell to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

June 18, 2018

Motion by Milton and seconded by Rhein, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Mark Maki, 370 Karen Road – First comment was regarding the Master Plan and the multi-use ordinance. Questioned why the north side of M28, which is in the Master Plan, didn't get supported. Will question these comments in writing, but stated he has been told information he requested has been sent to his Township email, but said he doesn't look at email delivered to that account. Also questioned why some businesses in the Township are excluded from being able to have an apartment attached to their business. Feels this language should be put in all commercial zones. Expressed concerns for the sign at Lakenenland, feels it is oversized per the Zoning Ordinance.

Public comments closed at 8:43

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Master Plan Update – Chapter 8 Project Priorities

Staff Introduction

The review of the Master Plan, Chapter 8 began last month with the Commission prioritizing the *Economic Development* section. The prioritizing of Chapter 8 will continue with the *Energy Infrastructure* section and continue on until complete.

Commissioner Discussion

The Commissioners worked on Chapter 8 to prioritize by category and were able to complete most of this chapter, leaving two categories for the next meeting. After discussion the following priorities were decided upon.

Commissioner Decision

Motion by Meister and seconded by Rhein, to table the remaining work on the Chapter 8 priorities until the August meeting.

Vote: Ayes: 7

Nays: 0

MOTION CARRIED

Chapter 8: PLAN IMPLEMENTATION - PROJECT PRIORITIES AND TIMELINE

Note: The following sections were extracted from Chapter 8 of the Chocoley Township Master Plan, 2015.

This is a multi-year, adaptable document that each department, commission, and board should use to guide their activities and justify their budget proposals.

As part of the Annual Report, all departments in Chocoley Township should assess and summarize progress toward the outcomes and targeted strategies of this plan which are intended to achieve greater community sustainability and resilience. In particular, staff, commissions, and elected officials should maintain consistency with the guiding principles of Chapter 2 and policies of Chapter 7. Actions should be prioritized based on the Priority Decision Criteria. Staff should report progress made toward the administrative, regulatory, and capital projects detailed in Chapter 7: Strategic Plan for Community Resilience.

Township decision makers can decide on benchmarks to help evaluate progress toward Township goals. The following are examples:

- Number of businesses with profiles contained in the Township database and online business directory
- Number of entrepreneurial referrals resulting in assistance
- Number of businesses attending the annual “meet and greet” event
- Number of prime development properties with profiles contained in an online directory
- Amount of private funds invested in the restoration of vacant, blighted, or underutilized properties
- Number of businesses associated with local food system support
- Number of businesses associated with “green” or “clean” technology industries
- Number of promotional or educational documents distributed
- Number of interns involved in local government activities
- Number of employees/Board/Commission members involved in mentoring activities
- Number of employees/Board/Commission members attending educational and training programs
- Number of collaborations involved in local projects
- Amount of grant funds leveraged for local or collaborative projects
- Number of volunteers involved in supporting projects

Included in this section are priority implementation matrices for the capital projects of the Township Master Plan and Recreation Plan. These projects are evaluated against the Priority Decision Criteria that are detailed in Chapter 2: Foundation of the Plan - Community Values. Also included are approximate costs if known. The resulting score indicates the priority of that project, and will impact timeline for implementation. However, if opportunities for funding or project partners arise in the time since the creation of this implementation plan, project scores may change, and priorities may shift.

The following acronyms are contained in the priority implementation matrix.

Cost	ST – staff time TBD – to be determined	
Participants	4H – 4H Clubs A – Assessor ART – Arts Interest Group C – Community Development Coordinator CABA – Chocolay Area Business Association CCGG – Chocolay Community Garden Group CCSL – Chocolay Co-ed Softball League CGC – Chocolay Garden Club CH – Local churches CRC – County Road Commission CS – Professional consultant or specialist CTY – County DEQ – Department of Environmental Quality CUPPAD – Central Upper Peninsula Planning and Development Regional Commission DNR – Department of Natural Resources DU – Ducks Unlimited DPW – Department of Public Works H – History Interest Group HD – County Health Department IOHT – Iron Ore Heritage Trail KBIC – Keweenaw Bay Indian Community LB – Local Business LC – Lion’s Club LF – Local farmers and farm organizations LG – Other local governments LL – Little League LSCP – Lake Superior Community Partnership	MAPS – Marquette Area Public Schools MCVB – Marquette County Convention Visitors Bureau MDOT – Michigan Department of Transportation MEO – Michigan Energy Options MFC – Marquette Food Co-op and U.P. Food Exchange MSUE – MSU Extension NC – Nature Conservancy NCT – North Country Trail NMU – Northern Michigan University OG – Other grant sources PUB – Public PZ – Planning / Zoning Administrator RU – Regional utility providers S – Scouting SOM – State of Michigan SSA – Superiorland Soccer Association SWP – Superior Watershed Partnership TM – Township Manager TS – Township staff TU – Trout Unlimited U – Other universities UPDG – UP Disc Golf Association UPLC – UP Land Conservancy UPREC – MSU Upper Peninsula Research and Extension Center UPW – UP Whitetails V – Volunteer
Funding source	D – Donations (materials or in-kind) G – grant P – Private commercial TB – Township budget UF – user fees	

MASTER PLAN CAPITAL PROJECTS PRIORITIES AND TIMELINE

Note: Extracted from Chapter 8 Plan Implementation – Status column added

Score Legend **High priority (30 or over)** **Medium priority (20 to 29)**

Status Legend **N – Not started** **IP – In progress** **C -- Completed**

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Economic Development	X	ED-3.11 – Create and distribute wayfinding signs and maps to assist visitors in locating local natural, cultural, entertainment, recreational, and business attractions.	TBD	ART, C, CABA, CH, CRC, H, IOHT, LB, LSCP, MCVB, MDOT, NCT, PZ	D, P, TB	23	IP
	X	ED-3.7 – Find ways to celebrate community by implementing art projects and aesthetic enhancements along both Iron Ore Heritage Trail routes.	TBD	4H, ART, C, CABA, CGC, CH, CS, CUPPAD, H, IOHT, KBIC, LB, MAPS, MDOT, OG, PUB, PZ, S, V	D, G	18	IP
	1	ED-2.8 – Explore opportunities for collaborations in planning and funding projects associated with inter-connected issues such as disaster mitigation, responses to climate change, tourism, and recreation.	TBD	C, CD, CS, CTY, CUPPAD, DEQ, DNR, DU, FEMA, HD, IOHT, KBIC, LB, LC, LG, LSCP, MCVB, MSUE, NMU, NRCS, OG, PUB, PZ, RU, SOM, SWP, TU, U	D, G, TB	34	N
	2	ED-2.7 – Explore opportunities for collaborations in planning and funding projects associated with connected assets such as trails, watersheds, prime habitats, and transportation corridors.	TBD	C, CD, CRC, CS, CTY, CUPPAD, DEQ, DNR, DU, H, HD, IOHT, LG, MDOT, NC, NCT, NRCS, OG, PUB, PZ, SWP, TU, UPLC, UPW	D, G, TB	35	N
	3	ED-3.12 – Partner with the Marquette Country Convention and Visitor’s Bureau in regional promotion opportunities .	TBD	ART, C, CABA, H, IOHT, LG, LSCP, MCVB, NCT, NMU, PZ	TB	23	N
	4	ED 1.15 – Partner in efforts to perform feasibility studies and obtain funds for the creation of small business incubators to improve the success of small business start-ups and assist in local job creation.	TBD	C, CABA, CS, CUPPAD, LB, LSCP, NMU, PZ, U, USDA	D, G, P, TB	24	N
	5	ED-3.10 – Promote agritourism within the Township.	TBD	4H, C, CCGG, LF, LSCP, MCVB, MFC, UPREC, V	D, TB	25	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Economic Development	6	ED-3.9 – Pursue the possibility of creating a community gathering space for year round entertainment in the Village of Harvey near the Corning Street intersection.	TBD	ART, C, CABA, CGC, CS, CUPPAD, DPW, IOHT, KBIC, LB, OG, PUB, PZ, S, TM, V	D, G, TB	16	N
	7	ED-3.8 – Continue to improve participation in the Adopt-a-Tree program for the trees and shrubs planted in the right-of-way along US-41/M-28.	None	C, CABA, CGC, CH, LB, PUB, PZ, S, V	D	26	N
Energy Infrastructure	X	EN-4: Participate in any regional planning initiative to anticipate the probable effects of various energy scenarios which could impact the economy, municipal services, transportation systems, land use patterns, housing, and basic sustenance.	TBD	CRC, CS, CTY, CUPPAD, FEMA, KBIC, LB, LG, MDOT, MEO, NMU, OG, PUB, PZ, RU, SWP	D, G, TB	36	IP
	X	EN-5.1: To support near-term conservation, continue to identify and implement energy conservation measures for public facilities such as programmable thermostats, occupancy sensors, power management for electronic equipment and behavioral measures.	TBD	CS, DPW, LB, MEO, RU, TM	G, TB	22	IP
	Eliminate	EN-5.5: Explore community solar or wind installations as a viable option for properties that lack solar orientation, or people that lack property ownership or available funds for private systems. In this way, costs and benefits are shared among multiple owners, and economies of scale are realized. A typical business plan could be developed in partnership with adjacent jurisdictions.	TBD	C, CH, CS, CTY, CUPPAD, KBIC, LF, LG, LSOP, MAPS, MEO, NMU, OG, PUB, PZ, RU, SOM, SWP, TM, U	G, P, UF	35	N
	1	EN-5.9: Consider purchasing back-up generators that run on diverse fuel resources.	TBD	DPW, FEMA, KBIC, LB, TM	G, TB	20	N
	2	EN-5.4: Incorporate long-term strategies for new methods of energy generation for use on Township properties , such as cogeneration, solar, biomass, hydropower, wind, and geothermal installations.	TBD	CS, DPW, LB, MEO, NMU, OG, RU, TM, U	G, TB	31	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Energy Infrastructure	3	EN-5.6: Ensure that all public facilities serve as a positive demonstration model for conservation, efficiency, and even renewable energy generation. These model energy projects could be implemented in partnership with energy businesses for promotional purposes.	TBD	CS, DPW, FD, LB, MEO, OG, PD, RU, TM	D, G, P, TB	31	N
	4	EN-5.2: To support mid-term efficiency retrofits, continue to identify and implement energy measures for public facilities as identified in the Comprehensive Technical Energy Analysis Report , such as insulated water heater pipes, and energy efficient lighting, appliances, electronics, and water heating systems. Consider also the demand controlled ventilation for the HVAC system at Township Hall and a gas-fired radiant tube heater for the Township storage garage.	TBD	CS, DPW, LB, RU, TM	G, TB	23	N
	5	EN-5.7: Look for alternative paving materials that are not as subject to energy supply and cost disruptions.	TBD	CRC, CUPPAD, CS, LB, LG, MDOT, OG, TM	G, P, TB	25	N
	6	EN-5.8: Incorporate permaculture principles to reduce landscaping maintenance and provide water catchment for irrigation, etc. on Township properties.	TBD	CD, CGC, CS, DEQ, DPW, MSUE, NMU, NRCS, PUB, PZ, SWP, TM, V	D, TB	27	N
	7	EN-5.3: Transition fleet vehicles to more energy efficient models as they are replaced, or consider using alternative forms of transportation for enforcement and public works activities (solar electric vehicles, motorcycles, biodiesel, etc.)	TBD	DPW, FD, LB, OG, PD, TM	G, TB	22	N
Community Fiscal Sustainability	1A	FC-5.2 – Providing infrastructure (roadways, water supply) by issuing bonds for public improvements – moved PS 18.3 to here	TBD	CRC, DPW, PUB, TM	G, TB, UF	25	N
	1B	PS-18.3 – Establish a hydrant system in the Village of Harvey for consistent water supply to the commercial district and higher populated residential areas. This might be implemented in conjunction with a public water supply system.	TBD	CS, DEQ, DPW, FD, FEMA, TM, USDA	G, TB	24	N
	2	FC-5.1 – Commissioning a development study (see LU-2) which would explore the feasibility of establishing a Corridor Improvement District to enable alternate funding mechanisms such as lease or rental income, revenues from a tax increment financing plan, and proceeds from a special assessment	TBD	C, CABA, CS, CUPPAD, DEQ, HD, IOHT, LB, LSCP, MDOT, OG, PUB, PZ, TM	D, G, TB	21	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Community Fiscal Sustainability	3	FC-5.3 – Targeted placemaking or aesthetic enhancement projects	TBD	4H, ART, C, CABA, CGC, CH, CS, CUPPAD, DPW, H, IOHT, LB, LSCP, MDOT, NMU, OG, PUB, PZ, S, TM, U, V	D, G, TB	14	N
Food Systems	X	FS-1.8 – Consider leasing Township-owned land to non-profit or community partners to support the local food system where appropriate, such as implementing projects to train new farmers, engage children and youth in growing their own food, or establish and maintain public food forests or gardens, etc.	TBD	4H, CCGG, CD, CGC, CH, HD, KBIC, LF, MAPS, MFC, MSUE, NMU, NRCS, OG, PUB, PZ, S, TM, UPREC, USDA, V	D, G	39	IP
	1	FS-1.4 – Support appropriate projects, facilities, and partnerships that increase production capacity and lengthen the growing season within the community, such as community gardens or farms, public food forests and u-pick areas, edible landscaping in public areas, community hoop houses, and hydroponic or aquaculture facilities.	TBD	4H, CCGG, CD, CH, HD, KBIC, LF, MAPS, MFC, MSUE, NMU, NRCS, OG, PUB, PZ, S, UPREC, USDA	D, G	38	N
	2	FS-1.5 – Support appropriate projects, facilities, and partnerships that enhance diverse local food processing and distribution options , such as community kitchen incubators and community food processing facilities.	TBD	C, CH, CS, CUPPAD, HD, LB, LF, LG, LSCP, MAPS, MFC, NMU, OG, PZ, U, USDA	D, G, P	35	N
	3	FS-1.7 – Support projects that inspire healthy eating and active living , such as projects that link healthy food sources to the trail system or public transit, locate healthy food sources near neighborhoods, or encourage the planting of self-sustaining edible food sources, such as berry bushes, along the public trail system.	TBD	4H, C, CABA, CCGG, CD, CGC, CH, CS, HD, IOHT, KBIC, LB, LF, MAPS, MFC, NMU, NRCS, OG, PUB, PZ, S, USDA, V	D, G	37	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Food Systems	4	FS-1.6 – Ensure that municipally sponsored projects and facilities are a demonstration of sustainable agriculture practices that promote long-term environmental stewardship and minimize potential nuisance impacts, such as organic farming or permaculture. Ensure projects and facilities are consistent with Generally Accepted Agricultural and Management Practices as defined by the State of Michigan.	TBD	C, CCGG, CD, CS, DPW, LF, MFC, MSUE, NMU, NRCS, OG, PUB, PZ, U, UPREC, USDA	D, G, TB	34	N
General Strategies	X	GN-7: Collaborate in regional planning initiatives that benefit multiple jurisdictions such as: regional strategic growth plan, regional energy plan, regional watershed plan, regional public transportation plan, regional recreation plan, disaster or risk management/mitigation plan.	TBD	C, CD, CRC, CS, CTY, CUPPAD, DEQ, DNR, DU, FEMA, HD, IOHT, KBIC, LG, LSCP, MDOT, MEO, MSUE, NC, NCT, NMU, NRCS, OG, PZ, RU, SOM, SWP, TU, U, UPLC, UPW	D, G, TB	35	IP
Future Land Use and Development	X	LU-11: Update and maintain land use Geographic Information Systems (GIS software) to facilitate collaborative planning and data sharing.	TBD	C, PZ	TB	16	IP
	Eliminate	LU-10: Hire a team of consultants to create a development plan to enhance the utilization of the primary business and residential areas in the Village of Harvey.	TBD	C, CABA, CS, CUPPAD, DEQ, HD, IOHT, LB, LSCP, MDOT, OG, PUB, PZ, TM	D, G, TB	21	N
Natural Systems	X	NS-10: Work with appropriate agencies to encourage homeowners to remove infrastructure that hardens shorelines and other artificial river channeling devices to reduce problems for downstream development and impact sediments.	TBD	C, CD, CS, DEQ, DNR, DU, FEMA, NRCS, OG, PUB, PZ, SPW, TU	D, G	17	IP
	1	NS-11: Consider collaborating with other jurisdictions and agencies to implement projects to improve the watershed , such as sediment traps, managed stream crossings, cattle exclusions, culvert replacement, tree planting, stream restoration, stream monitoring and maintenance, and water testing.	TBD	C, CD, CS, CTY, DEQ, DNR, DU, FEMA, LG, NC, NRCS, OG, PUB, PZ, S, SPW, TU, UPLC	D, G	27	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Public Safety, Emergency, and Health Services	X	PS-15 – Implement the state-wide record management system in the police department to facilitate data sharing.	TBD	OG, PD	G	30	C
	X	PS-18.2 – Purchase a dedicated truck designed to fight wildland fires .	TBD	DNR, FD, FEMA, KBIC, OG	G, TB	28	C
	X	PS-18.5 – Keep turn-out gear up-to-date by replacing a percentage of gear each year.	TBD	FD, FEMA, KBIC, OG	G, TB	26	C
	X	PS-18.1 – Purchase dash cameras to facilitate in-house review of incidents for training purposes.	TBD	KBIC, OG, PD	G, TB	22	C
	X	PS-16.1 – Continue to purchase or update E-Citation software to allow greater efficiency and safety for officers when issuing citations.	TBD	KBIC, OG, PD	G, TB	19	C
	X	PS-18.4 – Establish supplemental water supplies for firefighting in underserved areas of the Township (such as Green Garden or Shot Point) by implementing dry hydrants connected to underground storage tanks.	TBD	CS, DEQ, DPW, FD, FEMA, NRCS, TM, USDA	G, TB	26	IP
	X	PS-16.2 – Continue to replace the in-car laptop computers and cameras with more space-efficient and technologically advanced models.	TBD	KBIC, OG, PD	G, TB	24	IP
	Eliminated	PS-14 – Consider creating a fireground training facility to provide realistic training for area departments in suppressing various types of fires and extrication from vehicles.	TBD	CTY, DPW, FD, FEMA, KBIC, LG, OG, PZ, TM, V	D, G, TB	24	N
	Eliminated	PS-17.1 – Utilize vehicles that offer greater fuel efficiency . This might include alternative types of vehicles such as bicycles or motorcycles when appropriate.	TBD	DPW, FD, LB, OG, PD, TM	TB	23	N
	1 – new	Implement fire number system	TBD	TBD	TBD		N
	2	PS-1.6 – Work with the County Road Commission to provide and maintain better drainage systems for roadways to prepare for anticipated climate variability which may include increased incidents of flash flooding.	TBD	CRC, FEMA, SWP, TM	G, P, TB	23	N
3	PS-1.5 – Purchase a GPS unit to assist in quickly locating structures	TBD	C, DPW, KBIC	G, TB	10	N	

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Public Safety, Emergency, and Health Services	4	PS-17.2 – Work with neighborhood watch groups to facilitate more targeted patrols.	TBD	CH, KBIC, OG, PD, PZ	D, G	32	N
	Moved to FC 5.2	PS-18.3 – Establish a hydrant system in the Village of Harvey for consistent water supply to the commercial district and higher populated residential areas. This might be implemented in conjunction with a public water supply system.	TBD	CS, DEQ, DPW, FD, FEMA, TM, USDA	G, TB	24	N
Community Transportation	X	TC-2.6 – The Township will collaborate with Sands Township on a possible secondary access road connecting neighborhoods along Ortman Road west of Cherry Creek School with those along Silver Creek Road west of Township Hall.	TBD	CRC, CS, CTY, LG, PZ, TM	TB	27	C
	X	TC-5.1 – In collaboration with the appropriate road agency, the Township will seek opportunities to design or reconfigure roadways and public easements to accommodate multiple user groups (such as youth and the aging population) utilizing appropriate Complete Streets techniques such as parallel shared-use paths or wide shoulders, sharrows or bicycle lanes, mid-block crossings, bus pull-outs, safety medians, traffic calming techniques, marked crosswalks, curb ramps, bicycle parking facilities, longer crossing times, smoother surfaces, and handicapped accessible facilities. See Appendix I for possible projects.	TBD	CRC, CS, CUPPAD, HD, IOHT, LB, MDOT, OG, PZ	D, G, TB	31	IP
	X	TC-5.9 – Identify funding and locations to install electric vehicle charging stations throughout the community on public and private property. Investigate methods to fund the electricity costs through a solar or wind installation, non-profit agency, or through user fees.	TBD	C, CH, CS, DPW, KBIC, LB, MEO, OG, PZ, RU	D, G, P, UF	27	IP
		TC-5.10 – Collaborate in any regional initiative to bring passenger rail transportation to the area.	TBD	C, CS, CTY, CUPPAD, LG, PZ, SOM	G, P	30	N
		TC-5.5 – Enhance the usability of multi-modal pathways by installing appropriate lighting, bike racks, benches, safety markings across driveways and through parking lots, and wayfinding signage for area businesses and attractions.	TBD	ART, C, CABA, DPW, IOHT, LB, MDOT, OG, PUB, PZ, S, TM, V	D G, TB	28	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Community Transportation		TC-5.8 – To mitigate rising energy costs that threaten the reliability and affordability of transportation, coordinate planning for a community ride-share system or car-sharing program for area residents. This could be either a public/private project or private for-profit or non-profit venture, but should involve adjacent jurisdictions as well.	TBD	C, CH, CS, CTY, LB, LG, OG, PUB, PZ	P, UF	28	N
		TC-5.6 – Enhance the usability of multi-modal pathways by improving thermal comfort through the use of vegetation or other barriers or screens to control the impact of wind, sun, and drifting snow.	TBD	4H, C, CABA, CD, CGC, CH, CS, DNR, HD, IOHT, LB, MDOT, OG, PUB, PZ, S, SWP, V	D, G, TB	27	N
		TC-5.7 – Enhance the usability of multi-modal pathways by establishing funding and a plan for maintenance for the alternative business route for the Iron Ore Heritage Trail through Harvey (east and west side of the highway corridor) and the connectors on Silver Creek and Cherry Creek Roads. This includes repair cracks and bumps, keep walkways clear of objects and debris, maintain adequate drainage, provide for winter snow removal or snow pack for critical paths based on user input on preferred modes of winter travel (walking, fat tire biking, kicksledding, skiing, etc.).	TBD	C, CABA, DPW, LB, LG, PUB, TM	D, TB	27	N
		TC-2.3 – The Township will pursue innovative funding mechanisms to construct the new connector or access roads , such as TIF funding, developer contributions, and special assessments.	TBD	CRC, CS, LB, SOM, PUB, PZ, TM	P, T, TB, UF	26	N
		TC-5.2 – The Township will work with ALTRAN and MarqTran to seek funding to construct a four-season transit station in Chocoday Township, with the Township to assume ongoing maintenance costs. The project may involve a property purchase or easement ideally in Harvey adjacent to US-41/M-28 near Silver Creek Road or CR 551 (Cherry Creek Road).	TBD	CRC, CS, DPW, IOHT, LB, MDOT, OG, PZ, TM	D, G, TB	26	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Community Transportation		TC-5.4 – Work with local community organizations, MarqTran, MDOT and local businesses to construct additional transit shelters in locations such as the Silver Creek Recreation Area and Family Dollar Store. Determine optimal locations by surveying residents regarding needs and willingness to pay. Explore the feasibility of cost-sharing with private transit organizations who can also utilize the stops.	TBD	C, CABA, CH, CRC, CS, LB, MDOT, OG, PUB, PZ, S, V	D, G, TB	26	N
		TC-2.4 – Possible new road connections that provide multiple access routes into residential subdivisions, businesses, and other activity centers are depicted in Appendix G.	TBD	CRC, CS, LB, SOM, PUB, PZ, TM	P, T, TB, UF	25	N
		TC-5.3 – Work with local community organizations, MarqTran, MDOT and local businesses to improve the accessibility, usability, and attractiveness of the existing bus stops (near Krist Oil gas station and Park and Ride facility at Jack's IGA).	TBD	ART, C, CABA, CGC, CH, LB, MDOT, OG, PUB, PZ, S, V	D, G, TB	25	N
		TC-2.5 – The Township will appoint an official or staff member to negotiate the necessary land purchase to relocate the driveway into Township Hall further from the intersection of US-41/M-28 and Silver Creek Road.	TBD	CRC, CS, DPW, TS, PUB	TB	12	N
Water and Wastewater Infrastructure	X	WW-1.4 – Assess the adequacy of Chocolay Township's reserve capacity through the Marquette Wastewater Treatment Plant in relation to a potential need to expand the system to accommodate future development or redevelopment or address increasing health concerns from failing private septic systems.	TBD	CS, DEQ, DPW, HD, TM, USDA	G, TB	22	C
	X	WW-1.1 – Obtain an engineering analysis to identify and evaluate options for replacement of obsolete equipment and prioritization of replacement work	TBD	CS, DEQ, DPW, TM, USDA	G, TB	15	IP
		WW-2.1 – Collaborate in studies to determine the adequacy of area aquifers and groundwater sources in relation to domestic, agricultural, and fire suppression needs in the years to come, particularly if there are changing regulations, contamination concerns, or increasing demands leading to supply concerns.	TBD	CS, CTY, CUPPAD, DEQ, DPW, HD, LG, NRCS, OG, PZ, SPW, TM, USDA	G, TB	33	N
		WW-1.2 – Obtain a professional analysis of energy system improvements including fiscal impact	TBD	CS, DPW, MEO, RU, TM, USDA	G, TB	22	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Water and Wastewater Infrastructure		WW-2.2 – Include ancillary costs such as road repaving in a cost/benefit analysis comparing the costs of wells and fire insurance vs. the monthly system user fees.	TBD	CRC, CS, DPW, TM	G, TB	21	N
		WW-1.3 – Identify funding opportunities to facilitate necessary improvements and determine phasing of the projects	TBD	CS, DEQ, DPW, TM, USDA	G, TB	19	N

VIII. NEW BUSINESS

None

IX. PUBLIC COMMENT

Cheryl Sherony, 1781 M-28 E. – Had questions regarding the sewer expansion project on M-28 regarding the widening of the highway, the lift stations, etc. Township Manager Jon Kangas answered what he could but informed her until they have final confirmation of the project, nothing is set in stone.

Jennifer Bruggink, 673 Lakewood Lane – Has been a way for a while, not sure where short term rentals stand. Was recently in California visiting and saw many articles in the papers pertaining to short term rentals in Lake Tahoe, Nevada regarding noise, garbage, and the changes to character of neighborhoods they had on a community. Asked when dealing with the short term rental topic, to research how other communities have and are dealing with them before inventing another wheel.

X. COMMISSIONER’S COMMENTS

Rhein – Accomplished quite a bit with the joint meeting, felt it was good direction to follow, looking forward to working with the Planning Commission to get them accomplished.

Milton - None

Maynard – Appreciates the comments from the public, nice to see people engaged on many side of issues. great having audience input

Mahaney – Agrees with Maynard, good to have public comment, good or bad. Thanked the Commissioners, Board, and Throenle for the good meeting.

Meister – None

Smith – This will be my last meeting, moving to Marquette Township.

Mullen-Campbell – Thanks to the audience for coming and for the input.

XI. DIRECTOR’S REPORT

Comments are in the packet and there are not further comments for tonight.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board – draft. 06.11.18

B. Township Newsletter – July, 2018

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 8.53 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 20, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Susan Maynard, Don Rhein (Board)

Members Absent: Andy Smith (Vice Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein and seconded by Maynard to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

July 16, 2018

Motion by Rhein and seconded by Maynard, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Dalia Pavalkyte, 1943 M-28 – Has lived here for 4-1/2 years. Neighbor is a short term rental, new people every week, and is concerned they don't know the rules. Loud music, kids screaming...has confronted them but it repeats every week....what should she do? What rules are there for this?

Deborah Mulcahey, 633 Lakewood Lane – Confused why short term rentals are under new business on the agenda. Doesn't want short term rentals in all of Chocolay Township, particularly residential areas. Confused on maps for the overlay, especially the area of M-28 & Kawbawgam. What is the flood area? Have it explained? Encouraged the Township to get transportation shelters not only in existing areas (Krist Oil and grocery store), but maybe some on M-28. Glad to see issues with Firewise being addressed. Asked the Planning Commission to be progressive in protecting the welfare and safety of the rural community.

Stephanie Gencheff, 597 Lakewood Lane – Is very disappointed in the decision to allow short term rentals in residential zones. Wants her neighbor to be a resident. Feels it's for the short term rentals on M-28 as they have more area, Lakewood Lane residents have smaller properties and are on top of each other. Also feels that the "owner occupied" rentals are fine as the "landlord" also lives on the properties to monitor them.

Elizabeth Delene, 232 Kawbawgam – Wants to know what she can do regarding noise and garbage from the casino. She presented a tape of the noise around her house and pictures showing the garbage littered. She had trees as a buffer, but came home one day and those were cut beyond the easement. Had new windows and new shades installed due to the noise and lights; they don't help. Wants to know who to call regarding these issues. Has called the casino to no avail.

Nancy Rife, 202 Wanda Drive – Has lived there for 32 years and has seen many changes. Has concerns with her house being rezoned as commercial, wondering how she would be able to sell it in the future as it borders the parking lot of the casino. Doesn't understand the rezoning process for this.

Bill Karas, 195 Lakewood Lane – Has owned the property since 1975, had left the area for work and rents his house which has a 12 page lease document. Has a long term rental (tee pees) to the east and a short term rental to the west of his house. There is a difference between the two rentals. Feels long term rentals are fine but the short term rentals should be regulated. There should be permits, rental policies and if the policies are broken there should be fines. Thanked the people that serve on the Planning Commission and the Township Board.

Public comments closed at 7:18

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Master Plan Update – Chapter 8 Project Priorities

Staff Introduction

The review of the Master Plan, Chapter 8 continued this month with the Commission prioritizing the *Community Transportation* and *Water and Wastewater Infrastructure* sections.

Commissioner Discussion

The Commissioners discussed the two remaining sections of Chapter 8 and were able to complete the prioritizing process. After discussion the following priorities were decided upon.

Chapter 8: PLAN IMPLEMENTATION - PROJECT PRIORITIES AND TIMELINE

Note: The following sections were extracted from Chapter 8 of the Chocolay Township Master Plan, 2015.

This is a multi-year, adaptable document that each department, commission, and board should use to guide their activities and justify their budget proposals.

As part of the Annual Report, all departments in Chocolay Township should assess and summarize progress toward the outcomes and targeted strategies of this plan which are intended to achieve greater community sustainability and resilience. In particular, staff, commissions, and elected officials should maintain consistency with the guiding principles of Chapter 2 and policies of Chapter 7. Actions should be prioritized based on the Priority Decision Criteria. Staff should report progress made toward the administrative, regulatory, and capital projects detailed in Chapter 7: Strategic Plan for Community Resilience.

Township decision makers can decide on benchmarks to help evaluate progress toward Township goals. The following are examples:

- Number of businesses with profiles contained in the Township database and online business directory
- Number of entrepreneurial referrals resulting in assistance
- Number of businesses attending the annual “meet and greet” event
- Number of prime development properties with profiles contained in an online directory
- Amount of private funds invested in the restoration of vacant, blighted, or underutilized properties
- Number of businesses associated with local food system support
- Number of businesses associated with “green” or “clean” technology industries
- Number of promotional or educational documents distributed
- Number of interns involved in local government activities
- Number of employees/Board/Commission members involved in mentoring activities
- Number of employees/Board/Commission members attending educational and training programs
- Number of collaborations involved in local projects
- Amount of grant funds leveraged for local or collaborative projects
- Number of volunteers involved in supporting projects

Included in this section are priority implementation matrices for the capital projects of the Township Master Plan and Recreation Plan. These projects are evaluated against the Priority Decision Criteria that are detailed in Chapter 2: Foundation of the Plan - Community Values. Also included are approximate costs if known. The resulting score indicates the priority of that project, and will impact timeline for implementation. However, if opportunities for funding or project partners arise in the time since the creation of this implementation plan, project scores may change, and priorities may shift.

The following acronyms are contained in the priority implementation matrix.

Cost	ST – staff time TBD – to be determined	
Participants	4H – 4H Clubs A – Assessor ART – Arts Interest Group C – Community Development Coordinator CABA – Chocolay Area Business Association CCGG – Chocolay Community Garden Group CCSL – Chocolay Co-ed Softball League CGC – Chocolay Garden Club CH – Local churches CRC – County Road Commission CS – Professional consultant or specialist CTY – County DEQ – Department of Environmental Quality CUPPAD – Central Upper Peninsula Planning and Development Regional Commission DNR – Department of Natural Resources DU – Ducks Unlimited DPW – Department of Public Works H – History Interest Group HD – County Health Department IOHT – Iron Ore Heritage Trail KBIC – Keweenaw Bay Indian Community LB – Local Business LC – Lion’s Club LF – Local farmers and farm organizations LG – Other local governments LL – Little League LSCP – Lake Superior Community Partnership	MAPS – Marquette Area Public Schools MCVB – Marquette Country Convention Visitors Bureau MDOT – Michigan Department of Transportation MEO – Michigan Energy Options MFC – Marquette Food Co-op and U.P. Food Exchange MSUE – MSU Extension NC – Nature Conservancy NCT – North Country Trail NMU – Northern Michigan University OG – Other grant sources PUB – Public PZ – Planning / Zoning Administrator RU – Regional utility providers S – Scouting SOM – State of Michigan SSA – Superiorland Soccer Association SWP – Superior Watershed Partnership TM – Township Manager TS – Township staff TU – Trout Unlimited U – Other universities UPDG – UP Disc Golf Association UPLC – UP Land Conservancy UPREC – MSU Upper Peninsula Research and Extension Center UPW – UP Whitetails V – Volunteer
Funding source	D – Donations (materials or in-kind) G – grant P – Private commercial TB – Township budget UF – user fees	

MASTER PLAN CAPITAL PROJECTS PRIORITIES AND TIMELINE

Note: Extracted from Chapter 8 Plan Implementation – Status column added

Score Legend **High priority (30 or over)** **Medium priority (20 to 29)**

Status Legend **N – Not started** **IP – In progress** **C -- Completed**

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Community Transportation	X	TC-2.6 – The Township will collaborate with Sands Township on a possible secondary access road connecting neighborhoods along Ortman Road west of Cherry Creek School with those along Silver Creek Road west of Township Hall.	TBD	CRC, CS, CTY, LG, PZ, TM	TB	27	C
	X	TC-5.1 – In collaboration with the appropriate road agency, the Township will seek opportunities to design or reconfigure roadways and public easements to accommodate multiple user groups (such as youth and the aging population) utilizing appropriate Complete Streets techniques such as parallel shared-use paths or wide shoulders, sharrows or bicycle lanes, mid-block crossings, bus pull-outs, safety medians, traffic calming techniques, marked crosswalks, curb ramps, bicycle parking facilities, longer crossing times, smoother surfaces, and handicapped accessible facilities. See Appendix I for possible projects.	TBD	CRC, CS, CUPPAD, HD, IOHT, LB, MDOT, OG, PZ	D, G, TB	31	IP
	X	TC-5.9 – Identify funding and locations to install electric vehicle charging stations throughout the community on public and private property. Investigate methods to fund the electricity costs through a solar or wind installation, non-profit agency, or through user fees.	TBD	C, CH, CS, DPW, KBIC, LB, MEO, OG, PZ, RU	D, G, P, UF	27	IP
	1*	TC-5.2 – The Township will work with ALTRAN and MarqTran to seek funding to construct a four-season transit station in Chocolay Township, with the Township to assume ongoing maintenance costs. The project may involve a property purchase or easement ideally in Harvey adjacent to US-41/M-28 near Silver Creek Road or CR 551 (Cherry Creek Road).	TBD	CRC, CS, DPW, IOHT, LB, MDOT, OG, PZ, TM	D, G, TB	26	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Community Transportation	1*	TC-5.3 – Work with local community organizations, MarqTran, MDOT and local businesses to improve the accessibility, usability, and attractiveness of the existing bus stops (near Krist Oil gas station and Park and Ride facility at Jack’s IGA).	TBD	ART, C, CABA, CGC, CH, LB, MDOT, OG, PUB, PZ, S, V	D, G, TB	25	N
	1*	TC-5.4 – Work with local community organizations, MarqTran, MDOT and local businesses to construct additional transit shelters in locations such as the Silver Creek Recreation Area and Family Dollar Store. Determine optimal locations by surveying residents regarding needs and willingness to pay. Explore the feasibility of cost-sharing with private transit organizations who can also utilize the stops.	TBD	C, CABA, CH, CRC, CS, LB, MDOT, OG, PUB, PZ, S, V	D, G, TB	26	N
	2	TC-5.7 – Enhance the usability of multi-modal pathways by establishing funding and a plan for maintenance for the alternative business route for the Iron Ore Heritage Trail through Harvey (east and west side of the highway corridor) and the connectors on Silver Creek and Cherry Creek Roads. This includes repair cracks and bumps, keep walkways clear of objects and debris, maintain adequate drainage, provide for winter snow removal or snow pack for critical paths based on user input on preferred modes of winter travel (walking, fat tire biking, kicksledding, skiing, etc.).	TBD	C, CABA, DPW, LB, LG, PUB, TM	D, TB	27	N
	3	TC-5.5 – Enhance the usability of multi-modal pathways by installing appropriate lighting, bike racks, benches, safety markings across driveways and through parking lots, and wayfinding signage for area businesses and attractions.	TBD	ART, C, CABA, DPW, IOHT, LB, MDOT, OG, PUB, PZ, S, TM, V	D G, TB	28	N
	4	TC-5.8 – To mitigate rising energy costs that threaten the reliability and affordability of transportation, coordinate planning for a community ride-share system or car-sharing program for area residents. This could be either a public/private project or private for-profit or non-profit venture, but should involve adjacent jurisdictions as well.	TBD	C, CH, CS, CTY, LB, LG, OG, PUB, PZ	P, UF	28	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Community Transportation	5	TC-2.5 – The Township will appoint an official or staff member to negotiate the necessary land purchase to relocate the driveway into Township Hall further from the intersection of US-41/M-28 and Silver Creek Road.	TBD	CRC, CS, DPW, TS, PUB	TB	12	N
	6*	TC-2.3 – The Township will pursue innovative funding mechanisms to construct the new connector or access roads , such as TIF funding, developer contributions, and special assessments.	TBD	CRC, CS, LB, SOM, PUB, PZ, TM	P, T, TB, UF	26	N
	6*	TC-2.4 – Possible new road connections that provide multiple access routes into residential subdivisions, businesses, and other activity centers are depicted in Appendix G.	TBD	CRC, CS, LB, SOM, PUB, PZ, TM	P, T, TB, UF	25	N
Water and Wastewater Infrastructure	X	WW-1.4 – Assess the adequacy of Chocolay Township’s reserve capacity through the Marquette Wastewater Treatment Plant in relation to a potential need to expand the system to accommodate future development or redevelopment or address increasing health concerns from failing private septic systems.	TBD	CS, DEQ, DPW, HD, TM, USDA	G, TB	22	C
	X	WW-1.1 – Obtain an engineering analysis to identify and evaluate options for replacement of obsolete equipment and prioritization of replacement work	TBD	CS, DEQ, DPW, TM, USDA	G, TB	15	IP
	1	WW-1.3 – Identify funding opportunities to facilitate necessary improvements and determine phasing of the projects	TBD	CS, DEQ, DPW, TM, USDA	G, TB	19	N

Site	Planning Commission Priority	Project Description	Cost	Participants	Funding Source	Score	Status
Water and Wastewater Infrastructure	2	WW-2.1 – Collaborate in studies to determine the adequacy of area aquifers and groundwater sources in relation to domestic, agricultural, and fire suppression needs in the years to come, particularly if there are changing regulations, contamination concerns, or increasing demands leading to supply concerns.	TBD	CS, CTY, CUPPAD, DEQ, DPW, HD, LG, NRCS, OG, PZ, SPW, TM, USDA	G, TB	33	N
	3	WW-2.2 – Include ancillary costs such as road repaving in a cost/benefit analysis comparing the costs of wells and fire insurance vs. the monthly system user fees.	TBD	CRC, CS, DPW, TM	G, TB	21	N
	4	WW-1.2 – Obtain a professional analysis of energy system improvements including fiscal impact	TBD	CS, DPW, MEO, RU, TM, USDA	G, TB	22	N

*Combined into a single priority

Township Manager, Jon Kangas, gave a brief synopsis regarding the Asset Management Plan which pertains to the *Water and Wastewater Infrastructure* sections of Chapter 8 in the Master Plan. Also advised the Planning Commission they will be getting a copy of the Asset Management Plan for review.

VIII. NEW BUSINESS

A. Fire Number Consideration

Staff Introduction

Recently staff presented a list of Planning Department projects to the Board for 2018 through 2019. One project discussed was to review and update the *Master Plan*, and one of the programs to be added to the plan was the *Firewise* program from the National Fire Protection Association that will provide protection measures for properties in the Township.

Over the years, conversations concerning fire numbers for properties in the Township have occurred. These conversations have led to many interesting discussions, all of which involve concern for Township residents and related fire safety for their properties.

Commission Discussion

Staff has discussed this with the fire chief who is very supportive of this idea. The Chief feels this would help with a quicker response time to a fire in an area that has many homes on one road/lane or in a more rural area.

Commissioners asked who would be required to have these and it was discussed that the residents in the less dense areas such as the AF districts and more remote areas of the Township would require this. Not as much need in the more dense areas such as Harvey.

Also asked was if it could be done with the Township ordinance. Staff felt it would be beneficial to be in the ordinance as it would address the properties without addresses and would address issues of the consistency of size, placement, reflection, etc.

Staff would research how other townships around the area approach and pay for this kind of number system. Would also check how fire insurance would play into this for the Township.

Commission Decision

Mullen-Campbell moved, Rhein seconded, that the Planning Department continue researching the use of fire numbers in the Township, and report the findings at a future Planning Commission meeting.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Rezoning Considerations

Staff Introduction

There are three existing commercial areas that would be eligible for the overlay district:

- 1) Intersection of US 41 South and County Road 480 – two parcels
- 2) US 41 South near Beaver Grove – six parcels
- 3) Intersection of M-28 and Kawbawgam Road – currently three parcels

Additionally, the *Master Plan* recommendation is to expand the commercial properties at the intersection of M-28 and Kawbawgam Road to include an additional fifteen parcels. This expansion would change two Multi-Family Residential (MFR) parcels and thirteen Residential (R-1) parcels to Commercial (C).

Waterfront Rezoning

There are two additional sections of the Township that would be affected by rezoning.

One section, located on the south side of Kawbawgam Road, is twenty-seven parcels currently zoned WFR that does not have waterfront access. These parcels have been identified in the *Master Plan* to be rezoned to R-1.

The other section, located along the Chocoday River stretching from Harvey south, is currently zoned as R-1. This area, also identified in the *Master Plan*, affects 128 parcels. Primarily, this rezoning also coordinates with the FEMA flood plain mapping for the area.

Commission Discussion

Commissioners discussed the pros and cons. The intent is not to expand the overlay district but to cover the commercial properties that are already there. Also discussed if there was financial obligation to the property owner, which there is not as they are already being assessed as a commercial property.

This is also cleaning up some areas to match the future planning map that is in the current Master Plan.

The following was decided upon by the Commission.

Commission Decision

- 1) Meister moved, Milton seconded, that the overlay district map and language be expanded to include the current Township commercial areas – two parcels at the intersection of US 41 South and County Road 480, six parcels on US 41 South near Beaver Grove, and three parcels located at the intersection of M-28 and Kawbawgam Road, and to move the consideration to a public hearing.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

- 2) Rhein moved, Milton seconded, that the zoning for two parcels located on the East side intersection of M-28 and Kawbawgam Road be changed from Residential (R-1) to Commercial (C), and add them to the Mixed Use and to move the consideration to a public hearing.

Vote: Ayes: 5 Nays: 1 (Mahaney) MOTION CARRIED

- 3) Maynard moved, Rhein seconded, that the zoning for twenty-seven parcels located along the south side of Kawbawgam Road be changed from Waterfront (WFR) to Residential (R-1) to be consistent with the Master Plan, and to move the consideration to a public hearing.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

- 4) Maynard moved, Mullen-Campbell seconded, that the zoning for one hundred sixteen parcels located along the Chocoday River be changed from Residential

(R-1) to Waterfront (WFR) to be consistent with the Master Plan, and to move the consideration to a public hearing.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Zoning Ordinance Updates – Rental Language

Staff Introduction

At the June, 2018 Township Board meeting, the Board approved a portion of the zoning ordinance updates; however, they did not approve the rental language that was included in the proposed ordinance. They voted to send the language back to the Planning Commission for further consideration.

At the August 2018 Township Board meeting the Supervisor put together a list of considerations from the Board in regards to rentals for the Planning Commission to look at and are included in the packet tonight.

Commission Discussion

Staff reviewed the recommendations and presented them to the Commission for consideration for required updates to the *Zoning Ordinance*. Staff asked for revisions to language to clear up the conflicts found.

The Commissioners reviewed the Board recommendations and the following were agreed upon.

RENTAL CONSIDERATIONS CHECKLIST

PLANNING COMMISSION RECOMMENDATIONS

Review of Board Recommendations

Commissioner Direction	Board Recommendation	Idea	Commissioner Suggestions
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Register with Township	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Yes	Require a surety deposit from renters (to property owner)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Establish number of occupants in unit	No decision at this point, vote was tie, put in for future discussion.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No	Require a guest registry, present copy to township office periodically	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No	Require off street parking and maximum number of vehicles on site	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Post rules for refuse disposal (day of collection, provision of tags, and secure storage beyond collection day)	Include beach trash and recyclables Have the rental owner agree to give to renter; synopsis document written by the Township
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Post synopsis of Outdoor burning ordinance	Have the rental owner agree to give to renter; synopsis document written by the Township
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Post synopsis of Noise ordinance	Have the rental owner agree to give to renter; synopsis document written by the Township
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Post synopsis of Fireworks Ordinance	Have the rental owner agree to give to renter; synopsis document written by the Township
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Post synopsis of pet rules	Have the rental owner agree to give to renter; synopsis document written by the Township
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Fines for infractions to be the ultimate responsibility of owner or agent	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Owner or agent must have local availability to deal with problems in a timely manner	

Commissioner Direction	Board Recommendation	Idea	Commissioner Suggestions
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Consider all rentals together	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Minimum fee for registration	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes	Renewal time frame /no renewal if too many violations	

PLANNING COMMISSION RECOMMENDATIONS

Additional Considerations

Consideration	Suggestions
Inspections for fire	No paid fire personnel; future consideration
Add these additional synopsis of Ordinances for distribution:#22 - Vehicle parking, #55 – Vehicle storage, #57 – Bikes and Snowmobiles, & #61 - Firearms	All Commissioners agreed
Add to Zoning Ordinance or have separate Rental Ordinance	All Commissioner agreed to have a separate ordinance

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – Has a problem with some of the maps marked “other flood areas”. Why does FEMA feel some of these areas on M-28 are flood areas, they are 40 feet above flood area. Questioned why they are expanding the commercial area on Kawbawgam when it is clearly a “spot zoned” area, why not just expand the “spot zoned” area? Also questioned why the Planning Commission is approving a police ordinance, should be civil infractions which are easier to deal with.

Stephanie Gencheff, 597 Lakewood Lane – Agrees with everything the previous speaker said. Doesn't feel Chocolay should allow short term rentals in residential areas.

Dalia Pavalkyte, 1943 M-28 – Questioned what the rules were about drones, had one overhead a few weeks ago. Also asked who registers violations of rentals? Who to call when witnessing bad behavior on the beach.

Dale Throenle, Chocolay Township Staff – Advised Pavalkyte to call the Police/911 if you see anything dangerous or encroaching on your property.

X. COMMISSIONER'S COMMENTS

Rhein – Felt the meeting was very productive & accomplished quite a bit on different scenarios.

Milton – Thank you Dale for your presentation

Maynard – Thanked the lady for the subject of drones and would like to give that some thought. She hears the concerns regarding the short term rentals and feels the points from the evening are clear, concise, enforceable, serious, and believes they are good rules for rentals of all kinds.

Mahaney – Agrees with the other Commissioners, good meeting, good start on the different business that is put in front of them

Meister – Made good progress tonight

Mullen-Campbell – It was a good, productive meeting. Would also like to congratulate Township Manager, Jon Kangas on his appointment to the Governor's transportation committee.

XI. DIRECTOR'S REPORT

Generally comments are online in the Newsletter. He has a conflict with the September 17, 2018 meeting. He presented a couple of options – could prepare a packet and still have the meeting or change the meeting date to September 24, 2018. Commissioners decided to change the date to September 24, 2018.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board - 07.09.18

B. Minutes – Township Board 07.16.18

- C. Minutes – Township Board – draft, 08.06.18
- D. Township Newsletter – July, 2018
- E. Minutes – Marquette City Planning Commission, 06.05.18
- F. Minutes – Marquette City Planning Commission, 06.19.18
- G. Correspondence – Ezo

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 9.07 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 24, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong, Susan Maynard, Don Rhein (Board)

Members Absent: Kendell Milton

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager) and Lisa Perry (Administrative Assistant)

The Commission welcomed Cory Bushong as the newest member of the Planning Commission. Cory is fulfilling the remainder of Andy Smith's term. The Commission discussed the position of Vice Secretary, the position Smith held for 2018.

Motion by Rhein, seconded by Mullen-Campbell, to approve Cory Bushong as Vice Secretary for the remainder of the term.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Maynard to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

August 20, 2018

Motion by Meister, and seconded by Rhein, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – Had a number of issues and concerns. Does not like that the communications from citizens and residents is at the end of the agenda. Has repeatedly shared in writing and spoken over the years that she does not support short term rentals throughout the community. Shared her concerns of parking on the Township right of way. Hopes the Township will flush out many concepts pertaining to the Rental Ordinance including permit/registration issues, violations, and fees. Also questioned the changes to the residential characteristics. Stated the Commission had done many good things and not to put it behind, asked the Commission to be responsible for taking credit on the good things they have done without destroying the

Township going forward. Invited the Commission to walk the Lakewood Lane area to see the implications of allowing short term rentals.

Judy Smith, 320 Kawbawgam – Has done a short term rental with her home for one year but does not do it anymore as she lives there now. Wanted to share the positive side of short term rentals. Has met some really good people from all over the world. Neighbors helped keep an eye on her place. The people that stayed took her suggestions and enjoyed Marquette. Always rented through AirBNB where there are rules to abide by. She also has rules renters had to follow.

Public comment closed at 7:12 pm.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Rezoning Considerations

Staff Introduction

Last month, several rezoning considerations were brought to the Planning Commission for consideration. All were approved as presented except for the properties located at the intersection of M-28 and Kawbawgam Road.

Additionally, the commercial properties in this area were to be considered for addition into the mixed use overlay district.

However, when the motion was made, the properties on the east side of Kawbawgam Road were incorrectly identified in the motion as residential. The motion made, as identified in the minutes from the August 20 meeting, was:

“Rhein moved, Milton seconded, that the zoning for two parcels located on the East side intersection of M-28 and Kawbawgam Road be changed from Residential (R-1) to Commercial (C), and add them to the Mixed Use and to move the consideration to a public hearing.”

Unfortunately, staff did not catch the error until the minutes were prepared for the meeting.

Commissioner Discussion

The Commission discussed their intentions of the vote and decided to rescind the vote from the August 20, 2018 meeting and amend the previous motion.

Commission Decision

- 1) *Maynard moved, Rhein seconded, to rescind the motion made on August 20, 2018 that recommended rezoning two parcels on the east side of M-28 and*

Kawbawgam Road from Residential (R-1) to Commercial (C), and adding them to the Mixed Use and to move the consideration to a public hearing.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

- 2) *Maynard moved, Meister seconded, that the zoning for two parcels located east of the intersection of M-28 and Kawbawgam Road be changed from Multi-Family Residential (MFR) to Commercial (C) to be consistent with the Master Plan, add them to the consideration for the Mixed Use Overlay district for the commercial properties located at the intersection of M-28 and Kawbawgam Road, and to move the consideration to a public hearing.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Master Plan Update – Chapter 8 Project Priorities Final Review

Staff Introduction

Over the last three meetings the Commission reviewed Chapter 8 of the Master Plan, 2015 Edition to establish priorities in each of the categories in the section and the final draft was presented for review. Throenle gave Bushong a brief overview.

Commissioner Discussion

Commissioners confirmed they had read through the draft and made the motion to accept.

Commission Decision

Meister moved, Rhein seconded, that the revised priorities in Chapter 8 of the Master Plan be accepted as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Rental Considerations

Staff Introduction

At the August 2018 Township Board meeting, the Supervisor put together a list of considerations from the Board in regards to rentals for the Planning Commission to look at. Those suggestions, along with additional comments from Max Engle, Mark Maki, and Don Rhein were forwarded to the Planning Commission for consideration.

The Supervisor has also requested the Planning Commission look at the language in Section 3.1 of the Zoning Ordinance. He is asking the Planning Commissioner's consideration on revising the language to clear up the conflicts found in the section.

At last month's meeting, the Commissioners looked at the recommendations from the Board, and developed a table of criteria for consideration for rentals in the Township. That updated checklist is attached.

Based on the review of the checklist and additional recommendations, staff has

prepared three additional documents for consideration:

- 1) A draft of a Township Information document
- 2) A draft Rental Property Permit
- 3) Rental definitions for consideration to be changed in the Township Zoning Ordinance

Staff also asked the Commissioners do the following prior to the meeting:

- 1) Review the Rental Considerations Checklist to determine if changes are required
- 2) Review the draft outline of the Township Information document to determine if changes or additions should be included
- 3) Review the draft Rental Property Permit to determine if additional criteria should be added to the document
- 4) Review the proposed definitions for the Township Zoning Ordinance to determine if changes or additions are required

Throenle attended a combined conference of the Michigan Municipal League and the Michigan Association of Planners. He explained one of the presenters had software that showed how many short term rentals were within a certain jurisdiction and it showed from 150 websites (ex. AirBNB, etc) there were 30 rentals officially listed in Chocolay Township. Throenle said a spokesperson for the Michigan Municipal League stated emphatically that she believes after the November election the State lame duck session will pull the short term rental proposals out from committee and consider them for vote before January.

Commissioner Discussion/Decision

First item discussed was the Rental Considerations Checklist. The section regarding "Require a surety deposit from renters (to property owner)" is listed in this packet as a "yes" from the Planning Commissioners, however, in the minutes from the August meeting the Commissioners had voted "no" and it was an oversight in the September packet.

In August the Commission also voted on another section of the Rental Considerations list that resulted in a tie vote (3-3). It was the section pertaining to "Establishing number of occupants in the unit". The Commission felt this was too difficult to enforce from the Township's standpoint and should be a landlord/rental issue. The Board recommended it but after a lengthy discussion of the pros and cons the Commission voted (5-1) not to recommend this. Rhein was the single "Nay" vote and his concerns were pertaining to the septic systems handling the extra volume. Throenle stated this is where the individual ordinances (noise, fireworks, trash, etc) come in to play to help with the issue of too many people.

Maynard asked to refresh her memory why the Commission said no to the requirement of off street packing and the maximum vehicles on site. Meister stated

this is covered in the parking ordinance. Throenle confirmed this and the fact that the parking ordinance applies to the whole Township.

Meister moved, Maynard seconded, that the Rental Considerations checklist be accepted as revised.

Vote: Ayes: 5 Nays: 1 MOTION CARRIED

A draft document outline containing different aspects of the community and summary of ordinances was presented to the Commission to discuss. The intended audience for this document is for the community as a whole but also for the landlords of rental properties to extract out information that pertains to their property and that can be given to their renters. The document contains items for renters such as a summary of the ordinances, recycle information, and recreation information. The document would also include information for residents of Chocolay Township regarding Zoning and Building permits.

Throenle noted that this document can always be updated if the need arises.

The Commission requested the addition of the Township website address in the document for easier access to the website for additional information. Meister also suggested adding a disclaimer in the document to read the whole ordinance for the summarized ordinances.

Mullen-Campbell moved, Maynard seconded, that the draft outline of the Township Information document be accepted as revised and be kept loose for changes.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Throenle also presented a draft document that the landlord would have to have on file with the Township. This document would act as a permit/registration and would require a fee. There were some suggestions regarding violations and other additions to the document but nothing was finalized. When the whole process of rentals is done, this will be the last document to finish up. Having this application on file will help four Township departments: Police, Zoning, Fire and Assessing as they will know if it's an owner or a rental property. No motion was made as this document is a work in progress.

The Commission also discussed proposed definitions to the Zoning Ordinance Section II (34-18-02) for Property Rentals. It was discussed to change all languages that stated "Rental Dwelling" be changed to "Registered Rental Dwelling" throughout the ordinance.

Maynard moved, Rhein seconded, that the proposed definitions for the Zoning Ordinance be accepted as presented.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Final item in this section is a recommendation from the Commissioners on what they would like to see in the "Rental Ordinance". There is no document at this point, this

will be a discussion item and will move forward from there but Throenle feels this should be a separate ordinance as it would be easier to enforce.

Throenle did ask the Commissioners to include how many penalties before a property is removed from rental consideration. He also asked if they are removed how should it be done? He is requesting something done in stages with so many occurrences and the rental is finished. The amount of the fines would have to be set as well and he suggested an annual registration so the property records can be kept up to date.

The Commission asked if this would be enforceable for long term rentals as well as short term rentals and Throenle stated yes it would be as it would be its own ordinance. The Police Chief is asking for this specifically as he is looking at mobile home parks where there are repeated calls to specific addresses and the owners would get the message that this can't and won't be tolerated.

The Commission also felt in the instance of an apartment building, it should be by unit as it would not be fair for all units to be punished for the one to two bad renters.

The Commission also discussed many aspects of enforcement, penalties, fees, and appeals process. They also felt there should be some some sort of system, where some penalties should be worse than others. Throenle felt they had a good start and Commissioners decided to move forward on the ordinance document.

D. Non-Conforming Parcels and Zoning Updates

Staff Introduction

Over a long period of time, numerous references, presentations and public comment have been made at Planning Commission meetings in regards to the number of non-conforming parcels that exist in the Township. Issues for property owners and their neighbors related to those non-conformances is how to place structures on those properties, what available uses they can do on those properties (especially in the AF district), and what will happen to those properties in the future.

Staff has completed an analysis of parcels in the Township to determine the level of non-conformance across the districts. Staff used the chart found in section 6.1 of the Township *Zoning Ordinance* that specifies the minimum lot size and lot width in each zoning district as the base elements for the analysis.

The parcel analysis was based on three criteria:

- 1) Comparison of parcel lot size to the minimum lot size in each district to determine parcels not conforming to the minimum lot size
- 2) Comparison of parcel lot width to the minimum lot width in each district to determine parcels not conforming to the minimum lot width
- 3) Determination of parcels not meeting both the minimum lot size and the minimum lot width.

The parcel data was extracted from the Township Assessing database. Record

counts include all parcels listed on the database.

Properties excluded from the comparisons included:

- Parcels not containing a zoning value (some parcels have a blank on the database)
- Parcels having a value of zero in the acreage field (value was used for minimum lot size)
- Parcels having a value of zero in the frontage field (value was used for minimum lot width)

Additionally, properties in the R-1 district were evaluated to determine which parcels were connected to the sewer system to meet the criteria for lot size for those parcels connected to the system. Staff also compared the zoning ordinances from 1997 and 2008 to determine how zoning districts were modified to the current zoning standards.

Staff set up two “what-if” scenarios. Scenario one was to change the minimum acreage in the Agriculture Forestry (AF) district to 10 acres to determine how the change would affect the non-conformance in lot size in that district. Scenario two was to change the minimum lot width in the Residential (R-1) and Waterfront (WFR) districts from 125 feet to 100 feet to determine how the change would affect the non-conformance in lot width in those districts.

Staff asked the Commissioners to decide if the Planning Department should take further action on this item.

Commissioner Discussion

In past meetings the Commission had discussed changing the AF district minimum from 20 acre parcels to 10 acres for the ease of splitting the lots, making it easier for the property owner to pass the property onto the next generation. This conversation had Throenle thinking if the AF properties were a problem what other zoning districts are affected by similar situations.

Commission Decision

It was suggested by the Commission to concentrate on the AF district as there are more non-conforming properties than conforming. Meister gave some history toward the end of the discussion. He stated that during Planning Director Jennifer Thum’s time with the Township there was a sub-committee that had made maps to bring back the RR2 zoning district with five acre parcels. Meister suggested the maps may still be around.

The Commission felt this was good to keep pursuing to get the number of non-conforming lots down in the AF district.

VIII. NEW BUSINESS

A. Proposed Public Hearing Dates for Rezoning Requests

Staff Introduction

Several motions were made and approved during the last meeting regarding rezoning possibilities within the Township. There are four separate rezoning issues to be addressed at public hearing as a result. They are:

- 1) Expanding the mixed use overlay district to existing commercial properties at the intersection of US 41 South and County Road 480, US 41 South near Beaver Grove, and three parcels at the intersection of M-28 and Kawbawgam Road
- 2) Changing two parcels located at the intersection of M-28 and Kawbawgam Road from Multi-Family Residential (MFR) to Commercial (C), and adding those properties into the mixed use overlay district consideration
- 3) Rezoning 27 properties along the south side of Kawbawgam Road from Waterfront (WFR) to Residential (R-1)
- 4) Rezoning 116 parcels along the Chocoley River from R-1 to WFR.

Staff suggested numbers one and two go to the Planning Commission for public hearing in October in order to go to the Board for the First Reading at the November 12 meeting and numbers three and four go to the Planning Commission for public hearing in November in order to go to the Board for the First Reading at the December 10 meeting.

Commissioner Discussion

None

Commission Decision

Rhein moved, Mullen-Campbell seconded, that the Planning Department proceed with the public hearing schedule as presented.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – Gave a history of Lakewood Lane on why there are a high percentage of non-conforming lots in Chocoley Township. She has not verified Throenle's comments from this evening regarding short term rentals but if there are only 30 short term rentals out of the 3000+ properties in Chocoley Township, which is less than 1%, how much time and energy has been spent on the issue of short term rentals? There is something known as the State of Michigan's Public Nuisance Statue, it works very well to deal with problems the Commission would deal with. Does the Planning Commission really want to go through leases and ordinances? Maybe ask the Planner to pull ordinances from around Michigan and tweak them. Why work so hard to deal with this? Maybe have a percent allowed for "green space"? Feels short term rentals comes down to the issue of money, not the community but instead money for the property owner.

Judy Smith, 320 Kawbawgam – Money from short term renting did benefit her, but she doesn't make much money. It benefitted her by allowing her to put in new windows and get a new vehicle. Would have never been able to do that without renting. Loves sharing her house with people. Grew up here and would rent all the time when she came back home...how many more rentals now than before? In regards to the penalties discussed tonight, maybe give a warning first then give a fine. Where does renting just a room in your house come into this?

Jill Bradford, 555 Little Lake Road – She was on the committee mentioned earlier by Eric Meister, has a recollection of the committee and may have some notes, would be willing to talk to the Commission about it. In regards to the penalties for rentals, you have to be careful as she had a coworker who made it her pastime to call the police on her neighbors, not saying we have people in the community like that but they could make it a game. Landlords deserve an appeals process as you can't always control who is in your house. Feels the Nuisance laws takes care of people that are around.

Public comment closed at 8:58 pm.

X. COMMISSIONER'S COMMENTS

Rhein – Felt there was significant progress even though we don't always agree.

Milton – Absent

Maynard – Keep on moving.

Meister – None

Bushong - None

Mullen-Campbell – Keep learning. Up for renewal in December, will keep going for another two years.

Mahaney – Great meeting, glad to have Cory on board.

XI. DIRECTOR'S REPORT

Welcomed Cory Bushong to the Planning Commission.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board, 09.10.18

B. Township Newsletter – September, 2018

C. Minutes – Marquette City Planning Commission, 07.10.18

D. Minutes – Marquette City Planning Commission, 07.24.18

E. Minutes – Marquette City Planning Commission, 08.14.18

F. Minutes – Marquette City Planning Commission, 08.21.18

G. Correspondence – Mining Journal letter and responses regarding rentals in Chocoday Township

H. Correspondence - Mulcahey

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 9:00 pm.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 15, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:01 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Susan Maynard, Don Rhein (Board)

Members Absent: Kendell Milton

Staff Present: Dale Throenle (Planning Director / Zoning Administrator), Richard Bohjanen (Township Supervisor), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Maynard to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

September 24, 2018 Planning Commission meeting

Motion by Meister, and seconded by Mullen-Campbell to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – stated this was her third time to defend the short term rental petition. She referenced Dr. Bohjanen’s letter in the *Mining Journal* regarding 87% respondents on the survey, which Bohjanen said represents the people who were undecided or were in favor of short term rentals. She has a neighbor at 633 Lakewood Lane who could not be at the meeting but wanted it mentioned that since the house next to her changed from a short term rental to a long term rental there have been no issues. Gencheff requested not to lump together long and short term rentals as they are not the same.

Deborah Mulcahey, 633 Lakewood Lane – She lives at 633 Lakewood Lane so the person that Stephanie was talking about lives at a different address. She had concerns regarding the recreation plan. She did not want a negative impact from work already done or lose any future grants because of perceptions of what is allowed in Chocolay

Township. She wanted language included in the revised recreation plan that would not allow overnight parking of any vehicles in park and recreation areas or to be used as temporary or long term storage for commercial vehicles. She wanted no camping in these areas unless designated as a campground, and she wanted signage added to these areas designating this. She felt some areas are often not inviting or unusable. She said she discussed with this with the Planner, Police Chief, and Manager. She said the Township needs to think about impact of receiving present and future trust fund money. She said she can verify with the State of Michigan Administrators with the trust fund program.

Dustin Hennessey, 101/103 Juliet Street – Spoke on the proposed rental regulations, and asked what is the difference between a rental or resident who is not following the ordinances, and he felt there is no difference. He asked why the Township should place additional regulations on someone bringing business to the Township. He asked what the registration fee would be for, as there are not any inspections associated with rentals in Chocolay. He stated he already pays higher taxes for having a non-homestead place in the Township which should be considered his fee. He is also against the proposed commercial rezoning that is on the agenda. He owns the residential property that presently connects the existing commercial and residential areas and would never sign off to have it changed to commercial, as it is a residential area.

Ryan Anderson, 225 Jean Street – His property connects along the back of the property being discussed. He was speaking for himself and his neighbor (Nicholas Smaby, 229 Jean St.) who could not be at the meeting. As a property owner, he respects that an owner can do what they see fit to do with their property but Anderson and Smaby are both against the land behind their homes rezoned to commercial. Anderson felt it would alter the substance, flavor and feel of their neighborhood. Anderson and Smaby understood the owner's desire to make a fair profit on the sale of his land. Anderson would like to work together and in good faith to find a way to do this with everyone impacted. He has small children and does not want this in their back yard.

William Todd, 1075 Ortman Road – He has lived here over 40 years, and he is the resident responsible for proposing the zoning change. He presented a map of the proposed parcel to the Commissioners. He has recently been approached by a nationally known general store developer inquiring about a portion of the property he owns along US 41 located between Veda and Juliet Streets. The parcel is 500 feet long and 200 feet deep and sits 200 feet from both of the mentioned streets. The developer discussed their interest with Throenle, who informed the developers that the property was currently zoned R1 (Residential) and could not develop this property unless it was changed to commercial status. Todd discussed this with Throenle who informed him that "spot zoning" was unlawful in Michigan, but stated there was commercial development property about 200' to the north that could be considered as a connection to the commercial zone to the north.

He has owned these parcels since 1989. In regards to the privacy issues brought up, he felt the people who connect to his property via Veda and Jean Streets have been blessed with large back yards and plenty of privacy. He wants to be a good neighbor and if the commercial zone were extended, he would work with the developer to leave as many of the trees possible. He added the parcel is a low lying piece of land and is not desirable as an additional lot for homeowners. He said having a developer willing to improve the land and build a retail store would be the best use for this unused parcel and would be low impact to this neighborhood, would not affect privacy, and would also add to the Chocoley Township tax base. He does not feel this would impact the owner of the duplex which is the neighbor 250 feet to the north of this property. Todd said that the owner does not live on the property and it may increase the value of his property. He brought this before the Commissioners tonight for discussion but invited anyone to look at the parcel and surrounding neighborhoods.

Public Comment closed at 7:22 pm.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Commercial District Extension Consideration Request

Staff Introduction

Throenle presented that Bill Todd, a resident that owns property on US 41 South just below the current commercial district, had asked for consideration of possibly extending the commercial district from the current southern boundary near Juliet Street to include properties fronting on US 41 South to Veda Street. Throenle said this meeting will be a session to gather information to see what could be done. Throenle said Todd was asking for this consideration before submitting a formal rezoning request.

Throenle stated the extension of the commercial district is not identified in the 2015 *Master Plan*. However, he pointed out the future commercial district extends down US 41 South, and is directly across the highway from the properties in question on the *Future Land Use* map found in the *Master Plan*.

Commissioner Discussion

Throenle presented the Commissioners with maps of the proposed parcel and surrounding neighborhoods in the current zoning district that were included in the packet. Throenle pointed out Mr. Hennessey's property in relation to Mr. Todd's and stated Mr. Hennessey's property had to be commercial as well as it is the connecting property to the commercial district.

The developer that Todd referred to has not pursued any other venue in the Township and chose not to come before the Commission for a public hearing for the zoning change. There is no open offer on the parcel; this was just discussion for the Planning Commission to consider.

Mahaney asked who made the final approval or disapproval. Throenle stated the Planning Commission starts the process then it would go to the Township Board for final approval. Maynard asked if the parcel has anything on it. Throenle asked Todd who said the parcel was empty. Throenle asked the Mahaney to include Todd in the conversation to answer the questions regarding his property, but not the remainder of the public. Mahaney agreed.

Mahaney asked for clarification of the properties included in the discussion. He also asked if it was up to the owner or the Planning Commission to change the zoning. Throenle stated it was the Planning Commission and Township Board that make those decisions but it has to be done with public input from the owners of the properties in that area along with other interested parties.

Meister asked if it was different zoning at one time and Throenle stated he would have to go back over past maps but this is off of the 2008 map. Maynard asked if there would be tax implications for Hennessey with a zoning change to commercial. Throenle stated not necessarily as Hennessey has no PRE (Principal Residence Exemption) on that property, and said the question should be referred to the Assessor.

Rhein felt this should remain residential, and he does not want to see commercial property built in a residential area. He said there are places in the commercial zoned districts available where they could build. Meister agreed with Rhein. The neighbors have established homes and once it is zoned commercial there is enough property that more could be added in that district.

Throenle reminded the Commissioners that they could not restrict a parcel based on a proposed development. The development would be determined on what is allowed in the commercial district.

Mullen-Campbell felt that commercial is good for Chocolay Township but wanted to keep the residential in mind. Mahaney could see this either way, was not sure a house could be built on the parcel but he could see the resident's side, too.

Mahaney asked Todd if he had been approached to sell for residential purposes and he stated he had not. Todd also stated it would not be the all of the parcels, just the center of the three.

The Commissioners discussed how hard it would be to make a decision without knowing the footprint of what is being proposed for the lot. Throenle stated that once it is zoned commercial anything could be built there if it met the zoning requirements for commercial properties.

Maynard said if there was a developer who could develop this into affordable housing and keep it residential, she would feel more comfortable with that.

Meister asked if the neighboring property owners could buy this property and extend their property lines to the highway. Throenle stated it could be done. Todd also commented that he had some conversations but the compensation would not be as much. He would, however, consider this if the price was right.

Mahaney asked if Throenle wanted a decision for the *Master Plan*. Throenle stated according to the *Future Land Use* map in the *Master Plan* the area in question is to be left as residential. He said there would be a couple things that would have to happen. One was hold being a formal public hearing with an expense to Mr. Todd for the formal application, notices to neighbors and a presentation to the Marquette County Planning Commission which would come back with the recommendation not to do it as it is not in the current *Master Plan*. The other was to address the considerations across the highway for the properties that have not yet been changed to commercial even though it is in the *Master Plan*.

Meister asked is a PUD (Planned Unit Development) could be done and Throenle stated that conversation did not come up but it could be a possibility depending on the quality of the land and how much would be used. Throenle said a PUD starts at one acre and this parcel is 2.5 acres. Meister stated this may be a case as some of the buffer could be kept in the back.

Mullen-Campbell also mentioned concerns about wells and septic systems.

Commission Decision

Throenle stated the reason for this meeting was to let Todd know which way to go in his decision process. Todd would have expenses for the formal application he could

avoid if he got an outcome tonight. If the Commissioners decided to go with the idea of allowing commercial in that area, there would also be expenses for the notices to the neighbors, and an amendment to the *Master Plan* would have to be presented to the County.

Throenle has spoken with Todd and Throenle's personal recommendation would be for the Planning Commission to recommend Todd to meet with his neighbors, discuss further the various aspects such as PUD, the commercial aspect, etc. before coming back with the formal application. Throenle feels that commercial decision is not the only solution for the property.

Mahaney asked the Commissioners their thoughts. Rhein, Maynard, and Meister felt the property should stay residential. Bushong, Mullen-Campbell, and Mahaney could see it both ways.

Motion by Rhein, and seconded by Maynard to keep the said property as residential not commercial.

Vote: Ayes: 5 Nays: 1 (Mahaney) MOTION CARRIED

B. 2019 – 2023 Recreation Plan

Staff Introduction

Throenle told the Commissioners that every five years the Township is required to submit an updated recreation plan to the Michigan Department of Natural Resources (DNR) in order to remain eligible for DNR recreation grant funding consideration. The plan for the Township is required to be submitted by February of 2019 in a DNR-defined format if grants will be pursued during the 2019 DNR funding year.

The DNR has stated in prior recreation plan training presentations that "if it's not in the plan, it won't be funded." Staff was in the process of reviewing and revising the plan with a focus on those criteria, and was looking to update sections with recommendations from the Planning Commission, Township staff, and the public.

Commission Discussion

Throenle presented the highlights of the proposed Recreation Plan. There are twelve recreation areas within the Township that Throenle presented for considerations for maintenance and recreation promotion. There will be a public survey sent to the residents of the Township to get public comment. The plan would come back to the Planning Commission in December for approval and would be presented to the Township Board in January for approval to be submitted to the DNR for

consideration for 2019 grants. There are grants the Township would like to pursue in 2019 so there is a sense of urgency to finish approval of the plan.

Some of the proposals Throenle presented were:

Brochures and Maps

- Printed and online brochures and maps for all Township recreation
 - Includes public and private
 - Information to be made available at the Township office, local businesses and the Welcome Center
 - GIS maps showing recreation locations throughout the Township

Signs

- Directional signs for all recreation areas and trails
 - Includes public and private
 - “You are here” signs along the trails and at the recreation sites
 - Bike routes on non-established trails
- Establish “uniform” sign for the Township (color, size, etc.)
 - Cost of Pure Michigan signage \$360 per year per sign
- Township site signage for:
 - Beaver Grove Agriculture Area
 - Brower Recreation Area
 - Green Bay Street Park
 - Green Garden Site
 - Kawbawgam Pocket Park
 - Voce Creek Recreation Area
 - Wick Site

Trail Town Designation

- Establish trail connection with Marquette – potentially county-wide
- *Pure Michigan* designation for tourism and trail usage

Electric Charging Stations

- Wi-Fi devices (phones, tablets, etc.) for trail and recreation site visitors
 - For electric and hybrid automobiles and visitors traveling through the area

Recreation Site Maintenance

- Establish long-range maintenance schedules for all Township recreation equipment and sites
- Establish funding for long-range maintenance and potential additional staff

Recreation Promotion

- Promotion of recreation on Township website and social media
- Interactive maps and recreation locations on the Web
- Video flyovers (drone) of Township properties and make available online
- Develop programs of recreation interest with KBIC, Cherry Creek School, 4-H, Boy Scouts, Girl Scouts and other local clubs and organizations
- Virtual reality of Township recreation (web based)
- Coordinate with Marquette Chamber of Commerce and Travel Marquette

The Commissioners added the following suggestions:

- Would like to see all properties not presently surveyed, to be surveyed to designate Township properties lines to allow development
- Security cameras for some sites, including the MDOT turnouts
- Appropriate signage for direction/usage of the sites
- Address parking and lighting issues at some of the existing sites

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Rhein – None

Milton - Absent

Maynard – Should Todd, Hennessey, and neighbors need the services of MARS (Marquette-Alger Resolution Services), they are a great mediation service here in town.

Mahaney – Thanked Throenle for the *Recreation Plan* presentation, and he would like to see more focus on the plan, as there are many Township properties that residents do not know about. He would like to see the property lines established on these properties so development of them can begin. He felt these parcels are a real plus for the residents

of the Township.

Meister – None

Bushong – Would like to learn more about the grant process for the *Recreation Plan*; felt there are 20 years of improvements and would like to know how they are decided and prioritized. He also asked about dates that were mentioned for the plan (such as February).

Throenle told Bushong that the *Recreation Plan* is the five year vision and the DNR will not fund anything that is not in that plan or the applicant would have to find alternate funding. As far as determining which one to be done, it is a matter of choosing which to prioritize in that specific year, as all items are not all attempted at once. He added February is the date that the *Recreation Plan* has to be submitted to the DNR.

Mullen-Campbell questioned if the decisions come through the Planning Commission and then to Marquette County. Throenle stated they will weigh in before this gets to the Township Board. The Planning Commission will be seeing this again at next month's meeting.

XI. DIRECTOR'S COMMENTS

Throenle told the Commissioners if they have not been to any of the places mentioned during the meeting that they should put them on their list of places to visit. He also reminded the Commissioners that meeting in November is the week after Thanksgiving and there will be public hearing that night regarding the mixed use districts.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 09.10.18
- B. Township Newsletter – September, 2018
- C. Minutes – Marquette City Planning Commission, 09.04.18
- D. Minutes – Marquette City Planning Commission, 09.18.18
- E. Correspondence – regarding commercial district extension consideration request

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 9:54 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 26, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong, Susan Maynard, Don Rhein (Board)

Members Absent: Kendell Milton

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Jon Kangas (Township Manager) and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Throenle advised the Planning Commission of an error with a date in the Informational and Correspondence section of the agenda. The Township newsletter should have read November not September on the agenda as it was presented in their packets. The Commissioners were given a revised copy of the agenda at the meeting and the agenda on the Township web site was also updated.

Motion by Rhein, and seconded by Maynard to approve the agenda as changed.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

October 15, 2018 Planning Commission meeting

Motion by Rhein, and seconded by Meister, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

A. Rezoning from Multi-Family Residential to Commercial (deferred to VIII.A.2)

B. Mixed Use Overlay District Extension (deferred to VIII.B.2)

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Rezoning from Multi-Family Residential to Commercial

Staff Introduction

In August and September, the Planning Commission decided to change the zoning district for two parcels located at the intersection of M-28 and Kawbawgam Road from Multi-Family Residential (MFR) to Commercial (C).

Although fifteen parcels were identified in the *Master Plan* to be included in the Commercial zoning district for this area, the Commissioners decided to address only the two identified as MFR to be rezoned, and to leave the other parcels for future consideration.

The Commissioners recommended the decision be addressed in a public hearing at the October meeting; this hearing was postponed until the November meeting.

The changes the Planning Commission has recommended are consistent with the zoning recommended for this area.

The two parcels affected by this change are:

- 52-02-007-033-00 101 Kawbawgam Road
- 52-02-007-045-00 125 Kawbawgam Road

Throenle received two comments from the property owners. The first comment was from the property owner on the corner of M-28 and Kawbawgam Road. She visited the Township office and approved the change verbally, and she said she had no issues with this being done. The other comment was from the second property owner who has a written comment in the packet and was also in the audience this evening. There have been questions for staff to answer, but no comments were against the change.

Public Hearing

There were no public comments.

Commissioner Discussion

There were no questions or comments from the Planning Commissioners.

Commission Decision

Mahaney moved, Maynard seconded, that after providing required notification to the public, including a public hearing and considering public input, the Planning Commission recommends that the Township Board approve changing the zoning districts for the two parcels located at the intersection of M-28 and Kawbawgam Road from Multi-Family Residential (MFR) to Commercial (C).

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Mixed Use Overlay District Extension
Staff Introduction

Over the last several meetings, the Planning Commission discussed applying the mixed use overlay district to the remaining commercial areas within the Township. The Commissioners decided to apply this overlay district to five parcels located at the intersection of M-28 and Kawbawgam Road, two parcels at the intersection of County Road 480 and US 41 South (Kassel's Korner), and six parcels at the intersection of Mangum Road and US 41 South.

Application to two of the five parcels located at the intersection of M-28 and Kawbawgam Road assume that those two parcels are rezoned from Multi-Family Residential (MFR) to Commercial (C).(these were approved in the previous Public Hearing this evening)

The Commissioners recommended the decision be addressed in a public hearing at the October meeting; this hearing was postponed until the November meeting. The changes the Planning Commission has recommended are consistent with the zoning for each area.

The five parcels affected by this change at the intersection of M-28 and Kawbawgam Road are:

- 52-02-007-033-00 101 Kawbawgam Road (currently zoned MFR, with a motion in the previous hearing to change to Commercial (C))
- 52-02-007-034-00 100 Kawbawgam Road
- 52-02-007-045-00 125 Kawbawgam Road (currently zoned MFR, with a motion in the previous hearing to change to Commercial (C))
- 52-02-007-046-00 no assigned address
- 52-02-007-049-50 128 Kawbawgam Road

The two parcels affected by this change at the intersection of County Road 480 and US 41 South are:

- 52-02-116-023-00 6385 US 41 South
- 52-02-121-053-00 6400 US 41 South

The six parcels affected by this change at the intersection of M-28 and Kawbawgam Road are:

- 52-02-121-002-50 6483 US 41 South
- 52-02-121-002-55 6485 US 41 South
- 52-02-121-002-60 6481 US 41 South
- 52-02-121-027-00 6448 US 41 South
- 52-02-121-028-00 6448 US 41 South
- 52-02-121-030-00 6456 US 41 South

Throenle stated there were 59 notifications sent out, and one was returned as "undeliverable". There were some questions to staff but no comments of anyone being opposed to this change. There was one written comment in the packet (submitted for both public hearings) in favor of the change.

Public Hearing

There was one question from a member of the audience asking for clarification of the location of commercial properties on the map that was supplied in the packet. Throenle answered the question, stating the properties were those that were currently zoned commercial.

Commissioner Discussion

There were no questions or comments from the Planning Commissioners.

Commission Decision

Meister moved, and Rhein seconded, that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve applying the mixed use overlay district to five commercial properties located at the intersection of M-28 and Kawbawgam Road, two commercial properties located at the intersection of County Road 480 and US 41 South, and six commercial parcels located at the intersection of Mangum Road and US 41 South.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. 2019 – 2023 Recreation Plan Survey

Staff Introduction

A new Township *Recreation Plan* is in the process of development. Last month, the Commissioners reviewed potential parts of the plan, and provided comments in relation to those proposed ideas.

Staff has prepared a draft recreation survey that will be used to solicit input from the public in regards to the direction for Township recreation over the next five years.

This survey will be available to the public via a link on the Township web page and through paper copies that will be available at the Township office. The survey will start on Saturday, December 1st, 2018 and comments will be taken online through Monday, December 31st, 2018.

A card with the web link to the survey will be included in the December tax statements to reach as many residents in the Township as possible, and to reduce mailing expenses for this survey.

There are three items listed on this card:

1. Information regarding the Township *Newsletter*.
2. The link for the Township *Recreation Plan* survey.
3. The link for the Marquette County *Master Plan* survey.

The survey was included in the packet for Commissioner's to review and comment, asking the Commissioners to advise staff of any additions, deletions, or changes to any of the survey questions. The essence of this survey is to see if our *Recreation*

Plan is headed in the right direction.

Commission Discussion

Maynard asked, along with posting on the Township web site and sending out cards, if there would there be any notification of the survey to the media. Throenle stated he had not intended to put it in the paper, but it can be done. In the past it was done via the mail but due to the timing it worked to have it sent with the tax bills.

Mahaney asked if it could be put on the Township sign with the web site listed. He would like to see it get to as many residents as possible. Throenle stated it could be done.

Throenle also stated he will be meeting with the Chocolay Township senior citizens during one of their weekly get-togethers in December to explain the survey to them as well.

Mahaney asked if this survey was safeguarded so people could not turn one in multiple times. Throenle stated he would hope people would be honest but he could not keep people from filling out a false survey.

Meister referred to past surveys when he stated mailings were sent out, but he did not believe it was advertised in the paper, and there seemed there was a good response. Throenle recalled there were roughly 600 responses to the last survey. Meister thought that number was pretty good. Maynard noted that everyone gets a tax bill.

Maynard thought it was a good to have a column in the survey questions relating to not knowing where a site was when discussing some of the recreation properties. She felt this would help with the possible need for signage in the Township. Throenle agreed and felt this could be a priority once the survey is complete.

The Commissioners discussed a few questions but all agreed it looked like a thorough and comprehensive survey.

Mahaney and Throenle agreed one of the key survey questions was regarding how people access Township information. Some people do not access the Internet, and this question will help to define alternate ways of communication. Meister asked about an email list so residents could provide their emails and get information this way. Throenle stated he could add this as a question, but suggested that some may not wish to answer it because the survey data would no longer be anonymous. Mahaney thought maybe the email list could be incorporated with the next tax bill, and this way the survey could be kept anonymous.

Commission Decision

Meister moved, and Bushong seconded that the recreation survey as changed be made available to the public for a period of thirty days starting on December 1.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Rhein – None

Maynard – None

Meister – None

Bushong – None

Mullen-Campbell – None

Mahaney – Felt the survey was thorough and hopes that residents of the Township will fill it out.

XI. DIRECTOR'S REPORT

Next month's meeting will be back on the normal schedule, and will be December 17th at 7:00 PM. The January meeting will be the organizational meeting and Throenle will have the annual report for the Commissioners to review at that meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board, 10.08.18

B. Township Newsletter – November, 2018

C. Minutes – Marquette City Planning Commission, 10.02.18

D. Minutes – Marquette City Planning Commission, 10.16.18

E. Correspondence – Cammarata (rentals)

F. Correspondence – Blondeau (public hearings)

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 7:26 pm.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 17, 2018

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:03 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Cory Bushong, Susan Maynard, Don Rhein (Board)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager) and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Pursuant to prior consent of the Township Board, staff has drafted a minor revision to the Waste Water Collection System Ordinance. Also for consideration would be a change in the sewer billing cycle. Throenle is asking to add this to the agenda as item VIII.F.

Motion by Rhein, and seconded by Maynard to approve the agenda as changed.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

November 26, 2018 Planning Commission meeting

Motion by Meister, and seconded by Bushong, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Anthony Harry, 6369 US 41 S. – President of ATV/ORV club, Team Riders, in Marquette County. Asked to be included in discussion of the proposal (VIII.E) when it comes up on the Agenda.

Simon Shaked, M-28 Proposed Campground – He, Mike, and Terry Huffman will be here to answer questions on the proposal (VIII.D) when it comes up on the Agenda.

Public comment closed 7:08 PM

V. PUBLIC HEARINGS

A. Rezoning from Waterfront to Residential – Kawbawgam Road (deferred to VIII.A)

B. Rezoning from Residential to Waterfront – Chocolay River Corridor (deferred to VIII.B)

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Rezoning from Waterfront to Residential – Kawbawgam Road

Mahaney asked Throenle about maps regarding this rezoning as well as the one in item VIII.B. Throenle stated there aren't physical maps for the public tonight but he will have them on the TV screen for everyone to see.

Staff Introduction

In August and September, the Planning Commission decided to change the zoning district for twenty seven parcels located on the south side of Kawbawgam Road above Lake Kawbawgam from Waterfront Residential (WFR) to Residential (R-1). The purpose of this change is intended to remove those parcels from the Waterfront Zoning District as they do not have direct access to Lake Kawbawgam or any other body of water. The Commissioners recommended the decision be addressed in a public hearing at the November meeting; this hearing was postponed until the December meeting.

Forty notifications were sent out to properties within 500' of these parcels and one was returned undeliverable. He had several calls inquiring about possible tax increases but no written comments.

The changes the Planning Commission has recommended are consistent with the zoning recommended for this area, and this decision is based on the recommended zoning presented in the Township Master Plan. Throenle stated this change will not affect taxes due to rezoning, the only change with doing this is for the map in the Master Plan. This also takes properties out of the Waterfront that do not belong there.

The twenty-five parcels identified in the Township Assessing database affected by this change are:

- 52-02-007-045-10
256 Kawbawgam Road
- 52-02-007-051-00
262 Kawbawgam Road
- 52-02-007-054-00
Kawbawgam Road
- 52-02-007-055-00
Kawbawgam Road

- 52-02-007-056-00
Kawbawgam Road
- 52-02-007-057-00
Kawbawgam Road
- 52-02-007-058-00
Kawbawgam Road
- 52-02-007-059-00
Kawbawgam Road
- 52-02-007-059-50
Kawbawgam Road
- 52-02-007-060-00
Kawbawgam Road
- 52-02-007-061-00
310 Kawbawgam Road
- 52-02-007-062-00
352 Kawbawgam Road
- 52-02-007-063-00
Kawbawgam Road
- 52-02-007-064-10
330 Kawbawgam Road
- 52-02-007-064-20
Kawbawgam Road
- 52-02-375-018-00
300 Kawbawgam Road
- 52-02-375-019-00
296 Kawbawgam Road
- 52-02-380-009-00
350 Kawbawgam Road
- 52-02-380-010-00
344 Kawbawgam Road
- 52-02-380-011-00
340 Kawbawgam Road
- 52-02-380-012-00
336 Kawbawgam Road
- 52-02-380-013-00
332 Kawbawgam Road
- 52-02-380-014-00
328 Kawbawgam Road
- 52-02-380-015-00
324 Kawbawgam Road
- 52-02-380-016-00
Kawbawgam Road

Two additional parcels will be included as part of this change; currently those two parcels do not have parcel identification numbers, but will be assigned parcel numbers in the near future.

Public Hearing

Jim Tillison, 121 Wintergreen Trail – Curious how to obtain a copy of the *Master Plan*.

Throenle answered it can be accessed on the Township website (which he demonstrated how to access it) or Tillison can come into the Township office to look at the written copy. Throenle also told him he could call or come in during business hours and he would be happy to answer any questions he has pertaining to the *Master Plan*.

Kenlyn Hubbard, 121 Wintergreen Trail – had a question to one of the maps presented on the TV screen about colors/properties. Throenle explained the differences.

Public comment closed 7:12 PM

Commissioner Discussion

There were no questions or comments from the Planning Commissioners as this has been discussed in previous meetings.

Commission Decision

Mullen-Campbell moved, and Rhein seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the changing the zoning district for twenty-seven parcels located on the south the side of Kawbawgam Road above Lake Kawbawgam from Waterfront to Residential (R-1).

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

B. Rezoning from Residential to Waterfront – Chocolay River Corridor

Staff Introduction

Throenle brought the map on the TV screen for the public to see. Throenle explained that along the Chocolay River and a portion of Cherry Creek there are a number of parcels that are labeled residential but the *Master Plan* indicates they should be waterfront due to their location directly on either side of the river.

The changes the Planning Commission has recommended are consistent with the zoning recommended for this area, and this decision is based on the recommended zoning presented in the Township *Master Plan*.

Throenle stated again that even though it is changing from Residential to Waterfront zoning, it will not affect the taxes. He has discussed this with the Township assessor and taxes will not increase due to this zoning change. It does not however, mean taxes will not change in the future based on the property itself. Taxes do not have anything to do with the zoning.

The concept of adding this to the Waterfront district is for future planning that the Township has in terms of waterfront areas. In the waterfront areas, we will have the FEMA Community Rating System which will be coming forward in April-May 2019. The rating system will affect how FEMA looks at properties and how the Township gets information out to residents about flood plains, etc. Having these properties listed in the Waterfront zoning is one step in the rating system to get us in a general concept for FEMA where flood insurance can get reduced for everyone in that district.

The Community Rating System is based on a points system. You get points for notifications, making sure the zoning ordinance is correct, right now the Township is a rating of ten with the ideal rating being one.

For every level we come down, the people with flood insurance or looking for flood insurance, the price drops by 10%, and will continue to drop by 10% with each level to level six. Maximum reduction will be 40% if we do everything recommended in the rating system.

The one hundred twenty-one parcels identified in the Township Assessing database affected by this change are:

- 52-02-106-048-00
149 East Main Street
- 52-02-106-049-00
161 East Main Street
- 52-02-108-001-10
108 Forest Road
- 52-02-108-001-20
100 Misty Trail
- 52-02-108-001-30
102 Misty Trail
- 52-02-108-001-50
105 Misty Trail
- 52-02-108-002-00
1145 M 28 E
- 52-02-108-004-20
123 Autumn Trail
- 52-02-108-004-22
111 Autumn Trail
- 52-02-108-004-23
117 Autumn Trail
- 52-02-108-004-30
101 Autumn Trail
- 52-02-108-006-00
109 Wintergreen Trail
- 52-02-108-006-05
108 Wintergreen Trail
- 52-02-108-006-10
1180 M-28 East
- 52-02-108-006-20
105 Wintergreen Trail
- 52-02-108-006-30
101 Wintergreen Trail
- 52-02-108-006-52
121 Wintergreen Trail
- 52-02-108-006-54
110 Wintergreen Trail
- 52-02-108-006-56
106 Wintergreen Trail
- 52-02-108-006-57
115 Wintergreen Trail
- 52-02-108-007-00
M-28 East
- 52-02-109-081-00
102 Timberlane
- 52-02-109-082-00
108 Timberlane
- 52-02-109-082-10
104 Timberlane
- 52-02-109-088-10
112 Timberlane
- 52-02-109-088-20
110 Timberlane
- 52-02-109-089-00
100 Timberlane
- 52-02-109-124-10
Timberlane
- 52-02-109-125-00
208 Timberlane
- 52-02-109-125-10
176 Timberlane
- 52-02-109-125-11
Timberlane
- 52-02-109-125-15
Timberlane
- 52-02-109-125-20
Timberlane
- 52-02-109-125-30
204 Timberlane
- 52-02-109-128-01
272 Timberlane
- 52-02-109-128-04
274 Timberlane
- 52-02-109-128-17
276 Timberlane
- 52-02-109-128-40
232 Timberlane
- 52-02-203-001-00
145 East Main Street
- 52-02-203-002-00
137 East Main Street
- 52-02-203-003-00
133 East Main Street
- 52-02-203-004-00
129 East Main Street

- 52-02-203-005-00
125 East Main Street
- 52-02-203-006-00
121 East Main Street
- 52-02-203-007-00
East Main Street
- 52-02-203-008-00
123 Green Bay Street
- 52-02-203-009-00
111 West Main Street
- 52-02-203-009-01
121 West Main Street
- 52-02-204-001-00
146 Lakewood Lane
- 52-02-204-002-00
158 Riverside Road
- 52-02-204-003-00
111 Green Bay Street
- 52-02-204-004-00
106 Lakewood Lane
- 52-02-204-005-00
102 Lakewood Lane
- 52-02-204-006-00
110 Lakewood Lane
- 52-02-204-028-00
165 West Main Street
- 52-02-204-029-00
171 West Main Street
- 52-02-204-030-00
169 West Main Street
- 52-02-204-040-00
West Main Street
- 52-02-204-041-00
West Main Street
- 52-02-205-003-00
341 West Main Street
- 52-02-205-004-10
301 West Main Street
- 52-02-205-004-20
311 West Main Street
- 52-02-205-004-30
321 West Main Street
- 52-02-305-002-00
278 Riverside Road
- 52-02-305-003-00
274 Riverside Road
- 52-02-305-005-00
270 Riverside Road
- 52-02-305-008-00
266 Riverside Road
- 52-02-305-010-00
262 Riverside Road
- 52-02-305-011-00
254 Riverside Road
- 52-02-305-012-00
250 Riverside Road
- 52-02-305-013-00
242 Riverside Road
- 52-02-305-015-00
234 Riverside Road
- 52-02-305-016-00
222 Riverside Road
- 52-02-305-017-00
224 Riverside Road
- 52-02-305-017-50
230 Riverside Road
- 52-02-305-018-00
214 Riverside Road
- 52-02-305-019-00
218 Riverside Road
- 52-02-305-020-00
226 Riverside Road
- 52-02-305-021-00
210 Riverside Road
- 52-02-305-022-50
204 Riverside Road
- 52-02-305-025-00
202 Riverside Road
- 52-02-305-026-00
198 Riverside Road
- 52-02-305-027-00
196 Riverside Road
- 52-02-305-028-00
190 Riverside Road

- 52-02-305-029-00
186 Riverside Road
- 52-02-305-031-00
182 Riverside Road
- 52-02-305-032-00
176 Riverside Road
- 52-02-305-033-00
174 Riverside Road
- 52-02-305-034-00
172 Riverside Road
- 52-02-305-035-00
163 East Main Street
- 52-02-305-036-00
166 East Main Street
- 52-02-305-037-00
167 East Main Street
- 52-02-305-038-00
168 East Main Street
- 52-02-305-039-00
169 East Main Street
- 52-02-305-039-50
169.5 East Main Street
- 52-02-305-040-00
170 East Main Street
- 52-02-305-041-00
171 East Main Street
- 52-02-305-042-00
175 East Main Street
- 52-02-305-043-00
177 East Main Street
- 52-02-335-001-00
110 Glenwood Road
- 52-02-335-002-00
116 Riverdale Court
- 52-02-335-003-00
112 Riverdale Court
- 52-02-335-004-00
108 Riverdale Court
- 52-02-335-005-00
104 Riverdale Court
- 52-02-335-006-00
100 Riverdale Court
- 52-02-335-007-00
312 Riverside Road
- 52-02-335-008-00
308 Riverside Road
- 52-02-335-009-00
304 Riverside Road
- 52-02-335-011-00
100 Forest Road
- 52-02-335-012-00
104 Forest Road
- 52-02-335-013-00
101 Forest Road
- 52-02-500-001-00
118 Wintergreen Trail
- 52-02-500-002-00
119 Wintergreen Trail
- 52-02-500-003-00
125 Wintergreen Trail
- 52-02-500-004-00
127 Wintergreen Trail
- 52-02-500-005-00
129 Wintergreen Trail
- 52-02-500-006-00
131 Wintergreen Trail
- 52-02-500-007-00
133 Wintergreen Trail
- 52-02-500-008-00
135 Wintergreen Trail
- 52-02-500-009-00
137 Wintergreen Trail
- 52-02-500-010-00
144 Wintergreen Trail

Public Hearing

Dave Schuessler, 135 Wintergreen Trail – Asked if there was any documentation to help ease the affected residents that this rezoning to waterfront will not affect their taxes. Throenle commented that in the letter that was sent out, there is a statement

to that affect.

Throenle also explained that the assessor has a five year plan and assesses 20% of the properties a year. He does this based on the property value, not where the property lies according to zoning district. This does not guarantee your assessment will not change in the future, but it will not be related to the zoning changes in any way. He is also not sure where the assessor is regarding his assessments this year. Schuessler's concern is so much of his property, where it does touch the river, is not accessible and is in the flood plain. They cannot make any improvements because of the DNR so he was concerned with it being zoned waterfront.

Throenle stated in 2017 FEMA redid the flood maps and many people that had federally backed mortgages were required to have flood insurance. Throenle stated there are ways to remove your property from the flood plain in terms of elevation. He would be happy to explain this more if anyone wanted to come in to the Township office to discuss it with him. He does not want to take the Planning Commission's time this evening to do that.

Jim Jenkin, 164 Timberlane – Asked what this rezoning would do for development of the land.

Throenle stated this is where the Community Rating System comes into play. In the terms of residential and waterfront, in the terms of what you can or cannot build etc., the two districts are almost identical. The only difference in waterfront is you have to be 100 feet back from the edge of the water to put up a structure, residential you do not have that restriction unless you are along the water. Where this would come into play with the Community Rating System, it is easier to identify a group of properties regarding requirements.

Jenkin also asked if this would bring another set of requirements on how you maintain your property. Throenle stated those are already in place from the County, DEQ, FEMA, Army Corp of Engineers and DNR. FEMA may have more requirements in the future.

Jenkins also asked if there are any red flags for anyone due to the fact some of the properties are wetlands. Throenle stated Marquette Building Codes is following the FEMA regulations to stay ahead of FEMA to prevent violations. Jenkins also asked if this goes through if there would be more restrictions for property owners. Throenle stated it would not as the *Zoning Ordinance* covers this.

Kimberly Thomsen, 135 Wintergreen Trail – Questioned changes to flood plain maps based on elevation.

Throenle stated the maps did not change much regarding numbers, what did change was banks stating certain mortgages needed flood insurance.

Throenle stated as far as the floodplain, FEMA coming in and doing new mapping in the near future will not happen due to the fact their next step is to map the entire Great Lakes shoreline. The flood maps that are on record will remain for a while unless there is some drastic event that takes place. Throenle also stated the flood

plain map is available on the Township website or he can be reached at the Township office to discuss this.

Jim Tillison, 121 Wintergreen Trail - Was notified his property was in the flood plain, he had his property assessed he was not in the flood plain but then it was changed. He had to go through an elevation survey to prove that he was not. Wants people to know they can do this.

Throenle had a final note to residents, what the Planning Commission recommends this evening will go to the Township Board for approval, if they were not comfortable with what is presented tonight there will be another opportunity to speak at the Board meeting.

Kenlyn Hubbard, 121 Wintergreen Trail – Questioned if the assessor looks at waterfront property the same, is lake frontage the same as river frontage? For example, she is 100 yards from the river and didn't have access much due to the river being flooded. She wants to make sure waterfront assessments won't affect the taxes.

Throenle stated he did not want to speak for the assessor as far as what the assessor does, but he had a conversation with the assessor and the assessor assured him he does not look at a property based on the zoning.

Manager Kangas interjected regarding the assessor's land value maps, stating these maps take that into consideration. Ultimately assessment comes down to the value of the structures on your property and the value of the land itself.

Hubbard asked how the FEMA maps work. She feels they are bogus.

Throenle stated this comes back to a general problem of how the maps are created. The branch of FEMA that takes care of Township business is out of Chicago and the mapping branch is out of D.C. The maps are derived from aerial views and given to the branch in D.C. He did not want to get into a FEMA discussion at the meeting as he wants to have a public town hall in the future. He suggested coming in to the Township office to discuss this further.

Faye Williams, 1180 M-28 – Does not understand how taxes will not go up, what about the SEV?

Throenle stressed again that taxes are not assessed by zoning district, the assessor has assessing districts.

Williams asked why are we bothering doing this now? Throenle stated it is to get us consistent with the *Master Plan* and set up for the FEMA Community Rating System. William's house is two feet under the flood plain and cost him \$10,000 for a septic system when his drain field plugged up due to the fact it had to be raised above the flood plain. He has never seen the water come that high so he doesn't understand.

Throenle stated there have been three scenarios in the last two years that water has come up on the river. The Community Rating System is to protect the property

owners from these scenarios.

Mahaney stressed when this subject came before the Planning Commission as a public hearing there was no intention to raise the taxes, it was looked at as being along the water so it should be waterfront district to be in line with the *Master Plan*. Manager Kangas suggested to come into the Township office and talk with the assessor and have him explain your property assessment to you.

Commission Discussion

Maynard stated she lives on Lakewood Lane and has been present at several meeting where these zoning changes were discussed and it was her first question asked if the taxes were going to go up and Throenle had stated no, they would not. She feels comfortable with this change and will vote for it. Manager Kangas also interjected that your taxes may go up but it will not be due to the zoning change. Mullen-Campbell live on waterfront on Riverdale and had concerns. Her husband came to the office and talked with Dale and he explained it to him. She did some research along with the explanation and is comfortable with this change. Bushong stated he lives on Timberlane on a property related to the discussion as well, is below the flood plain and from a zoning perspective it is not much different than the current zoning. Milton added there were two new GPS satellites put into space today; he feels the FEMA maps may have more information as these satellites will have more capability in elevation and radius.

Commission Decision

Maynard moved, and Rhein seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve changing the zoning district for one hundred twenty-one parcels located along the Chocoley River and a portion of Cherry Creek from Residential (R-1) to Waterfront Residential (WFR).

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

C. Proposed 2019 Meeting Dates

Staff Introduction

Dates for the Planning Commission meetings were submitted to the Board for approval. All dates, are on the third Monday of each month. One question that came up in the Board meeting is if the Planning Commission wants to change the start time of the meeting.

The approved dates are:

Monday, January 21	Monday, May 20	Monday, September 16
Monday, February 18	Monday, June 17	Monday, October 21
Monday, March 18	Monday, July 15	Monday, November 18
Monday, April 15	Monday, August 19	Monday, December 16

Commission Discussion

The Commissioners discussed among themselves to change the meeting start time and came up with 6 PM and decided this would work for all involved.

Commission Decision

Rhein moved, Bushong seconded, that the Planning Commission change the starting time of their meetings in 2019 to 6:00 PM.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Maynard moved, Rhein seconded, that the meeting dates be accepted as presented.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Throenle interjected to propose February 18, 2019 as the date for the Joint meeting with the Township Board. He recommended the Joint meeting start at 5:30 PM and the Planning Commission meeting start at 7:00 PM on this night.

Mahaney asked if there was an urgency for the Joint meeting at the beginning of the year. Throenle stated that the Board is supposed to set direction for the Planning Commission for the year. Last year it was late, done in June and the Planning Commission was already into the agendas.

Mahaney then questioned why it was not held at the end of the year, as that would give the Board time to hash it over. Throenle asked Richard Bohjanen, Township Supervisor to weigh in. Bohjanen stated the Board has quite a lot of business to transact at the end of the year, such as the budget, appointments, etc. He also stated if it was done at the end of the year, a whole year would be gone by without any concurrence of laying out the plans for the Planning Commission for the rest of the year.

Throenle asked if Bohjanen was suggesting two Joint meetings in 2019 and again Bohjanen stated the end of the year is a busy agenda for the Board.

Throenle suggested to go ahead with the February meeting and establish at that meeting an ongoing schedule for future meetings.

Meister suggested the Planning Commission set their agenda in March after the Joint meeting. Bohjanen suggested may the Planning Commission set their agenda in January and they can discuss it for concurrence at the Joint meeting. The Board just likes to know they are on the same page. Mahaney said it does help to give direction if the Board is thinking of something the Planning Commission may not be. Throenle reminded them that the direction for the Planning Commission generally has a two-year length.

Bushong moved, Maynard seconded, that the joint meeting with the Township Board be set at 5:30 PM on February 18, 2019.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

D. Proposed M-28 Campground

Staff Introduction

An applicant is working on a proposed campground project to be located on M-28 east of Shot Point and east of Lakenenland. The applicant has requested a preliminary site plan review to determine if this is a viable project for that location prior to purchasing the property.

Staff Findings

In reviewing the project, staff has found a number of benefits for this particular location:

- 1) The proposed project will be located on the existing ATV / ORV and snowmobile trail (trail 417).
- 2) The proposed project will be located close to existing Township recreation (Lakenenland and Jeske Flooding).
- 3) The proposed project will provide an additional recreation location for those visiting the Township.
- 4) The proposed project will provide “friendly” competition to the other campgrounds in the Township, as it will provide different amenities (teepees and yurts, for example).
- 5) The proposed project will be located in an area that does not affect many Township residents.

Staff recommends that the Commissioners review the proposed campground and determine if the project should be pursued. The applicant is requesting the Commissioners to give recommendations on the project and to provide feedback on changes that should be modified or added to the project.

Two drawings (one with the elevations listed and the other with the elevations removed) and an aerial view of the area were attached for Commissioner review. The applicant has provided printed drawings of the project that were available at the meeting.

If the project is to be pursued, staff is requesting the Commissioners to direct staff to begin the process for a conditional use permit for the proposed campground.

Commission Discussion

Throenle reminded the Commissioners this is where Shaked and his group (see earlier Public Comment) be included in the conversation to answer questions. He told them there are very few residents affected in the area around the proposed site and they would be notified in the formal process of this project. The applicant is open to any suggestions and ideas on this proposal.

Mahaney asked what the zoning was in this area. Throenle stated it is Agricultural/Forest, and the applicant would have to come in for a conditional use hearing. The good news is the property is over the 20 acres but is required to have to have a conditional permit for the campground according to the Chocolay Township *Zoning Ordinance*.

Mullen-Campbell asked if an ATV trail goes through this property and if it would be kept and Throenle stated there was and it would remain there.

Maynard asked how many acres is the property, and was told approximately 300. She also asked where the closest house was, Throenle stated there are very few and thought the closest was by Jeske Flooding.

Maynard asked how many people would be in the campground if it was full, Shaked replied in the first phase approximately 100. He explained that there will be less sites to allow people to have space and privacy.

Rhein asked about the water aquifer, as there have been issues in the past. Throenle stated this was closer to Sand River and felt this was a different aquifer. Meister interjected that the DEQ would be involved and do multiple tests. Throenle added this would be the conditional use portion of the formal application as the DEQ, State, Health Department, Township and County would all be involved.

Shaked stated he hopes to have the campground open year round in the future, and he would provide RV camping, hiking, biking, amenities, and many more outdoor activities.

Throenle stated he camps a lot and was excited about this. He feels there will be a big draw with the ATV/ORV trail going through it. Also the snowmobile trails goes along there, and there will be space, so you will not be jammed in.

Shaked wants to have an education center to educate the people in the heritage history of the area such as Native American history.

Maynard asked if there would be a caretaker and was told the plan was to have someone there.

Rhein felt it would be great to get more people into our area using our businesses.

Mullen-Campbell thought it would be good to work with Native American ideas.

Commission Decision

Meister moved, and Milton seconded that staff should move forward with a conditional use permit application process for the proposed campground, and present that application at a future Planning Commission meeting for consideration.

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

E. Proposed ATV / ORV Trail

Staff Introduction

A proposal has been presented to staff for consideration of adding a section of three County roads as a potential ATV / ORV connection in the Township. This proposed trail includes the following connections and directions:

- The western portion of the trail originates at the former railroad grade, crosses through DNR property near Lake LeVasseur, connects to Kawbawgam Road, and heads south on Kawbawgam Road to the intersection of Kawbawgam Road and Mangum Road.
- At the intersection of Kawbawgam Road and Mangum Road, the trail would continue east on Mangum Road to the Sand River Road intersection.
- At the intersection Mangum Road and Sand River Road the trail would go north on Sand River Road and reconnect to the railroad grade trail.

Currently, the only designated ATV / ORV trail in the Township is the Marquette-Manistique Trail that goes along the former railroad grade; this trail provides access from the Ojibway Casino to Manistique (see attached trail map). ATVs and ORVs are also permitted to ride on State lands located in the Camp Four Road area, but this area is not connected to the Marquette-Manistique Trail.

There have been several decisions regarding the ATV / ORV question from the Township Board and the Marquette County Board of Commissioners over the last several years. They are:

- May 17, 1999 Township Board Meeting
The Township Board voted to exclude Chocolay Township from the first Marquette County ORV ordinance. This exclusion prohibited all ATV / ORV traffic on County roads in the Township.
- June 9, 2008 Township Board Meeting
The Board voted to support using the eastern portion of snowmobile trail 417 for ORV usage. This established the ATV / ORV usage from the casino to points east on the former railroad grade.
- May 20, 2013 Township Board Meeting
The Board voted to keep the ATV / ORV road exclusions in the Township, and to support the latest version of the County ORV ordinance.
- June 18, 2013 Marquette County Board of Commissioners
The Commissioners approved the County ORV ordinance, which excludes ATV / ORV traffic on county roads in Chocolay Township and other jurisdictions (see Section 2.a in the attached County ordinance and the County ORV ordinance map)

Commission Discussion

Throenle reminded the Commission there is a DNR trail in that goes through Chocolay Township and permits ATVs on the trail. The trail comes up from the Manistique area. It starts at the entrance to the casino and goes east, and it would go directly through the campground that was proposed earlier in the meeting.

There are ATVs allowed in that area right now; they are also able to ride in the State lands (Camp 4 area). There is a connection problem; there is no trail connecting the two existing trails.

Throenle is asking the Commissioners to look at this to see if it makes sense, then the Township would have to write an ordinance to allow ATV on County roads within the Township due to the fact the Township is currently opted out.

Mahaney asked if this would go through Township property on the east end of the proposed route, where it comes off of the current snowmobile trail to access Kawbawgam Road. Throenle stated it is State land.

Mahaney also questioned the ordinance for signs, would all these roads have signs. He is concerned there would nothing preventing the ATV from going somewhere they should not. Throenle stated on the existing trails there are signs stating when you cannot go any farther. Township police have been presently giving tickets to ATVs that are on Township roads due to the fact they are not supposed to be there.

Throenle commented he would have Tony Harry, President of the ATV / ORV club, Team Riders in Marquette answer some of the questions.

Harry explained Yamaha has certain grant programs for people working on trail systems and the DNR can be contacted to see what is available. He has been working on trails throughout Upper Michigan. He said Marquette Township has opened their trails to County roads, and they have set times for their Township roads.

Harry commented that all County roads are open in the Upper Peninsula except for Chocolay Township. Throenle added this would be addressing existing ATV traffic in the Township, by giving a route that would establish a trail connection in the Township without going through major residential areas at this point. This would be a preliminary start for ATV traffic in the Township. If this trail works, and has a good reputation, it could lead to a discussion in the future to expand further into the Township.

Throenle stated this has been a contentious in the past and this could be an attempt to show that ATVs can ride in the Township without harm.

Throenle stated there are approximately 10 parcel owners along this route. Mahaney asked if they would be notified and Throenle answered they would be due to an ordinance being written.

Supervisor Bohjanen mentioned that Sand River Road is the boundary between Chocolay and Onota Townships and was curious how Onota Township feels about this.

Throenle stated it would have to be discussed with Onota Township to make it a joint decision. If Onota Township has already opted in, there would have to be a joint decision between both Boards.

Meister asked Harry if this would allow people to go from east to west, a way to get around Marquette. Harry answered yes.

Throenle stated there is more to be done but the primary question right now is if the Commissioners see this as a viable project to move forward with. If it is, staff will have to be directed to work with Harry and his crew. Harry stated he would help with anything as he works on trails all over the Upper Peninsula.

Throenle stressed the Planning department wants to establish a trail with minimal impact to folks in the Township but also wants to provide access to come in from outside of the Township and vice versa.

Meister felt it opened up a lot of area with little impact and was a good plan for the ATV people to access a much larger area.

Rhein and Mullen-Campbell agreed and felt it would help bring people through the Township.

Mahaney main concern is signage to prevent the ATVs from coming past the Kawbawgam Road area. Throenle stated that he has had several discussions regarding signage with the Commissioners. It is a problem throughout the Township and this is why it was made a priority for 2019.

Mahaney reminded Throenle he was on the Commission when they had a open

meeting proposing an ATV trail and it was declined, he just wants to assure the residents there will be proper signage.

Harry also stated that during the time of the last public meeting, there was some misrepresentation of the ATV club. He wants to work with the people on this project. Mahaney wants it to be clear that this is just a recommendation for this to advance. Throenle answered there is a lot of work to be done for this to happen, he needs a recommendation from the Planning Commission one way or another to do that work.

Commission Decision

Bushong moved, and Rhein seconded that the proposed ATV / ORV route be recommended for consideration, and that staff should begin the process of drafting an ATV / ORV ordinance.

Vote: Ayes: 6 Nays: 1 (Maynard) MOTION CARRIED

F. Proposed Amendments to Ordinance 39 Waste Water Collection System

Staff Introduction

Throenle reminded the Commission this was the item added to the Agenda at the beginning of the meeting tonight.

Manager Kangas provided a memo that stated:

“Pursuant to prior consent of the Township Board, staff has drafted a minor revision to the Waste Water Collection System Ordinance. I request this language be considered by the Planning Commission as a late addition to the agenda for the December 17, 2018 meeting. If the Planning Commission is so inclined to consider the proposed changes, we would expect to schedule a Public Hearing for the January 2019 Township Board meeting to consider the changes.

Section 5 Use of Public Sewers Required

ADD

(C)

Any property abutting the public rights-of-way of Riverside Road, Glenwood Road and Highway M-28 East where public sanitary sewer exists, but only those sections commencing at manhole number 156 and terminating at manhole number 172, shall be exempt from this Section until such time as:

1. The existing on-site septic system fails for the respective property, or
2. An undeveloped property is developed to the extent of requiring a waste water system.

The intent of this paragraph is to waive any connection requirements along the KBIC sewer extension route until the existing drain field fails, or until a property is developed for the first time.

In addition to the language proposed above, we have evaluated the internal costs

of changing the sanitary sewer billing cycle from quarterly billing to monthly billing. The added cost is anticipated to be less than \$200/month and we feel that cost can be accommodated by the new sewer rate adopted by the Township Board at their December 10, 2018 meeting.

Section 9 System Charges or Rates
(E)
Billing and Payment of Charges

1. Service charge and surcharges.

CHANGE

Line 2, first word: change from “quarterly” to “monthly”.

As stated above, the intent of this word change is to change the sewer billing cycle from four quarterly bills to 12 monthly bills as a result of the new Township Board adopted rate of \$54/Equivalent Unit/month.”

Commission Discussion

Throenle stated for the recorded record the Commissioners were taking a brief moment to read through the memo.

Meister asked if this exemption would cover all of the sewer line, including the new extension. Kangas answered yes, it would cover all of the sewer owned by the Township.

Mahaney asked how the response has been for people wanting to hook up to the new sewer. Kangas answered there has been no requests as of yet to hook up, but have sold approximately 24 laterals to residents to help them save money down the road when they have to connect.

Mahaney inquired of the wording regarding the failure of the septic system, if the pumping of a septic system is considered a failure. Kangas answered no, that would be considered maintenance of a properly operating system. Throenle stated it would be if you were to call the DEQ to have your system replaced, this is would be when you have to connect.

Bushong questioned if you add a second drain field. Throenle stated anything that requires an enhancement or replacement of what you already have would require you to connect.

Kangas reminded the Commission of the current language that requires everyone to connect as soon as the Township accepts the new extension into the existing system. The intent of the Board was to never to require the adjoining properties to connect at this time because it was the Keweenaw Bay Indian Community asking and paying for the extension. He did not want it to be a “penalty” for living along the best feasible sewer route for that project.

Maynard has heard some grumbles regarding feeling pressure to have to connect, she feels this is more fair.

Kangas did not feel people were pressured, just offered an opportunity to save some money now. Interpretation is up to the receiver.

Mahaney asked if a resident asked if there would be a fee to connect now. Kangas answered there will always be a fee.

Kangas also stated that there will be another fee that will need to be discussed as the sewer ordinance is revised. It deals with properties that have multiple connections for one parcel.

Bushong asked what the cost to the homeowner would be to connect, outside of the fee. Kangas answered it would be between the contractor and the property owner. It would be the owner's responsibility to hire a contractor.

Mullen-Campbell felt the monthly billing makes sense, but Mahaney disagreed. She felt it was easier for residents to have monthly but could also see how business would want quarterly billing.

Throenle interjected with the fact that the Township will be getting new billing software and the commercial could be separated from the residential (which it is already) but all commercial properties would have to be either all monthly or all quarterly, there is no in between.

Meister asked if the reasoning behind this would be for residents to budget their bills easier with monthly payments. Throenle stated it was the reasoning due to the rate increase.

Maynard asked if there have been issues with late payments with the current quarterly billing. Throenle stated there have been but it also helps with the fact if you miss a payment on monthly you would only get a late fee on one month, versus getting a late fee on three months.

Meister felt as a former business owner, most places would pay their bills more often to avoid late fees, feels there should not be a difference in monthly or quarterly billing.

Kangas commented that if this goes forward to the Board there will be a letter sent out to all sewer customers before the public hearing.

Meister asked if someone can pay ahead and Kangas commented that some people already to that, especially snowbirds. Meister felt monthly would be the best option, people can pay monthly or pay ahead whatever is best for them. Mahaney felt it would be good to put the options for payment in the letter sent out. Meister agreed.

Kangas thought quarterly was good due to the fact the Township is not set up with autopay of any kind yet and it would be less checks for people to write. Rhein asked if the Township was working on getting a credit card payment system. Throenle stated that it was being worked on with the new financial system that is being installed in 2019. He was hopeful the Township would get to that point, may not happen in 2019 but the Township is heading in that direction.

Commission Decision

Meister moved, Maynard seconded to recommend approval of the addition of paragraph C, as indicated above, to Section 5 of Ordinance 39 to grant a connection waiver to parcels abutting the KBIC sanitary sewer extension until such time as the on-site septic system fails or the property is developed for the first time, and to refer the proposed revision to the Township Board for Public Hearing.

Vote: Ayes: 6 Nays: 1(Bushong) MOTION CARRIED

Bushong moved, Rhein seconded to recommend approval of revising the sewer billing cycle by changing the first word of line 2 of Section 9 (E) 1 of Ordinance 39 from “quarterly” to “monthly”, and to refer the proposed revision to the Township Board for Public Hearing.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Faye Williams, 1180 M-28 – Has the Planning Commission done any studies on the water levels on the Chocolay River. Mahaney commented none that he knew of. Williams was wondering if anything was being done to widen the bridge on Green Bay Street to get the water down. Throenle commented there is a replacement project for that bridge in 2020.

Kangas commented the authority of the bridge is the Road Commission. Williams then asked about the snowmobile trails and Maynard commented that the DNR would be responsible for them. He thanked the Commission for answering all of his questions.

Public comment closed 9:15 PM.

X. COMMISSIONER’S COMMENTS

Rhein – Accomplished quite a bit today, feels the Commission works good together, looking forward to another year. Wished Meister well in his retirement from the Planning Commission and thanked him for his service.

Milton – None

Maynard – Wished everyone Happy Holidays and Merry Christmas.

Meister – End of his term, has been a pleasure working with staff and the Commission, wished them luck in the future.

Bushong – Merry Christmas and Happy Holidays.

Mullen-Campbell – Merry Christmas and Happy Holidays, thinks Santa will make an appearance at everyone’s house this year. Thanked Throenle for all the great information in the packet.

Mahaney – Wished Meister well, could not believe he is leaving, and thanked him for his service. Great public turnout tonight, felt it was great. Thanked Throenle for the great packet.

XI. DIRECTOR'S REPORT

Thanked Meister for the pleasure of working with him and said Meister will be missed. Reminded the Commissioners of the blue card in their packet with the information for the Township and County surveys and Township Newsletter. He told everyone Merry Christmas and Happy New Year and said he will see everyone in January.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 11.12.18
- B. Township Newsletter – December, 2018
- C. Minutes – Marquette City Planning Commission, 11.13.18
- D. Minutes – Marquette City Planning Commission, 11.20.18

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 9:20 pm.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 21, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:04 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Donna Mullen-Campbell (Secretary), Susan Maynard, Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: Cory Bushong

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Lisa Perry (Administrative Assistant), and Tony Carrick (Chocolay Township Police Sergeant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Milton to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

December 17, 2018

Motion by Milton and seconded by Maynard, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Election of Planning Commission Officers

Staff Introduction

Each year, the Planning Commission must elect new officers as directed by Section VI in the Planning Commission Procedures and Bylaws.

“The officers of the Chocolay Township Planning Commission shall consist of a

Chair, Vice-Chair, Secretary, and Vice-Secretary. The Executive Committee shall consist of Chair, Vice-Chair, and Secretary. Said officers shall be elected by the Chocoday Township Planning Commission from among its members, at its January Meeting, and shall serve for a period of one year. (Amended 2-17)”

Members eligible to be elected as officers is outlined in the same section. Don Rhein, who is the Board-appointed representative to the Planning Commission, is eligible to be elected to all officer positions except the Chair.

Commission Decision

Motion Number 1

Rhein moved, Milton seconded, to elect Mahaney as the Chair of the Planning Commission.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Motion Number 2

Mahaney moved, Rhein seconded, to elect Maynard as the Vice-Chair of the Planning Commission.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Motion Number 3

Maynard moved, Rhein seconded, to elect Mullen-Campbell as the Secretary of the Planning Commission.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Motion Number 4

Rhein moved, Mullen-Campbell seconded, to elect Bushong as the Vice-Secretary of the Planning Commission.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. 2018 Planning Commission Annual Report

Staff Introduction

As required by the Planning Commission By-Laws, an annual report is to be prepared and presented to the Board.

Commissioner Discussion

Soucy commented that the report was helpful coming on board, he felt it was a good synopsis and professionally done and thanked Throenle for that.

Commission Decision

Rhein moved, Milton seconded, that the 2018 Planning Commission Annual Report be forwarded to the Board as written.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

C. Proposed 2019-2020 Planning Commission Priorities

Staff Introduction

Each year, Planning Commissioners should review the priorities established for the Planning Commission to determine if those priorities are still valid for the upcoming year. Attached is the current priority document, and a document outlining the proposed 2019 – 2020 priorities.

Commissioner Discussion

Throenle commented that he changed the priorities from 1, 2, 3 to High, Medium, Low to allow the distinction of importance. Throenle also commented that he moved the *Firewise* project to a High priority due to the fact the Township is pushing fire protection.

There are seven new priorities that were not on last year's list but he wanted the Commissioners to know that all the priorities are for 2019 and 2020, not just 2019. Whatever is approved this evening will be presented at the Joint meeting with Township Board in February. Mahaney was glad for the clarification of the calendar year as the heading was confusing.

Throenle stated that one of the priorities that has not been done in the past and is the responsibility of the Planning Commission is to establish a Capital Improvement Plan. The Township has the budget but not the plan. This would require the Planning Commission to look at the budget and establish a five year plan for the assets the Township has.

Mahaney asked if the Planning Commission would be choosing the priorities of the Township and would the Board reveal a budget number? Throenle commented yes, there would be a simple format of the budget and the Planning Commission decides which priorities to allocate money to for the next five years. It shouldn't be difficult as the Capital Improvement budget is there already and is spread out over five years. Basically this is review at budget time to see if it makes sense.

Mahaney asked if this was done one year at a time and Throenle said the Capital Improvement it was for a five year scenario with an annual review.

Soucy stated he thought it was actually a six year plan according to the statute and Throenle commented yes it was.

Maynard asked if this is something that the Planning Commission has not done in the past. Throenle stated that was correct, the more he gets into the position, the more he finds has not been done. This is something that is in the Planning and Enabling Act, and The Planning Commission needs to do this as it is a legal requirement. However, the State has not come back and told us we have to do something. Mahaney commented he did not remember doing this in his time on the Planning Commission.

Mahaney asked if the budget amounts would change year to year and Throenle stated this depends on many things like tax income and other revenues and expenditures.

Mahaney asked if this would have to go to a public hearing, Throenle stated no, it would be a budget plan that is forwarded to the Board for approval.

Milton asked if this includes vehicles and was told by Throenle yes this would be recommended by the Planning Commission according to priority and where the money is allocated.

Mahaney asked if this would be a one or two month item and Throenle stated he would take the budget and put it in a format where the priorities are and present to the Planning Commission for their comments. Mahaney asked if the Township Board would have the final say and Throenle stated they would.

Throenle also stated the *Recreation Plan* was not completed in 2018, so we do not have a Recreation Plan on file with the DNR right now. This makes us non-compliant and unable to get funding from the DNR right now.

However, if this budget plan is filed with the DNR by May, we would be eligible for passport grants from the DNR this year.

Rhein asked where Planning Commission is with the *Recreation Plan* and Throenle stated he was about two-thirds of the way through it. There was not a good response of residents taking the survey. There were roughly 1,500 notifications sent out and to date there are approximately 65 surveys returned. The deadline has been extended until the end of March and he may extend it until June.

Throenle has also moved the *Chocolay River Watershed Plan* up on the priorities as the plan has not been updated since 1999.

He said the *Shoreline Stewards Plan* goes along with the *Firewise Program* and the *Community Rating System in priority*.

He pointed out the Marijuana Ordinance would be discussed later this evening in the meeting.

Mahaney asked for clarification on the wording for opting in on the County ATV Ordinance. He asked if it should just say "to consider opting in" versus "develop the process for opting into". Throenle stated he worded it this way as it was a recommendation from the Planning Commission to opt in on certain roads. Mahaney and Maynard felt it was misleading and felt it sounded like they were opting in for all roads in the Township. Throenle asked if they would like it to read "Consider process for opting into the County ATV / ORV ordinance for proposed routes on Kawbawgam

Road, East Mangum Road, and Sand River Road”. Mahaney stated ONLY those roads and thanked Throenle for the clarification.

Mahaney asked the meaning of “Rewrite the Zoning Ordinance”. Throenle answered it would be the entire ordinance, and he said it can be done in sections. Throenle continued that there are items in the ordinance that need updating and may have not been discussed in a long time.

Commission Decision

Maynard moved, Rhein seconded, that the priorities for the Planning Commission for 2019 - 2020 be published as changed, and forwarded to the Board for consideration at the joint Board / Planning Commission meeting in February of 2019.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

D. Marijuana Facilities Ordinance Consideration

Staff Introduction

On November 6, 2018, Michigan voters approved Proposal 18-1, which legalized recreational marijuana and created the Michigan Regulation and Taxation of Marihuana Act (MRTMA). On December 6, 2018, the act became law, and as a result of this act, each community is now required to decide if it is going to allow or prohibit state-licensed recreational marijuana establishments.

Staff has reviewed the act, and is recommending the Township opt out of the act for the following reasons:

- Allowing recreational facilities in the Township does not necessarily increase the income for the Township. Conversations with law enforcement indicates that most, if not all, revenues received will be redirected to law enforcement related to the establishments.
- State law is in conflict with current Federal law at this time in relation to the drug status of marijuana nationally.
- Law enforcement officials have gone on record (including the County Sheriff) stating providing these establishments are not a good option for local communities.
- The Act is ambiguous in several areas, and opt in language may be difficult to defend in court per documents from the Michigan Municipal League.

Commissioner Discussion

Throenle stated unlike the Medical Marijuana Act where you had to opt in, the Recreation Marijuana Act is the opposite and you have to opt out. There are several entities in the Upper Peninsula that are opting out due to the many unknowns at this time.

Throenle stated several times that if you opt out, you can, at any time, revisit this ordinance and opt in once the legal aspects are worked out.

Chocolay Township Police Sergeant Tony Carrick was at the meeting and presented the issues from a police standpoint and answered any questions the Commission had. He also said there are many unknowns and laws that have yet to be determined.

Throenle told the Commission that the monies collected cannot yet be put in federal banks due to the fact this is a State law, not a Federal law.

Carrick also stated that security would be an issue. The facilities would have to rely on the local, county and state law enforcement because an individual, legally, cannot have a weapon (gun) and marijuana on the same property. He added that most of those agencies are already operating understaffed and over budget, so protection could be an issue.

Mahaney commented that he believes Negaunee Township and Sands Township opted in. Throenle added the consideration that there would be entities around Chocolay Township opting in that Chocolay would not have to.

The Planning Commission discussed and asked different questions of all aspects relating to marijuana.

Maynard felt most voters did not read the law before voting and she would rather opt out now and revisit the ordinance once the laws are clarified. This would help to protect the Township. She would like to decide which of the five aspects or limit where they could take place within the Township.

Rhein stated if they changed the ordinance in any way, there would be a public hearing and the public would get a chance to speak. He has no problem with it but would like the law to be better clarified by the State.

Mullen-Campbell stated that over 50 percent of the Township voted in favor, that should mean something.

Soucy stated he did not want to shut the door on this as it could be a factor in economic development. He also felt it was up to the Planning Commission to create the conditions and environment so there could be an effective, working facility that does not have nuisances associated with it. He would also like to add a sunset clause to assure this gets revisited once the State gets the regulations set. Throenle interjected that a sunset clause could be an issue due to the fact it could inadvertently get missed down the road and then the Township would automatically get opted back in.

Milton would like to wait for clarification of the laws as well. He reminded the Commission that in the past the Board has done the opposite of the recommendations that have come from the Planning Commission.

Mahaney stated that 60 percent of Michigan wanted this. He does not want to shut the door completely on this, and he wants it in the ordinance that it can be revisited at any time.

Mahaney asked if the Township would be looking at just the retail part of the marijuana and Throenle stated the Planning Commission is looking at all five aspects. The five aspects are growing, processing, transporting, testing, and selling. Mahaney also asked Throenle what would happen if someone came in now to get the license. Throenle stated he would have to research it as he was not sure.

Throenle stated Colorado is having issues and are trying to fix them. Michigan is just starting and he would like more clarification to be able to do his job. There are other ordinances that could be affected by the decisions made. There are many laws yet to be covered concerning marijuana and most people do not know the ramifications yet.

Commission Decision

Maynard moved, Rhein seconded that proposed *Ordinance 67 Marijuana Establishments* be presented for public hearing as written at a future Planning Commission meeting.

Soucy moved, and Rhein seconded an amendment that there is a sunset of December 6, 2019 on this until the Board of Licensing and Regulatory Affairs develops further regulations defining the law.

Maynard, under the Rules of Order, can either accept or reject the amendment. Maynard rejected it.

Vote: Ayes: 3 Nays: 3

ORIGINAL MOTION FAILED

Throenle stated he would add this to next month's agenda as he is adamant the Township is unprotected at the moment. There needs to be something on the books to protect the Township.

Throenle stated once again that once this is passed does not mean it cannot come back and be revisited. It is done with the *Zoning Ordinance* all the time, it is happening in this meeting with the next item on the agenda.

Mahaney stated he does fear this would not be revisited. There is nothing in the current ordinance to state this and would like to see something added, Soucy feels there should be something added due to the fact sometimes ordinances are revisited and have a hard time being brought about. He also commented there is a lack of clarity from LARA on this subject.

Carrick interjected that this would reduce crime as it is legal now but it also opens it up to different kinds of crime. He said it was not the smokers or user of marijuana; it would be the people that would take advantage of the people selling it. There would increases in armed robberies, breaking and entering, etc to the business selling it.

After more discussion the following motion was made.

Rhein moved, Maynard seconded that proposed Ordinance 67 Marijuana Establishments for public hearing at the next Planning Commission meeting.

Rhein then rescinded his motion to make some changes and proposed a new motion.

Rhein moved, Soucy seconded to proceed with Ordinance 67 Marijuana Establishments be presented for public hearing at the March 2019 Planning Commission meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Planning Commission Chairman Mahaney called for a five minute break at 7:55 PM. Commissioners returned at 8:00 PM.

E. Rental Considerations

Staff Introduction

In September 2018 the Commissioners developed a rental checklist for rentals in the Township. The Commissioners also reviewed draft *Zoning Ordinance* definitions, a proposed rental form, and a draft outline of the Township Information document. Staff was given direction to draft a separate rental ordinance in relation to this topic. Staff determined that the best form of tracking rentals in the Township should be through an annual registration process, and staff has updated the draft rental form to reflect that direction.

Staff reviewed the Commissioner's comments, suggestions, and directions, and prepared a draft ordinance for the Commissioners to review.

As part of the development of the draft ordinance, language related to the ordinance must be updated in the Township *Zoning Ordinance*.

Commissioner Discussion

Throenle stated this was not under "Old Business" as it is a new consideration. Draft definitions are the same with some revisions. The concept tonight is to discuss having a registration for all rental properties in the Township.

There would be a rental form to be filled out annually at no cost and would require the owner of the property or a manager/contact for the property to live within the Township or 25 miles of the Township boundaries. This would insure that if problems came about with the rental, there would be someone close to call and deal with them. Soucy asked if the landlord lived on the property and rented if they would be subject to this as well. Throenle stated from his understanding of the tax perspective they would be, if a room is being used as rental or office space it would be a partial

PRE on the property. He said this will come down to honesty of people renting their properties. Maynard stated it could come from the neighbors who are not happy as well. Mahaney agreed as it has been the case in the past.

The registration would not define if the property was a long or short term rental. In the ordinance it would be changed from "rental dwellings" to "registered rental dwellings".

According to the registration, it would require all renters, long or short, to be given a copy of the Township Information Guide. The information in the guide deals with Township history and demographics, ordinance information, and general information. This could also be used for people who are new to the Township.

Throenle stated he attended a planning commission conference that introduced new software that tracks rental properties and it showed there were 30 Air B&B type rentals in Chocolay Township. This is less than one percent of the 3,000+ properties in the Township.

The information on the registration would help provide information to the Township police, the zoning department, and assessing department.

Soucy what would happen if someone fails to get registered. Throenle stated it would be looked at case by case and he will need to get the word out to residents in the Township regarding the registration. The company presenting the material about the 30 rentals discussed earlier did not provide the addresses. Some information could possibly be extracted from the assessing data base by looking at the PRE information.

Throenle told the Commission the numbers/amounts for violations have to be discussed in the proposed ordinance. They are preliminary, they need to be discussed and simplified.

Rhein suggested the fines increase with each occurrence. Mahaney offered an opposition to this, pointing out violations may not be the landlords fault. Throenle suggested that the first violation be "X" amount, second violation an increased fine, and the third violation be immediate suspension of their registration which would put them in violation of the ordinance. They could appeal the violation in court.

Rhein asked about the appeal. Throenle reminded the Commission there are State laws that pertain to rentals as well and this is where the hearing could help the landlord with appeal. Mahaney liked the idea as it puts the responsibility on the landlord and Rhein agreed.

Mahaney felt \$100 as the fine is lenient but with the revocation listed it would be good. Throenle asked the Commission what they thought would be a good amount for the fine. Rhein stated even \$200 isn't major but it shows that the Township is serious about the violations.

Milton stated the first violation could be \$100 and a notice, stating what would happen if there are more violations, the second violation would be \$100 and a final notice, and the third time \$100 and revoke the registration.

Throenle stated he would put this together for the next Planning Commission meeting.

Soucy suggested having a requirement of a landlord quarterly inspection written in the registration form. Milton felt a short term rental would have this as they would be cleaning it often. Throenle stated he has no internal enforcement as he cannot legally go past the front yard or inside a property. Mahaney felt the form should be kept simple.

Before the motions were made, Throenle asked the Commission if they had any objections to the zoning districts where registered rentals are located. He said the only zoning district they are not included, in terms of recommendations, is in the industrial district.

Soucy made mention of the House bill #4046 that was introduced last week would preempt any/all short/long term rentals. Rhein asked if it was similar to the bills that were introduced before and Throenle commented he thought it was identical.

Maynard read from the bill, that if it was enacted the bill would consider all vacation and short term rentals to be considered residential uses and allow them in all residential zones. The bill also specified that rentals of twenty-eight days or less are not subject to a special use or conditional use nor can they face a procedure that is different from those required for any other dwelling in the same zone.

Rhein felt that based on this the Township would be covered by distinguishing them as rentals, not short or long term rentals.

Commission Decision

Maynard moved, Rhein seconded, that the proposed definitions and language for Ordinance 68 Rentals be accepted as presented.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Milton moved, Rhein seconded, that the proposed definitions and language for the Zoning Ordinance be accepted as presented.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Maynard moved, Rhein seconded, that the draft extract of the Township Information document be accepted as presented with exception of a new cover.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

F. Structure Placement Considerations

Staff Introduction

When issuing permits for structures in the Township over the last two years, an issue has arisen as to the placement of structures that are less than 100 square feet in size for properties that are zoned either Single Family Residential (R-1) or Waterfront Residential (WFR).

Staff Findings

There is an exemption in footnote 2 in Section 6.1 of the Township *Zoning Ordinance* that states:

“A detached accessory building less than 100 square feet and so located that no portion is located in the front yard setback is exempt from the provisions of this ordinance.”

This particular exemption creates a scenario where sheds and other structures under 100 square feet can be placed directly on the property line between neighbors, and could potentially develop a “fence” of structures on that line.

Commissioner Discussion

Throenle suggested to the Commission to remove the second part of the footnote so residents would not be able to put a structure right on the property line, even though it may be under 100 square feet.

Mahaney asked if it would have to be within 6 feet from the property line. Throenle stated it would be within 6 feet. Everything else would stay the same in terms of the other setbacks.

Soucy asked if this could create non-conforming issues and Throenle stated that it could. If they had documents showing the structure was there prior to the change it would not be an issue.

Soucy asked about a situation where there is already a fence there. Throenle answered that a fence is different scenario. One would have to abide by the setback regardless where the fence is.

Commission Decision

Milton moved, Rhein seconded, that we eliminate footnote 2 in *Section 6.1* of the *Zoning Ordinance* to be presented for public hearing as written at a future Planning Commission meeting.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Rhein – Felt they went over quite a bit of stuff tonight, got some stuff ironed out. Thanked Soucy for stepping up and being on the Commission with them. Felt with his expertise, he would be a great asset to the Planning Commission.

Milton – Nothing at this point.

Maynard – Welcome Ryan.

Mullen-Campbell – Glad to have a new face, knows his son from Cherry Creek.

Soucy – Happy to be here, happy to give back to my community. Looking forward to a good year here.

Mahaney – Thanked Throenle for the three hour meeting. Thanked the Commissioners for a wonderful meeting.

XI. DIRECTOR'S REPORT

Thanked Soucy for joining them and appreciated his input. Thanked the Commissioners for the animated discussion tonight; he appreciates that it went back and forth. He also appreciates everyone looked at the issues and dug into them.

Also, on the table is a color chart from the Casino folks are asking for a color preference for the water tower. The choices are between the first two blues on the first line, there is a lighter and darker blue. They are asking for a preference, as the Zoning Appeals mandate was to pick a neutral type color. The Commission chose lighter blue (15BL Tank White).

Reminder that next month is the joint meeting at 5:30 PM with the Planning Commission to follow at 7:00 PM.

He reminded the Commissioners to take the Recreation survey, if they haven't already.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 12.10.18
- B. Township Newsletter – January, 2019
- C. Minutes – Marquette City Planning Commission, 12.04.18
- D. Minutes – Marquette City Planning Commission, 12.18.18

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 8:55 pm.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 18, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Jon Kangas (Township Manager), and Suzanne Sundell (Deputy Clerk).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Maynard to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

January 21, 2019

Motion by Milton and seconded by Rhein, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Proposed 2019-2020 Planning Commission Priorities

Staff Introduction

Throenle stated the priorities were included in the packet for the Planning Commission to have an opportunity to review and change them, if needed, based on the recommendations from the Board at the joint meeting held earlier in the evening. If no changes are required, the priorities have to be approved.

Commission Decision

Milton moved, Rhein seconded, that the priorities for the Planning Commission for 2019 - 2020 be published as written.

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

B. Rental Considerations

Staff Introduction

Staff made some changes to the proposed *Ordinance 68 Rentals*, and included that document in the packet for Commissioner review. The changes were highlighted in the ordinance document.

Staff included a document in the packet containing the proposed changes to the Township *Zoning Ordinance* for one additional review by the Commissioners. Changes to the ordinance were highlighted in the document. A cross-reference document was also provided showing the location of the proposed changes in the full *Zoning Ordinance*.

Staff put the draft registration form in the packet for one additional review by the Commissioners.

Commission Discussion

Milton questioned if the renter would be getting a copy of the actual ordinance. Throenle replied the owner would be given a copy of the *Township Information* document, which includes a summary of the ordinances, and would be required to provide the information to anyone renting the property.

In regards to penalties for not registering a rental property, staff discussed the question with the Township Supervisor, Richard Bohjanen, and Bohjanen felt there was no reason for different stages of violations. Bohjanen suggested the penalty in the ordinance be set to "not more than \$500 for each violation" as the other Township ordinances cover all other violations.

Mahaney asked who would make the decision of the amount of the fine; Throenle stated it would be a determination factor. Mahaney brought this up as there may be a possibility of inconsistency in enforcement of the fine. Throenle stated it could go the other way as well, he could issue the fine, it goes to court, and the judge reduces it.

Maynard asked is the size of the rental would make any difference, Throenle stated that it would not matter.

Milton asked if there would be a fee with the registration. Throenle answered he is recommending there is not be a fee as the owners will have a tax implication for renting the property, and he said it will be up to the Assessor to determine what the tax change would be. Throenle also stated if the registration is free, more people would be more apt to register their rental property.

Throenle reminded the Commission that the primary reason for the registration of rentals is to find out where they are located.

Soucy had concerns regarding the owner/ agent supplying the *Township Information* document to anyone renting the property. Throenle stated he would advise any owner/agent to get a paper, signed by the renter, stating they did in fact give the renter a copy of the *Township Information* document. Throenle also stated, in his position as Zoning Administrator, he has to trust that people are doing the right thing.

Maynard commented when she has rented short term, her contract had a place to sign that she had received a copy of the house rules. Throenle stated that is where the owner/agent has to be aware they need to have something similar in their contract signed by the renter that the renter has received the information to prevent any legal matters in the future.

Bushong requested the following be added to the last bullet in Section 5: "It is suggested that the owner maintain proof of delivery of the *Township Information* document to the renter." Throenle updated the ordinance document to reflect the change. Maynard stated it could be added to the Registration form, and Throenle updated the form with the additional language.

Maynard suggested that during the registration process, the owner/agent receive a list of suggestions that are expected of their tenants. This may help make their life easier. Throenle answered that he could put together a checklist and include it with the registration process. The Commission felt that was a good idea.

Commission Decision

1) Maynard moved, Rhein seconded, that the proposed definitions and language for *Ordinance 68 Rentals* be accepted as revised and that the proposed ordinance be presented for a public hearing at a future Planning Commission meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

2) Maynard moved, Rhein seconded, that the proposed definitions and language for the *Zoning Ordinance* be accepted as presented, and that the proposed zoning ordinance changes be presented for a public hearing at a future Planning Commission meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

3) Maynard moved, Mullen-Campbell seconded, that the draft *Rental Property Registration* be accepted as revised.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

None

IX. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – Questioned why renting your property could double or triple your property taxes. Throenle answered if you do, and the PRE (Principal Residency Exemption) is removed, your taxes triple. She asked if someone only rents for a short period of time if they were subject to this and Throenle answered it would be prorated. Manager Jon Kangas interjected that there is a court decision regarding this and the Assessor would have to take this into account. She asked questions regarding a Bed and Breakfast, Throenle advised her to talk with the Assessor regarding it. She feels this would cause people to rent “on the black market”. Throenle stated there are people in the community that would advise him of rental locations.

COMMISSIONER’S COMMENTS

Rhein – Good job on this, way to work together.

Milton - None

Maynard – None

Mullen-Campbell – None

Soucy – None

Bushong -

Mahaney – Reminded the Commission next month’s meeting will be starting at 6 PM. Thanked Throenle for the packet.

X. DIRECTOR’S REPORT

Throenle would like to take the Sign section out of the *Zoning Ordinance* and make it into its own Ordinance. He would like the Planning Commissioners to think about it and consider it for next month’s meeting. Rhein asked to have a copy of that section sent to the Commissioner’s before the next meeting for review.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 01.14.19
- B. Township Newsletter – February, 2019
- C. Minutes – Marquette City Planning Commission, 01.08.19
- D. Minutes – Marquette City Planning Commission, 01.15.19

XII. ADJOURNMENT

Mahaney adjourned the meeting at 7:45 PM.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 18, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Susan Maynard (Vice Chair), Cory Bushong (Vice Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: Donna Mullen-Campbell (Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Maynard to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

February 18, 2019

Motion by Rhein and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

A. Proposed Ordinance 67 *Marijuana Establishments* (deferred to VII.A)

B. Proposed Ordinance 68 *Rentals* and proposed *Zoning Ordinance 34-19-04* (deferred to VII.B)

VI. PRESENTATIONS

Char Spruce (Planner) and Lauren Luce (Senior Planner), representatives from the Marquette County Planning Department are in the process of updating the Marquette County Master Plan. The plan has been updated by chapters in the past but has not been updated as a whole since 1982.

In order to do this they have been attending Planning Commission meetings of the twenty two local units of Government in Marquette County. Two do not have Planning/Zoning so they will attend the work meetings.

They were looking for open dialog with the Commissioners to work on County issues and opportunities. To do this they have separated Marquette County into four regions which will allow for region rallies in about a year (Chocolay Township is in region called Borealis Beach with Marquette City and Marquette Township). These rallies will include the information that is being gathered at the various Planning Commission meetings in the County and the community survey that is being conducted.

They were looking for input on broader issues that may be impacting Chocolay Township, neighboring jurisdictions, or even outside the County. Economic development and transportation are two issues that go beyond the local boundaries.

The dialog was opened to the Chocolay Township Planning Commission. The Commissioners brought up what they felt could be issues: municipal water, expansion of current sewer, keeping the township rural and being environmentally aware of the rivers and Lake Superior, affordable housing, aging in place, and public spaces.

The Commissioners also discussed the need for the bus hub to be more accessible and have longer hours, be more accommodating to the people of the community.

The County representatives asked about development of Chocolay Township's corridor, and the Commissioners felt there is a need for development. They said they do not want to be Marquette Township in terms of growth.

The Commissioners were asked how they felt the implementation of the Township *Master Plan* was going. The Commissioners answered that it is an ambitious plan, felt most people were optimistic but there would always be pros and cons. The Commissioners also felt the plan was focused and task oriented.

The Commissioners were asked how Chocolay Township worked with other surrounding communities. The Commissioners commented that Throenle and Soucy both serve on the UPFE Council (UP Food Exchange) which meets with other planners in the area. There are also the US 41 Corridor meetings, and all the feedback has been important over the years. The Commissioners also have access to the City of Marquette Planning Commission minutes each month in the packet as well.

The Commissioners were asked about the Township relationship with the County, and if any improvements were needed. The Commissioners felt Throenle would be best suited to answer this question. Throenle commented that the connection with the County is pretty good in both the planning and the zoning perspectives. He also commented that as a region perspective it would be nice to come together as a region for grants that would benefit the region versus each individual entity trying to get grants on their own. Examples would be trail systems that benefit the region or flood storm water initiative for the whole region, and fire protection would be beneficial for the whole region as a wildfire would affect the whole region. He also added shoreline protection as there is erosion along the lakeshore that would affect many areas in the County.

The Commissioners also added climate change as the watershed of the Chocolay River has reached one its highest peaks in history.

The County reminded the Commissioners and the audience to take that survey and reminded them all of the information, along with the survey, can be accessed at mqtccoplan.org. Maynard commented that the survey is very easy and can be done in minutes.

VII. UNFINISHED BUSINESS

A. Proposed Ordinance 67 *Marijuana Establishments*

Staff Introduction

On November 6, 2018, Michigan voters approved *Proposal 18-1*, which legalized recreational marijuana and created the *Michigan Regulation and Taxation of Marihuana Act* (MRTMA). On December 6, 2018, the act became law, and as a result of this act, each community is required to decide if it is going to allow or prohibit state-licensed recreational marijuana establishments.

Staff reviewed the proposed law with the Planning Commissioners during the January meeting. At that time, the Commissioners reviewed a draft of proposed Ordinance 67 *Marijuana Facilities*, and voted to send the proposed ordinance to public hearing at the March meeting.

Staff attended a seminar in Marquette on the issue in February. The seminar, presented by two local attorneys, covered employer responsibilities and the discrepancies in the Michigan law as it stands now. The presentation also included financial data that indicated the permits, fees, and taxes acquired from opting in would be significantly lower than expected for each municipality, especially if that municipality did not provide more than one license in its jurisdiction.

Early in February, the City of Marquette was considering opting out, and at the end of February, voted to do so, with the primary reason of waiting to see what State rules and regulations are established in regards to recreation marijuana sales.

Recently, the City of Stephenson opted out, stating similar reasons.

Public Hearing

No public comments.

Commission Discussion

Throenle added that there are a couple more law enforcement issues related to this subject. The first is the drug dogs will have to be replaced as they are trained to sniff out marijuana as illegal, so they would have to be replaced at a significant cost. The second is how to deal with the legalization from an employer standpoint. Also, the benefits to opt in would have to be decided on how the money would be given to the townships.

Throenle also added many more entities across the Upper Peninsula that have opted out since the last conversation of this topic. The primary reason given is they do not know what the rules are and how it would affect their entity.

Milton feels this could affect the commercial overlay district and the number of

houses and businesses that are available to become a distribution center. He feels they should wait until some rules are put in place.

Maynard commented that she has not changed her mind regarding this as she has done extensive research and would like to wait until the rules and regulations are clear. She was primarily interested from the mental health point of view. She does not want the Township to be exposed at this time.

Mahaney commented that the Governor has appointed a work group of sixty individuals from various backgrounds to work on defining the details of this law.

Soucy commented that the Governor has abolished the original board that would be responsible for approving the applications and establishing the rules as it was not fast enough so she created a whole department with experts, and it is expected to move along faster.

Soucy also added maybe the Commission could work on some of the district regulations while the ordinance plays out.

Rhein thought that would be a good idea to wait and see how this develops around the region. Chocoy could adopt some of their ordinances after seeing the pros and cons.

Mahaney felt with the new work group this may move quite a bit faster.

Commission Decision

Maynard moved, and Rhein seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve Ordinance 67 Marijuana Establishments as written.

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

B. Rental Considerations

Staff Introduction

Last month, the Commissioners reviewed and updated a draft version of the proposed *Ordinance 68 Rentals*. Along with that review, Commissioners also reviewed the proposed zoning definitions and additions to the Township *Zoning Ordinance*, and reviewed and updated the *Rental Property Registration* form. The Commissioners voted to send the ordinance and documents for public hearing at the March meeting.

Public Hearing

No public comments.

Commission Discussion

Mahaney stated they have been discussing for quite some time and feels the Commission is comfortable moving forward. He asked if any of the other Commissioners had any other comments.

Maynard stated it was exactly as she remembered and would comfortable with a motion.

Commission Decision

1) *Maynard moved, and Rhein seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve Ordinance 68 Rentals as written.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

2) *Milton moved, and Bushong seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the proposed amendment 34-19-04 to the Zoning Ordinance as written.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

3) *Bushong moved, and Maynard seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve the proposed Rental Property Registration form changes as written.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Ordinance 65 Fireworks Revision

Staff Introduction

At the end of 2018, the State Legislature passed HB 5939, HB 5940 and HB 5941, which changed the criteria for discharging fireworks in the State of Michigan. Three items that are included in the bills are revised dates and times that fireworks are permitted, a revised mandatory civil fine, and a ban on fireworks during burning bans.

Based on this change in criteria, Ordinance 65, *Fireworks* needs to be revised to conform to the new criteria.

Commission Discussion

According to Throenle there are significant changes in the dates and times. Fireworks will be only be allowed Memorial Day weekend, the week of the Fourth of July, and the weekend of Labor Day. The penalty has also been raised to \$1000.00 with half of the money collected going to the enforcing police department. There has also been a change that fireworks cannot be discharged during a statewide fire ban even if it is during a permitted date.

Mahaney asked how a state wide ban is announced. Throenle stated the primary ban information is on the DNR website. The Township follows the DNR website whenever they receive calls. If the Governor declares the ban it would be through the media.

Maynard stated some villages post the notice on their public boards. Throenle commented that we can look into procedures for posting but reminded people of the DNR website or that they can call the office.

Commission Decision

Milton moved, Rhein seconded, that proposed Ordinance 65 Fireworks be presented for public hearing as changed at the April 2019 meeting.

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

B. Proposed ATV and ORV Ordinance

Staff Introduction

At the December meeting, the Commissioners discussed the possibility of opening an ATV and ORV route on the east end of the Township. This route, stretching on portions of Kawbawgam Road, Mangum Road and Sand River Road was presented to the Commissioners. One of the primary purposes of this new route would be to provide legal access to the Camp Four trails in the State forest area, access to the Jeske Flooding ramp off of Sand River Road, and to provide a potential additional route for winter snowmobile traffic.

The Commissioners requested a proposed ordinance be prepared, with the understanding that the DNR would provide mapping and approval for the connection between the current ATV and ORV trail (otherwise known as the former railroad grade) and Kawbawgam Road.

Currently there is no approved DNR trail access into the Lake LeVasseur.

A map was presented at the meeting showing the proposed route.

Commission Discussion

Throenle started the discussion by presenting a map of the proposed route and informed the Commission that the DNR and the local ATV group were in the process of talking with a property owner for an easement along the proposed route. There was no confirmation to date for this access.

Mahaney had asked about signage as he did not see anything in the ordinance regarding signs for the proposed route. Throenle informed the Commissioners that signs were not part of the ordinance. Throenle stated it should be the ATV group responsible for securing signs but he would also talk with the ATV group and the DNR regarding signage. They would have to confirm with the Township that the signs meet their approval. Mahaney stated the signs are a crucial part of this plan.

Throenle told the Commissioners that he would like to look at the language in the ordinance before the completed plan is proposed to the Commission, to insure it works for the Township. Throenle stated he would not ask for approval on the ordinance until all the pieces, including signage, are in place. Mahaney stated he would like assurance that signage will be in place before the ordinance moves along. Chocolay Township Manager Jon Kangas interjected that if the ordinance had Planning Commission and Township Board approval the Township could talk with the Marquette County Road Commission to see their expectations of the routes proposed.

Throenle reminded the Commissioners that this is not a quick process, that there will be many opportunities for the public and the Commission to weigh in on the progress before this ordinance is a reality.

Mahaney asked if the State was a major land owner; Throenle answered not in the proposed route as there are many landowners and they would also have to be notified regarding the proposal. Throenle stated he has had conversations with several of the land owners in the proposed area and they are looking forward to it.

Throenle commented that the ATV group will have to do some heavy education with the vendors on the east end of the Upper Peninsula who send riders to the Township. The riders are given the understanding that the Township has open trails for ATV/ORV and it does not. Riders are given no map or direction.

Maynard stated she does not want to get in the way of recreation opportunities but she also wants protect the residents from unauthorized ATV traffic. Throenle agreed as it puts an impact on the Chocolay Police department. Rhein commented regarding past conversations with the police there needed to be some kind of trail, and he feels this would be a good start. He also commented that there will always be pros and cons no matter what.

Maynard asked if this ordinance was approved would it be hard to go back and change it back. Throenle stated that it would be hard to go back; not impossible but hard to undo.

Throenle asked Chocolay Township Police Sergeant Anthony Carrick to join the conversation. Carrick stated he is not pro ATV but felt this was the least invasive option to see if ATV traffic would work in the Township.

Mahaney asked Carrick if there are many complaints within the Township regarding ATV/ORV traffic. Carrick commented that they do get frequent calls on Trail 417 (Heritage Trail) due to bike and foot traffic in that area. He also commented there have been other complaint calls in different areas but nothing substantial.

Maynard asked if a "sunset" clause would be an option, where the Township could try this for a year and see how it works. Throenle reminded the Commission the

problem with a “sunset” clause would be if it was inadvertently missed, there could be trouble for the Township as it would automatically revert back to being opted out and could lead to big issues. Throenle reminded the Commission that this would be like any other ordinance where it can be examined and modified at any point in time. Mahaney asked if this would go for public comment before approval and Throenle answered it would.

Manager Kangas stated there was a Director’s order stating the only way the Heritage Trail could have motorized traffic outside of the winter months would be for the order to be lifted and the Heritage Authority is opposed to.

Throenle has been animate with the ATV/ORV group that they would not have access to the Township businesses at this point in time.

Maynard suggested, if this ordinance does pass, considering the fines for non-compliance. This would maybe give responsibility to be in compliance. Throenle stated in the current proposal there is a proposed fine; he asked Officer Carrick how this would be enforced. Carrick answered it comes down to discretion. Most incidents are with people who do not know where they are going or do not have knowledge of current laws.

Throenle stated it would have helped if a representative of the DNR and the local ATV group were in attendance at the meeting tonight to give insight to what their plans are.

Manager Kangas commented there are more minimal options available but they do not make the most sense. This option was chosen as the most sensible.

Throenle told the Commission they had a few choices, first being opening the trail at all, second being open the trail partially, or third, wait for the folks proposing the trail to be in attendance and give more information. Carrick stated he felt the ATV/ORV group has wanted this for long enough time and they will be doing what they can to educate people in hopes of expanding their trails in the future. He also stated the Township police are set up to do enforcement for this.

Commission Decision

Rhein moved, and Maynard seconded to table this until we get the DNR and the ORV club in here to give us better background on the proposed ordinance.

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

C. Sign Ordinance Discussion

Staff Introduction

As presented at the last meeting, staff outlined the possibility to the Commissioners of extracting the sign portion of the Zoning Ordinance and putting it into a separate ordinance.

Several reasons exist for this:

- 1) The sign portion of the Zoning Ordinance is approximately 23 pages in length.
- 2) Definitions for this section are not included in the overall definitions of the ordinance.

3) There are some discrepancies in the existing language that cause confusion when interpreting the ordinance language.

For example, the definition of Freestanding sign contains language that states: “May also be referenced as a Pole, Ground, or Monument Sign.” There is no definition for a Monument Sign, but later in section 18.1.H.3.b.5, there is a distinction made between the height of a freestanding sign and a monument sign. The same is true for section 18.1.I.1.a.

Commission Discussion

Throenle stated the sign section of the *Zoning Ordinance* would be easier to tweak or fix if needed if it was its own ordinance. Throenle also commented that as it stands now the fee for enforcement is the fee for the entire ordinance (currently \$200), it could instead be set up as a police power ordinance where it could be enforceable and the fee set up accordingly.

Mahaney asked if the Commissioners were to rewrite the sign section as its own ordinance if it would be shortened. Throenle commented that his predecessor (Kelly Drake Woodward) wanted this section to be defined as possible to cover any possible circumstance. Maynard felt this was achieved after reading the whole section. Throenle also stated he did not want to tweak a lot of the language as it is very thorough, but he would like it to be a bit easier to interpret when residents want information regarding signs.

Throenle stated the key element would be separated as its own ordinance so changes would not impact the whole Zoning Ordinance.

Soucy stated if this was a police power ordinance it would help the Planner abate non-conforming signs. Throenle agreed.

Commission Decision

Maynard moved, and Milton seconded that Section 18.1 Signs be removed from the Township Zoning Ordinance and be put into a separate Township ordinance for Planning Commission consideration at a future Planning Commission meeting.

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

IX. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – Felt it was a wise decision for the Planning Commission to opt out of the retail marijuana until there was more information available from the state for their recommended regulations. She felt the Township could look at Colorado for guidance. Also stated she had given her email for Township information and wondered when she would get information. She was advised it was scheduled to start in May.

X. COMMISSIONER’S COMMENTS

Rhein – None

Milton – Asked if everyone had taken the Recreation survey.

Maynard – Felt she knew more about signs than possible after reading the twenty-three page section for signs in the *Zoning Ordinance*.

Soucy – CUPPAD has an open Prosperous Places place making grant which is an opportunity that communities can apply for. It ranges from \$500 to \$5000 with a one to one match. This is open for application until May 3, 2019. This is for a community public space type project that is very flexible. He said this would be a great opportunity and he does not think Chocolay Township has received one of these grants in the past as a community. He said the Bayou Nature Preserve has gotten one in the past as an organization.

Bushong – Good meeting, good discussion.

Mahaney – When the Commission had previously left the proposed ATV ordinance and moved onto the sign ordinance he did not mean any offense to anyone; he felt the Commission had discussed it and wanted to move on. He does appreciate all comments.

XI. DIRECTOR'S REPORT

There will be a site plan review on the agenda for the next meeting which will be something different and it will be a formal process. Thanked the Commissioners for the great discussion this evening.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 02.11.19
- B. Minutes – Township Board, 02.18.19, special meeting
- C. Township Newsletter – March, 2019
- D. Minutes – Marquette City Planning Commission, 02.05.19

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 7:56 PM.

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 15, 2019

I. MEETING CALLED TO ORDER BY: Susan Maynard at 6:03 p.m.

ROLL CALL

Members Present: Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Kendell Milton, Ryan Soucy

Members Absent: Tom Mahaney (Chair), Don Rhein (Board),

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Jon Kangas (Township Manager), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bushong, and seconded by Mullen-Campbell to approve the agenda as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. MINUTES

March 18, 2019

Motion by Bushong and seconded by Soucy, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Scott Emerson, 119 Lakewood Lane – Not a fan of motorized recreation but feels the need for the Township to accommodate the people that enjoy the sport. He is in support of Proposal 5 and recommends the Planning Commission write a letter of support for to the DNR for that proposal. He also recommends an addition to the letter stating there would be no further expansion or additional ATV trail be approved by the Township in the future. Also would like the DNR to encourage the snowmobiles to use the ATV trail in the winter as it would take snowmobile traffic off of trail 417 which goes through a densely populated residential area and would give the residents some relief from the snowmobile traffic in the winter.

Jude Catallo, 119 Lakewood Lane – She has been aware of comments regarding ATVs in the Township due to noise, dust, etc. Feels the proposal mentioned before that is approved by the DNR is the best route. Feels this is the most efficient and there would be less irritation for the people of the Township.

Kendall Milton joined the meeting at 6:09 PM.

Public comment closed at 6:10 PM.

V. PUBLIC HEARINGS

A. Proposed Ordinance 65 *Fireworks* revision (deferred to VII.A)

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Proposed Ordinance 65 *Fireworks* Revision

Staff Introduction

At the end of 2018, the State Legislature passed HB 5939, HB 5940 and HB 5941, which changed the criteria for discharging fireworks in the State of Michigan. Three items that are included in the bills are revised dates and times that fireworks are permitted, a revised mandatory civil fine, and a ban on fireworks during burning bans. Based on this change in criteria, Ordinance 65 Fireworks needs to be revised to conform to the new criteria.

Staff developed a draft set of changes to the ordinance that are included in the packet, and the Commissioners reviewed the language during the March 2019 meeting. The Commissioners made no changes to the language that was presented, and voted to present the Ordinance for a public hearing at the April 2019 meeting.

Maynard stated that there has been a fair amount of discussion regarding fireworks ordinance in the past and this would potentially be a last opportunity to make comments regarding fireworks.

Public Hearing

Scott Emerson, 119 Lakewood Lane – State has done some good things but there are also some not so good. He recommends the Commission support the revisions but add to the ordinance, for clarification, the years that represent July 5th falling on a Friday or Saturday and go out for a decade at a time. Also would like to see some public service announcements in advance to remind Chocolay citizens of the enforcement and fines. Should also include something regarding they should not be discharged on Lake Superior beaches and waters. The mess of plastic fireworks is terrible after the Fourth of July, would not be as bad if they were biodegradable.

Public hearing closed at 6:18 PM.

Commission Discussion

Milton felt the thirty days in the previous ordinance was excessive and Mullen-Campbell felt listing the weekends ahead that are affected by the ten years was a good idea.

Soucy liked the point made regarding the trash left of the beach but feels this would be hard to enforce. He asked Officer Carrick, who was in attendance, his opinion.

Officer Carrick stated they do try to enforce this, when it is a private residence it can be hard to determine the correct driveway. People shooting fireworks can be fined for the *Fireworks* ordinance along with littering.

Maynard asked Carrick where it is listed regarding the littering. Carrick answered it is basically any public land, which the beach and water are public land. Throenle interjected that it was in Section 5.5 of the proposed language. Carrick recommended the best thing to do would be to call 911 and file a complaint. They answer approximately twenty a month during the warmer weather.

Throenle asked Carrick if it would enhance the ability to enforce the ordinance if Lake Superior was added as part of the language. Carrick stated it would make it clear in that area, when the shooters read it. There is also the Chocolay River and Lake Lavasseur, and the public beaches and waterways, so it would help enforcement in these areas. Carrick also stated from an enforcement standpoint, unless you own at least a five acre parcel of land, it is illegal to light off the bigger fireworks as they spread over a greater distance and would land of other people's land.

Carrick also explained they will generally educate people on the ordinance with a warning and an explanation of the law before giving a citation as there are many out of town people who do not know the laws.

Maynard felt it would be great if there were more specific guidelines. It would be better for the wildlife. Felt if they were going to make changes to the ordinance they could add language to reflect the concerns about debris and waterways.

Throenle made a recommendation for consideration to add the following to Section 5.5 of the existing 65 *Fireworks* Ordinance:

"A person shall not discharge consumer fireworks in such a manner so as remnants from consumer fireworks land on public property, public beaches, public waters or the property of another."

Throenle asked Carrick if Lake Kawbawgam was public or private. Carrick answered that all water, from an enforcement standpoint, in Chocolay is public. The exception may be if a resident has a pond on his or her property.

Throenle cautioned the Commission that if they were to add a decade of dates that the fifth of July is on a weekend to the ordinance, the ordinance would have to be updated every ten years. From the Planning & Zoning scenario, someone would have to remember to do this in ten years. Carrick commented that anything you do to clarify dates is good but this would be something that would be on the Chocolay Police website as a reminder. Carrick suggested they add language that would inform the public that these dates would be made available on the Township

website and/or Facebook page.

Throenle suggested adding a number nine to Section 5 stating “The Township will be responsible to post the dates that fireworks are permitted to be discharged on the Township web site.”

Throenle reminded the Commission and audience that it would be up to the public to know when the burn ban is in effect. There is now a link to the DNR burn ban site on the Township website.

Commission Decision

Maynard moved, and Bushong seconded that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve Ordinance 65 Fireworks as revised.

Vote: Ayes: 5

Nays: 0

MOTION CARRIED

B. Proposed ATV and ORV Road Discussion

Staff Introduction

At the December meeting, the Commissioners discussed the possibility of opening an ATV and ORV route on the east end of the Township. This route, stretching on portions of Kawbawgam Road, Mangum Road and Sand River Road was presented to the Commissioners. One of the primary purposes of this new route would be to provide legal access to the Camp Four trails in the State forest area, access to the Jeske Flooding ramp off of Sand River Road, and to provide a potential additional route for winter snowmobile traffic.

The Commissioners requested a proposed ordinance be prepared, with the understanding that the DNR would provide mapping and approval for the connection between the current ATV and ORV trail (otherwise known as the former railroad grade) and Kawbawgam Road.

Currently there is no approved DNR access into Lake LeVasseur.

A map was presented at the meeting showing the proposed route.

Staff presented the proposed ordinance language and the proposed map route at the meeting in March. Based on discussion with the Commissioners, the largest road block in the process is the issue of signage. Staff contacted Tony Harry, President of Trail Riders Alliance of Marquette County (T. E. A. M.) and Rob Katona, DNR Trails Specialist to see if they could attend the meeting in April. Both are in attendance to answer questions in regards to this project.

Tony sent an email with a link to a Yamaha presentation, which was sent via email to the Commissioners.

Staff contacted the Marquette County Road Commission in regards to the placement of signs along the proposed route. The Road Commission provided information stating that signs were not permitted in the right-of-way along County roads, so

further discussion would have to take place with the Road Commission for ATV / ORV route signs to be posted. The Road Commission forwarded a document for consideration when setting up the trail.

Rob Katona forwarded several documents for consideration for the trail. The documents include a proposed trail, signage documents and a pamphlet from the City of Manistique that provide additional references for the project.

Staff traveled the proposed route, took pictures of identifying locations on the trail, and calculated distances along the proposed route. There are two sets of calculations: set one started at the intersection of the road entrance into Lake LeVasseur and ended at the intersection of Trail 417 and Sand River Road; set two started at the intersection of the road entrance into Lake LeVasseur and ended at the intersection of Kawbawgam Road and M-28. Additionally, there are several areas along the proposed trail that intersect with the North Country Trail.

Commission Discussion

Rob Katona from the DNR and Tony Harry from the Trail Riders Alliance of Marquette County (T. E. A. M.) took the podium to answer questions from the Planning Commissioners. The question and answer session was also opened to the residents in attendance at the meeting.

Bushong asked Throenle if he had done an inventory of how many year round residents were along the proposed route. Throenle answered he had not done year round but did a rough estimate of all the residents would be approximately a dozen, which includes the residences on the Alger County side of the route. There is also one residence at the entrance of the Jeske Flooding on a private road.

Maynard asked clarification on the maps provided and Throenle explained the difference. One being the proposed route Plan7? and the other is the trail recommended by the DNR. Throenle went on to explain the reason there are two different maps is basically the loop back of going to the casino. This was the reason for the new proposal in the first place.

Bushong asked why there were no recommended motions in the staff introduction section. Throenle answered that this is a discussion at this point but the Commissioners can make a motion at any time.

Tony Harry commented that he had started an ATV/ORV club in Marquette County and this would be a loop to get to Camp Four. He has been working to get trails throughout the whole Upper Peninsula and would like to get Chocolay Township involved as it is the only Township not involved with ORV.

Harry is willing to help to get special grants for signs. Most of the trails in the Upper Peninsula are shared trails with snowmobiles. Throenle interjected that the County would not permit signage on the right-a-way of County roads unless the DNR designates it as trail. Currently only standard traffic signs are permitted on County roads. This would affect Kawbawgam and Mangum Roads, Sand River is a bit tricky

as it deals with two different road commissions. Jon Kangas, Township Manager, stated they would allow “No ATV” signs where they are not allowed, but not signs that designate the route.

Harry commented that he takes care of the Silver Creek Trail in Newberry and works with Alger County S.O.R.V.A club and maintain the Two Hearted Pine Ridge Trails. There are many County roads pertaining to these trails and they all have ATV signs on them. Luce County also have them.

Mullen-Campbell asked how long Harry has been involved with ATV/ORV. Harry stated he started in Alger County with the Duck fires in Newberry approximately 2013 but had started a club before that when working with Alger County. He volunteered with the building of the trails and also helped with signs. This is his passion and is also a youth instructor. He has also started his own small safety program. He invited any youth to attend on April 26 at the Deerton schools. Like to get kids involved and teach them the correct rules dealing signs, safety when dealing with horses, walkers, bikers, etc on the trails, and respect for everybody.

Maynard asked how old the Plan 7 was, Harry answered one year. Maynard also asked how old the DNR plan was, Throenle answered shortly before the other one. There was also a Plan 6 but they combined the DNR Plan & 6 to make 7 which has the least upset for the Township.

Maynard asked that the difference between the DNR Plan and Plan 7 as Camp Four is shown with both of the proposed plans. Throenle stated with Plan 7 you can go left or right coming north from Camp Four and head towards the casino or that area, such as Lake LeVasseur instead of having to go around the whole loop of the DNR Plan to get there. Maynard also asked if the casino has weighed in on either one of these plans. Harry commented the casino encourages his club to park in their parking lot from the existing trail. Throenle stated they had not weighed in but the end of the current trail ends at the casino entrance.

Maynard stated the Commission had discussed an easement that would be required and asked if this would be required for both plans. Throenle stated it would only be for Plan 7 as the DNR Plan would come down Sand River Road and all of those are County roads. Harry’s club is working on getting the easement from the private property owner. Maynard asked if all bets would be off if this easement didn’t go through. Throenle stated this would not be the case as there other options. Most of the trails have been clear cut as it was a ski trail.

Residents in attendance asked if they were included in asking questions/commenting on this subject, Throenle stated it was up to the Commission, and Maynard commented this discussion affects the public in large way so she is inclined to say yes.

One resident asked what the total count of people is along proposal 6 route that would complete the loop versus the count along the Sand River Road route.

Throenle answered roughly 12 properties around the whole loop and 7-8 the other route. Bushong commented there are four residents from Lake LeVasseur and Camp Four Road. Carrick confirmed four fulltime residents and most have ORVs as he has had conversations with them regarding the laws. Throenle stated there is a new property owner in that area that has an ORV and has to trailer his ORV to Camp Four Road to stay compliant. The resident felt there was less confusion with proposal 5 and keep it simple. Throenle stated the confusion comes from the trail connections.

There is vehicle access to the proposed area so an ATV would not be needed to get to the proposed area. The resident also commented it would be ok to use your legs to get to places, it would be better for your health versus riding a machine. Throenle commented he did not intend to imply there was no vehicle access and apologized if it sounded that way.

Carrick commented from a law enforcement standpoint, it would be better to drive the ATV into the LeVasseur parking lot than leave it on a trail to walk in. This would reduce the risk of the ATV going missing.

Another resident asked if the only difference between trails 5 & 7 is the connection from Mangum Road intersection and the west of the casino to which Throenle stated yes. The resident asked what the difference in the mileage between the trails and Throenle commented the distance from the intersection of Trail 417 heading out to the highway down Kawbawgam Road is 6.9 miles.

Throenle stated for the record that he is not an opponent of ATVs in Chocolay Township and this provides access to folks on the Eastern half of the Township with very low impact on an essential neighborhood and it allows for less fuel to be burned. This would be the only trail Throenle would support.

A resident asked to hear from Rob Katona, DNR representative, on their proposal and why it was the best route.

Katona stated his department, of the DNR, is involved to administer and manage the ORV program as a big picture. Trail 417 goes across the entire eastern Upper Peninsula and has traffic that funnels into the Township.

Five years ago the DNR started to look at ways of connecting through this part of the region. Multiple areas have been looked at and there have been obstacles locally with the City of Marquette and Chocolay Township. The DNR wants to figure out the best route, minimizing the amount of impact on residents and the environment.

They looked into County roads in the area and also checked with the Forest Service property which is now under review to be opened up. The route they are looking at utilizes existing roads that are opened up to pretty much every type of ORV, from bikes to jeeps.

Once the DNR gets approvals they would have to submit them into a proposal which is a lengthy process. This includes all the permissions from all the land owners in permit form or letter giving permission of use to the public. A letter of support from

the Township, supporting the proposal they would choose would be great, without the support and permission the DNR doesn't have a proposal. If the DNR gets the support it is reviewed by seventeen reviewers and this could take as long as four months to a year to get a recommendation. When this is approved or denied is when the DNR can start applying for grant funding through the ORV Trail Improvement Program. This funding grants can be used for maintenance, signage, and anything associated with a new ORV route.

Katona stated that while listening tonight it sounds like the signage is important, they had to go back and forth in the past for agreement with the County to permit signs on designated routes. They are not always in favor of this. Other counties have had their own local signs that have been adopted by the Township ordinance and if the County does not allow this then the Township would have to move towards a designated route. This is some of the challenges he sees here if signs are an issue.

Harry may be able to approach the County to get a short term route with some signage while they try to designate the route or if the Township wants to wait for a formal proposal which would be more long term.

Milton asked if the DNR needed a commitment from the Township. Katona answered that a letter of support would go a long way and also some movement to enacting an ORV ordinance if Harry does have a discussion. Katona cannot speak for the County but it has helped in the past if the Township is in support.

Throenle asked when the proposal was put together, Katona answered about 2008, six years ago. If you look at the map from the proposal, Chocoley is now the only one not connected.

Carrick asked if having the trail would help the police apply for funding for ORV patrol, similar to the snowmobile patrol. Katona answered that it would and it goes by mileage per county. Carrick stated it would help if they could get funding and add someone on just for ORVs.

Maynard commented there seemed to have been enforcement issues, in the past, where the Trail 417 ends at the casino as it is difficult for the police to get there for enforcement. Carrick answered that it could be if the patrols have to travel a great distance to reach the troubled area. Funding for a designated patrol officer would help as it would be his job to enforce just the ORV trails.

Maynard had two concerns, one being the property owner who has not provided an easement. She found it hard to offer an opinion before the property gives their opinion. Mullen-Campbell stated the said property was next to State land. Maynard then commented that led to another question if the State would allow another entrance. There are many parts here and still many what ifs. Throenle stated that is why this is mainly for discussion and not decision tonight.

Throenle asked Katona for his opinion on the difficulty for the extra piece being proposed from Trail 417 down past Lake LeVasseur. Katona stated the DNR recently

reviewed the forest roads under Public Act 288 and found there were a number of roads that were not currently on their inventory. Due to the timber sales in the proposed area there is newly formed road that is on the boundary and meets the criteria to be a forest road. There has been consults with the wildlife and forest resource divisions and local staff, they are supportive of using it as a local connector, not a designated route as that would be a different process, but is open to ORV use.

Maynard stated there does not seem to be much activity in that area that would affect wildlife, if the proposal 7 and/ or any activity should happen, what would happen to the wildlife.

Carrick interjected and informed the Commission that from a patrol aspect there is heavy vehicle traffic in that area. He stated there are ORVs, berry pickers, and cars. Carrick stated this route would help with enforcement by allowing the police department to apply for grant money for law enforcement.

Bushong asked if the proposed route 7 is currently supported by the Chocolay Township police and Carrick answered that it is. Carrick also stated that he and the police chief had a long discussion regarding proposal 7 and they both feel this route would cause the least amount of enforcement issues.

Mullen-Campbell commented that she felt it was time to connect the Upper Peninsula. She has relatives that would love to take their ORVs to the casino but can not.

Maynard stated she was glad there was no voting tonight as she would like to hear more from the public regarding this, both pros and cons.

Throenle stated that education is the key, education is the key to everything. He also proposed that the Commission consider another public hearing on this topic in the future. This would allow it to be publicized and inform the public on what is being proposed to prevent accusations of it being "slam dunked". This way the public can give feedback. Maynard commented she got the sense from the Commission that was a good idea.

Richard (Doc) Bohjanen, Township Supervisor, asked to comment as this would come across his desk at some point. He stated that the Township will never own this trail even if the Township approves it; it would be between the DNR and Harry's ATV club. Bohjanen also stated the Township opted out of the County's ORV ordinance, but that was done at a time when the ordinance would have allowed ORVs anywhere in the Township. There was good reason at that time to opt out. He stated that the ordinance would have to be amended and the Township would have to be willing to amend it. He felt there was a simple amendment that would cover some of the public's concerns by stating that the Township would not allow ORVs anywhere in the Township except on Mangum and Sand River Roads, and maybe Kawbawgam Road depending where this would go. He also stated if the Township were to give a letter of consent to proceed down this path, there is a lot of more that has to happen

before this decision comes back. He also told the Commission in order to amend the ordinance all the residents that live along the proposed route would get letters regarding the amendment. The next public hearing would be at such time when the Commission would be looking at rewriting the ordinance.

Maynard commented there is a device and process in place so the Commission does not have to come up with their own suggestion for a public hearing. Bohjanen stated that a public hearing is not wrong but there would be one if the Commission amends the ordinance.

Bushong asked if the Commission could request a public hearing with a draft ordinance. Throenle answered yes. Throenle commented that he had a conversation with the County (missed to put in the staff introduction) about what would happen with that ordinance if the Township would have to anything and the County's answer was no. The explanation for this was Chocolay as a township is opted out unless we write an ordinance as a Township to opt in or ask the County to completely opt us in and remove the Township from the County ordinance as opted out. Throenle stated we are looking at limited access for the ATVs, the proposed ordinance already has the language in it specifically states that "no ATVs allowed except for on designated roads" This would also have a public hearing.

Throenle commented that he felt Maynard was looking for public opinion to help formulate the decision of the Township going forward. Maynard answered yes as she has looked at almost thirty years of conversation on this subject hoping they may not need to "go down this road again". Bushong asked if the draft ordinance could state more specifically so the public knows what they are commenting on. Throenle answered it could, there are a couple ways for this to be put out there. Maynard stated this sounded reasonable. Throenle stated if he had a motion he could bring this language back at a future Planning Commission meeting.

Commission Decision

Bushong motioned, Maynard seconded a "draft" ordinance be presented for the Planning Commission to review and subsequent public comment.

Vote: Ayes: 5

Nays: 0

MOTION CARRIED

VIII. NEW BUSINESS

A. Site Plan Review – Marquette Veterinary Clinic / Animal Hospital Staff Introduction

A formal site plan review has been brought forward to the Planning Commission for new construction of the Marquette Veterinary Clinic / Animal Hospital on the existing site. Removal of the existing structure would be after completion of the new office. This is different from a preliminary site plan review from the standpoint that the Planning Commission has right to approve or deny upon the conditions presented.

Staff has reviewed the plans that were supplied, felt it was a good design, and only had one question regarding the storm water runoff. Pictures were supplied in the packet and discussed.

Commission Discussion

Ken Czapski, architect of the project and Bill Sanders, landscape architect, were present to answer any technical questions the Commission had. Also present was Dr. Brauer to answer any operational questions.

Czapski stated that all the storm water runoff from the roof will be discharging to landscape zones. This means that even through the reshaping of the asphalt paving, it will not be discharging any more than current use.

Sanders showed the Commission, from supplied pictures, where the parking improvements would be and demonstrated where the runoff would be directed toward green space.

Maynard asked what the difference was in the amount of asphalt from the existing building to the new building due to the fact asphalt does not absorb runoff. Sanders commented he did not have the exact quantity but there is more than currently. The existing driveway towards the hardware store will not change as far as runoff goes. Czapski reminded the Commission that the roof runoff will be caught in landscape zones.

Throenle asked about the runoff with the existing building in existence during the construction of the new structure. Sanders commented until the slab is poured, there would be less runoff due to exposed sand but the paving would be the last thing done after the old structure comes down. This should not be much change at all due to sequence of construction. Demolition was estimated to take two days.

Maynard asked how long the construction would take. Sanders answered that they were told once they get approval and weather permits, construction would start in May and be done sometime in October. If it gets too late they would not be paving until the spring.

Maynard commented it was an attractive design, Throenle commented that after reviewing the project, the runoff was the only question he could find as it was well designed. Throenle has worked with Sanders in the past and knows he pays attention to the landscaping.

Soucy asked how well the existing basin handles storm water currently, they have not had any problems and the current design holds the water and snow, this design will not be altered.

Bushong discussed with the Commission his recusal to vote on this as he works for, but does not own, one of the contractors doing a mechanical bid proposal for this project. Throenle reminded the Commission that they would have to vote to allow Bushong to recuse himself and it would have to be an unanimous vote. Throenle

stated if the Commission did not see any conflict they cannot vote to allow his recusal. The Commission discussed this and did not see any conflict and allowed Bushong to vote.

Maynard moved, Mullen-Campbell seconded that the Planning Commission does not allow Bushong to recuse himself on this subject.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

Throenle asked if the Commissioners had any further questions regarding the proposal. Milton asked what ordinance they were providing the site plan for, is it the new one that was revised. Throenle stated this was not a requirement in our checklist to be provided. Milton felt he had asked for this to be added, Throenle stated he would go back and look into this. Throenle stated tonight's project would not be affected by this and Milton agreed.

Commission Decision

Maynard moved, Bushong seconded, that after staff review and Planning Commissioner discussion, Site Plan Review Application SR 19-03 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

B. Preliminary Site Plan Review – Kawbawgam Road Storage Units Staff Introduction

An applicant is working on a proposed storage unit project to be located at 125 Kawbawgam Road. The applicant has requested a preliminary site plan review to determine if this is a viable project for that location.

In reviewing the project, staff has found a number of benefits for this particular location:

- 1) The proposed project will be located on property the owner controls, and will meet all setback requirements for the site.
- 2) The storage units are a "low impact" project. No water or sanitation will be required for this project.
- 3) Lighting for the units will be "downcast", which will limit light emissions in the neighborhood.
- 4) The proposed project will be located in an area that does not affect many Township residents.
- 5) The proposed project will provide additional storage units for Township residents and visitors.

Pictures for this proposed site were included in the packet for the Commissioners to see. Matt Blondeau, owner of the proposed site was also on hand to answer any questions the Commissioners had. Blondeau also owns the apartments on the same side of Kawbawgam Road and has a contract to buy the apartments across the road from the proposed sight.

He plans to rehab the apartments he is currently buying and wants to improve the entire intersection. The traffic should be minimal, the property will be well lit and there will be a security system in place.

Commission Discussion

Maynard was happy to see the plans had down lighting, this is important for the tenants due to the fact there will be multiple buildings. She also stated she felt the area could use more trees.

Bushong asked about the projected timeline and Blondeau stated he would be start as soon as he got approval. He would not want to build late into the year and try to fill them for winter. He would have one filled and build another. These do fill up fast and it would not be a lingering project.

Throenle commented that storage unit facilities have added on all over the County. This is not a business that is “fly by night”.

Milton asked if this was part of the Commercial Overlay and Throenle stated it had recently been rezoned to Commercial. Bushong asked if there were any Zoning conflicts and Throenle stated there was none.

Mullen-Campbell asked if the hundred feet size building would be OK with winters we have and Blondeau stated he planned them north and south was for the wind, so it would blow between the buildings. Blondeau stated it is sand on the site so the drainage should be OK and he will be adding gravel.

Commission Decision

Bushong moved, and Milton seconded that the proposed storage unit project should proceed with recommendations made from the Commissioners to a formal site plan review at a future Planning Commission meeting.

Vote: Ayes: 5

Nays: 0

MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENTS

Milton – None

Soucy – Great job to the acting Chair.

Bushong – Good discussion all around, felt the ORV comments had an aura around them but glad to see it moving in a direction. Appreciates the understanding on the vet’s clinic as he is not an owner or vested party in the contractor, he is employed by the potential mechanical contractor.

Campbell – Is OK with everything decided tonight. Was sick last month and missed

being at the meeting.

XI. DIRECTOR'S REPORT

Gave brochures for the Citizen Planner course to the new Planning Commission members and urged them to take the online class. Commended Maynard for her job as Chair for the meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 03.11.19
- B. Township Newsletter – April, 2019
- C. Minutes – Marquette City Planning Commission, 03.05.19
- D. Correspondence - Emerson

XIII. ADJOURNMENT

Bushong moved, Soucy seconded by to adjourn the meeting at 8:20 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 20, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:01 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: Susan Maynard (Vice Chair), Dale Throenle (Planning Director/Zoning Administrator)

Staff Present: Richard Bohjanen (Township Supervisor) and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Milton to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

April 15, 2019

Motion by Milton and seconded by Soucy, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

**A. Sign Ordinance – Remove from Zoning Ordinance and Revise
Staff Introduction**

Due to the absence of Dale Throenle, Planning / Zoning Administrator, Tom Mahaney, Planning Commission chair, gave a brief overview as outlined by Throenle in his Director's Comments included in the packet materials.

Mahaney reminded the Commission they had voted at the March meeting to remove the sign ordinance section from the Chocolay Township *Zoning Ordinance* and make it a separate ordinance.

Commission Discussion/Decision

There were no decisions made by the Planning Commission but they decided on some recommendations to forward to Throenle to consider for the next Commission meeting. They are as follows:

1. Have a separate section for real estate signs
2. Review the definition of temporary signs
3. Investigate any new signage type or signage material not in our definition
4. Add a note in the very last section stating "This ordinance is not intended to regulate the content"
5. Make everything consistent under "temporary signs" so it is no longer calling out specific content within that temporary sign (ex: Temporary signs are no longer valid XXX days following the purposes for which they are placed)
6. Supervisor Bohjanen stated concerns Throenle has with enforcement of this and other ordinances. Throenle would like them clearly defined as to who would be responsible for the enforcement, the Police or Throenle as the Planning Director. Mahaney would like to discuss this with Throenle when he is back at the June Meeting. Bohjanen stated the reason as to why items get contested. He felt it was due to confusion within the ordinance. Rhein felt the ordinances should be defined so they cannot be disputed.

IX. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – Has never been offended by any sign, has read through the ordinance and feels it boils down to enforcement. Feels there needs to be written clear steps for whoever will be enforcing this ordinance regarding citations, deadlines, and penalties. Wished the Commission good luck with this ordinance as it is a lot of work.

Public comment closed at 7:11 PM.

X. COMMISSIONER'S COMMENTS

Rhein - None

Milton – None

Soucy – Discussed with Commission about the Michigan Launch Initiative. He explained there is a Public Private Partnership (P3) organized by the Michigan Aerospace Manufacturers Association that is considering the Sawyer International Airport in Marquette County as a launch facility for small to midsized satellites. Discussed some of the changes that that could bring to the area. Stated that the community should watch for this as it is a fast moving timeline. He also felt the area is a contender as they are in close proximity with Michigan Tech and Northern Michigan University with potential to attract talent to the region, also this area has decent infrastructure.

Bushong – None

Campbell – None

Mahaney – Felt they gave Throenle direction to go for the Sign Ordinance.

XI. DIRECTOR’S REPORT

Mahaney read the Director’s Report that Throenle had in the packet. One of the items mentioned was the fact Throenle had a conflict with date of the July Planning Commission meeting. He asked the Commission to discuss and make a recommendation on the three options he listed, which were:

1. Hold the meeting on the original date, similar to tonight with his absence.
2. Move the meeting to the Monday after the original date, July 22 at 6 PM.
3. Cancel the meeting.

Throenle stated he, personally, had no preference. With this the Commission made the following motion.

Mullen-Campbell moved, and Rhein seconded that the July 15, 2019 meeting be moved to Monday, July 22, 2019 at 6 PM.

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

Soucy asked for clarification of the alternative ordinance that the Board voted to forward to the Planning Commission at the May 13, 2019 Township Board Meeting. Rhein (Board representative) answered that Richard (Doc) Bohjanen, Township Supervisor had presented an alternative ordinance, at the Board meeting regarding marijuana facilities, that he would like the Planning Commission to consider at a future Planning Commission meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 04.08.19
- B. Township Newsletter – April, 2019
- C. Minutes – Marquette City Planning Commission, 03.19.19
- D. Minutes – Marquette City Planning Commission, 04.16.19
- E. Minutes – Marquette County Planning Commission, 03.04.19 draft

XIII. ADJOURNMENT

Meeting adjourned at 7:23 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 17, 2019

I. MEETING CALLED TO ORDER BY: Donna Mullen-Campbell at 6:02 p.m.

ROLL CALL

Members Present: Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: Tom Mahaney (Chair), Susan Maynard (Vice Chair)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Bushong, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

May 20, 2019

Motion by Bushong and seconded by Soucy, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – Thought there was discussion on the *Sign Ordinance*, hopes this will not be written as a police enforced ordinance, feels that would be a waste of resources. Also spoke on temporary signs, feels this is offensive. Is glad to see the *Fence Ordinance* will be reevaluated, feels the need for a survey to put up a fence. Spoke on the *Master Plan*, asked why the Township is spending time and money on this again as the Township ignores it when they don't want to deal with it. Feels the gun range should have an applicant's name listed, not a LLC. She has concerns with the size, parking and noise. Also felt there need to be restrooms/washroom facilities due to the lead. She is not for or against the shooting range, would like public health and safety to be considered.

Public comment closed at 6:08 PM.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Proposed Enclosed Gun Range – Preliminary Site Plan Review

Staff Introduction

An applicant is working on a proposed enclosed gun range project to be located at 2288 US 41 South. The applicant has requested a preliminary site plan review to determine if this is a viable project for that location.

In reviewing the project, staff has found a number of benefits for this particular location:

- 1) The proposed project will be located on property the owner controls, and will meet all setback requirements for the site.
- 2) The enclosed gun range is a “low impact” project. No water or sanitation will be required for this project.
- 3) No external lighting will be necessary; if it is added, it will be downcast lighting over door entries to the range.
- 4) The proposed project will be located in a commercial zoning district; this does not affect many Township residents or adjoining businesses.
- 5) The proposed project is a self-contained project. All noise generated from the range will be contained within the range (see attached range sound test).

In reviewing the project, staff identified a potential parking concern for this particular project. There is limited parking available in the front of the store; however, the range can only accommodate two shooters at the same time, so parking can be arranged to handle the increase.

The owner, Tom Kolinsky, was in attendance at the meeting to answer any questions the Commission may have. Also in attendance was Chocolay Police Chief, Scott Jennings to verify information.

Commission Discussion

Soucy questioned why it was considered a permitted use and why it was listed under commercial uses in the entertainment category as he was not able to find that in the *Zoning Ordinance*. Throenle answered it was due to it being located in the mixed use district and Throenle also explained it would fall under entertainment as it is listed as “such as”, which is an interpretation. It would be the combined call of the Planning Commission and the judgement of the Zoning Administrator. Soucy didn’t feel it was listed and would not be covered under this section. They agreed to disagree on the subject.

Soucy then questioned where the sound test came from and Kolinsky commented that it came from him and is provided as an example of sound decibels from a contained shooting range when they do testing and is not an actual schematic but he can get one for the future if needed. There are different things on a gun such as flash

suppressor on the firearm, type of ammunition used, and length of the barrel that could alter the sound readings. Throenle added the only time you would hear anything would be if the door was open while someone was shooting as the noise would otherwise all be contained. Kolinsky also stated there should be no shooting in the range prior to anyone opening the door to reduce the risk a bullet escaping.

Rhein asked Chocolay Township Police Chief, Scott Jennings his thoughts on having a gun range in the Township. Chief Jennings answered felt it is a good idea as it would be contained. He felt it would be better than someone shooting in a gravel pit. He also felt the owners have researched it and are doing it right. Chief Jennings also felt the decibel numbers were pretty accurate, and he does not feel this would impact animals next door. He also commented it would be a good fit with the gun shop. Milton agreed.

Throenle reminded the Commission this is not an approval of a plan, but an approval of a concept.

Rhein asked what the plan was for the disposal of the lead. Kolinsky answered that the factory has specific guidelines for when to change out the self-contained filtration system. Because lead dust is a concern, there are HEPA filters that take in clean air and filter outgoing air. Kolinsky also explained there are deflectors that deflect the lead into a bucket made of ER500 steel that decelerates the bullet and drops it into the bucket. Once the bucket is full it gets sealed and there are qualified companies that come and buy it.

He also stated there is access to a restroom/hand washing facility in the gun shop and the range would never be open unless the shop was open due to monitoring. There will also be a range officer on sight when the range is open.

Bushong asked for confirmation of the size as there seem to be discrepancies with the information provided. He wanted Kolinsky to confirm the dimensions.

Soucy reminded the Commission he was comfortable with everything except the procedure that this would be covered by the permitted use as stated earlier. Throenle explained when the mixed use language was written, it was written with intent this would not be an all-inclusive list, as there would be items in the future that would not have been thought of. This was the specific reason for "such as" in the ordinance.

Throenle stated this would be a lengthy process to change the *Zoning Ordinance* to reflect this type of change for every business type, as it would have to go through a couple readings with the Township Board and that would take a minimum of four months.

Soucy feels this would set a bad precedence; this could set the Commission up for challenges in the future as it is not identified in the *Zoning Ordinance*.

Kolinsky asked if the issues could be cleared up at a different time as he is under some time restraints.

Throenle asked for clarification to the vote, and asked if the Commissioners were telling the proposed owner that his plan would be delayed if he came to the Commission with a formal site plan, as the owner would like to know this before he spends \$300,000 on his proposed project. Rhein stated Soucy has good points regarding the *Zoning Ordinance*, he has a 3-2 vote and we also have two people missing from the Planning Commission this evening.

Kolinsky informed the Commission that regardless of what is thought there is not a wide margin on money made in firearms and there is fierce competition with stores such as Gander Outdoors, etc. This is an attempt to continue to do business in Chocoday Township and he would be taking an entrepreneurial risk.

Supervisor Bohjanen added that when they (the Planning Commission at the time) made the decision in multiple use overlay zone they went through a chart of 450+ uses and made decisions which should be in each of the categories of prohibited, permitted, and conditional. When doing this, it was decided they could not anticipate everything that might happen. This is the reason for the “such as”. He said you can reinvent the wheel with any conflict that may come up or use some common sense. Chocoday *Zoning Ordinance* language is set up so the Zoning Administrator uses the judgement to determine if the subject is applicable.

A resident asked to speak, Mullen-Campbell gave permission, he questioned if this could be considered a sportsman’s club. Just a thought if this would alleviate the zoning questions. Soucy answered he felt this was not a condition the Commission could put upon the applicant and felt they could not “trade” this, but felt it was a good thought.

Soucy asked about if there could be another interpretation by the Zoning Board of Appeals and Throenle stated it would still be another delay as the agenda for June had already been set.

Commission Decision

Milton moved, and Rhein seconded that the proposed enclosed gun range project should proceed with recommendations made from the Commissioners to a formal site plan review at a future Planning Commission meeting.

Vote: Ayes: 3 Nays: 2 (Rhein, Mullen-Campbell) MOTION CARRIED

B. Zoning Ordinance – Fence Language Discussion

Staff Introduction

When issuing fence permits to Township residents, there are discrepancies between neighbors when looking at the length of fences between properties.

There are four concerns with the current language in the Zoning Ordinance:

- 1) The location of the fence in relation to the front of the house
- 2) The distance of the fence from the lot line

- 3) Lack of a survey requirement for determining where the fence can be placed on the property
- 4) No application fee or inspection for properties in the AF (Agriculture Forestry) district versus the other zoning districts.

Also in question was if there should be a length for fencing and should vegetation considered as fencing. Staff is looking for clarification for this language from the Commissioners.

Commission Discussion

Soucy felt item #4 was originally intended because of the Right to Farm Act, where agriculture buildings and property didn't have to be inspected. Chocolay's AF district also includes residential houses and he feels that the fourteenth amendment in the Constitution has the equal protection clause in it. This states that all property owners in similar situations should be treated equally under the law. He feels if it is continued to be enforced this way for residential properties there could be a potential issue by treating those properties different from other residential properties in other districts of the Township. Soucy did state he feels an exception should be made in the case where fences are being kept for livestock, etc.

Rhein feels the length should be a requirement. He also felt there should be a survey done if it were to be put on the property line to avoid disputes. He does see the problem of maintenance doing it this way, if the neighbors are in a dispute.

Throenle interjected that he had included language in the materials he gave to the Commission. There is a section stating an abandoned or unmaintained fence shall be removed. He could spend his forty hour week driving around the Township determining the condition of fences. This can lead to subjective interpretation regarding the status of the fence.

Rhein stated it was probably put in there as an authority standard. Throenle answered that it could lead to him being the bulldog in a property dispute. Mullen-Campbell asked if there are issues like this in Chocolay and Throenle stated there were.

Milton felt if surveyors were involved the property owners could lose their garage, meaning sometimes the lot lines aren't where one thought they were. Soucy asked at what point would the adverse possession rights take effect due to the survey results. Throenle answered it has come up over the years when a property owners had a survey done when they want to sell their property. Bushong stated he was in favor of a survey before construction. Soucy agreed and after that it would be a civil issue and not the Township's responsibility.

Throenle stated the first thing he tells residents applying for a Zoning Compliance Permit is they must know where the lot line is because he does not and he has no way of finding it without a professional survey.

Mullen-Campbell asked if plat maps helped and Rhein stated no, even the survey sticks in the middle of the street are not even close. Bushong stated two different surveyors could put them in different locations.

Soucy felt the section "I" could be amended to help with the condition of fences. Throenle asked how to determine what is "good condition/ well maintained?" He also stated there are many loop holes in the maintenance section. Throenle stated the biggest concern is the placement of the fence from the lot line as to maintenance.

Bushong stated this is similar to the "such as" in the previous agenda item. Sometimes an ordinance can work two ways and is subjective. It may need to be reviewed by a committee and voted on, not by a single arbitrator determining if it is good or bad. Disrepair and public safety are some issues to consider when looking at the condition of a fence.

Soucy stated that some communities have a blight committee that looks at these issues. Bushong stated the committee would protect the individual.

C. Master Plan Discussion

Staff Introduction

The current Township Master Plan is due for an update. To begin the process, discussions on direction for the plan must take place in order to define the process that will be presented to the public.

The Master Plan, 2015 Edition focused primarily on redefining the Township into fourteen character areas. Those areas were referenced primarily in Chapter 7 of the plan, with the intent of establishing new zoning districts that would be based on the character of the different districts. (see the attached extracted pages from Chapter 7, Appendix L and Appendix M in the Commissioner packet).

Before staff can begin updating the plan, staff requests a direction from the Commissioners in relation to the character area / zoning district discussion – should the direction toward setting up character areas as defined in the existing plan continue, or should the direction be to stay with the current zoning districts that are established.

Either way, the plan requires an update. Staff would prefer to have the direction for the plan prior to beginning the update process, so that the direction reflects where the Commissioners would like the plan to go.

Commission Discussion

Throenle started by presenting the Commission with a map showing the fourteen character areas. He stated there are nine zoning districts, seven are referred to in the *Master Plan*, two that are not are PUD and municipal properties.

Kelly Drake Woodward designed this plan so the character areas were to be based

on the people and the activities in those areas. Her ultimate direction was to have those areas rezoned.

Throenle explained that in 2017 the Commissioners looked at this and wanted to leave the character areas alone and work on the zoning map. Throenle added he would have no problem mapping the character areas with the current zoning if that is the direction the Commission would want to go.

Soucy asked how many future zoning districts there would be and Throenle stated there are fourteen character areas which translates to eleven future zoning districts. This would increase our current zoning form seven to eleven.

Throenle stated in doing this they would have to take the map apart by parcel and define the districts, as was done with the mixed use district language. If this is what the Commission chooses Throenle said he will update the *Master Plan* with this in mind or he would extract that language out if the Commission chose not go that way. Throenle stated either way it would be a lot of work.

Milton stated it would have to be done as a group as it is part of the *Master Plan*, Rhein agreed, but was unsure of the best way to go as both ways would be a challenge.

Soucy felt legally the zoning in a community must be based on a *Master Plan* according to the *Zoning Enabling Act*. He feels they should not go against the *Master Plan*. He does see how it is complicated, he likes the direction it was going but it would be a lot of work and could result in many non-conforming uses. Maybe simplify it by combining some of the districts. Bushong and Mullen-Campbell agreed.

Throenle stated that is what he needed as far as a direction. He will start with the language for the updates in the *Master Plan*. In respect to Soucy's comments, Throenle stated if the Commission will be doing an update, he will want to make sure the Commissioners follow the updates in future decisions.

Throenle stated he will take Commissioner comments under advisement and come back with the start of the *Master Plan* at a future Commission meeting.

IX. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – Stated when Chocoday Township surveyed the residents in 2010 & 2013 the reasons they chose to live in the Township were rural character, nice neighborhoods, and liked the community. Only 3/10 of one percent chose to live here for proximity to businesses, keep that in mind while updating the Master Plan. Feels fences belong on property lines and the setback for fence maintenance is nuts. Gun ranges are not considered a zoning issue in the rest of the country, it is a special use permit or conditional use and the applicant should not have to wait for the Township to redo the Zoning.

Deborah Mulcahey, 633 Lakewood Lane – Stated the size concerns for the shooting range were taken from the information provided in the agenda materials and it doesn't

match up to the plans. The lead containment from an air perspective is only 90-97% contained and she feels this is a concern for people visiting the surrounding area of the proposed project. Does not feel there should be an expedited review for this. Still is confused on the owner/landowner of the proposed gun range, feels it is contradictory.

Public comment closed at 8:06 PM.

X. COMMISSIONER'S COMMENTS

Rhein - None

Milton – Would like to see on all future site plans the zoning of any adjacent lots.

Soucy – Feels the Commission probably heard enough from him tonight. Great job to Donna on being Chair.

Bushong – Found the meeting interesting as always. The controversial items seem to be where you learn the most and get the best perspective. Although we agree to disagree at times, it is probably the best learning experience that challenges us on how we think of things in the future.

Campbell – Agreed with Cory & Ryan. Learns a lot at every meeting, careful of what she says and listens very much.

XI. DIRECTOR'S REPORT

Reminded the Commission that the July meeting is on the 22nd, not the 15th as previously scheduled. Each Commissioner has been given a document for training, and he told the Commissioners there are limited funds for this but if anyone wants to attend to come and talk with him. The Township would cover as much as they can but if everyone went there would not be enough in the budget.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 05.13.19
- B. Township Newsletter – May, 2019
- C. Minutes – Marquette City Planning Commission, 05.07.19
- D. Minutes – Marquette City Planning Commission, 05.21.19
- E. Minutes – Marquette County Planning Commission, 04.03.19
- F. Minutes – Marquette County Planning Commission, 05.01.19 draft

XIII. ADJOURNMENT

Bushong motioned, Rhein seconded, to adjourn the meeting.

Meeting adjourned at 8:11 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, July 22, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Scott Jennings (Police Chief), and Suzanne Sundell (Deputy Clerk).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Milton, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

June 17, 2019

Motion by Bushong and seconded by Mullen-Campbell, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – spoke on the fence ordinance not being included in old business and the need to require surveys before they are installed. She also spoke on the proposed storage units in the commercial district and the need to keep in mind vegetative buffers and lighting. She has concerns regarding the proposed enclosed shooting range (size, zoning, safety issues such as lead, signs that she feels are in violation, parking).

Scott Emerson, 119 Lakewood Lane – spoke on his concerns as a toxicologist regarding the proposed enclosed shooting range (lead), and also language that is found in the Zoning Ordinance regarding this. He feels that the applicant and Planning Commission received an incomplete review of the zoning laws. He feels that the shooting range is in conflict with the Township's zoning ordinance, quoting Section 1.5 of the Zoning Ordinance and Ordinance 61 – Firearms. He also spoke on details of lead exposure in firing ranges.

Mark Maki, 370 Karen Road – spoke on (1) the proposed storage units on Kawbawgam

Road – feels there should be a conditional use issued on this, (2) his concerns on the proposed shooting range, zoning ordinance regarding contractors yards.

Public comment closed at 6:17 PM.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. O'Reilly Auto Parts Site Plan Review

Staff Introduction

Planning Director Throenle introduced the Site Plan review application and plans. A courtesy notice was sent to all properties within 500 feet, with no comments received back. The property is commercially zoned. Throenle indicated that the easement on the south side of the property needs to stay open, as this provides access for the building that was moved behind the property and the apartment that is behind the motel. This easement was part of the site plan, and was granted as part of the sale of the property. He introduced Paul Engel, Anderson Engineering (this was via a phone conversation), which is the engineering firm that drew up the plans.

Commission Discussion

Mahaney asked about the timeline for the project. P. Engel stated that pending approval, they would then move forward with the permits that will be needed by the County, and MDOT approvals; they have obtained the services of a water installer for new wells. Everything depends on when approvals come in. Throenle questioned what the target date for completion of the entire project. P. Engel stated once they have all the permits, O'Reilly is ready to commit to the 90 day construction cycle. If this does not happen before winter, the project would proceed once the road restrictions are off in 2020.

Soucy questioned snow storage and what the plan for that was. P. Engle indicated there are large landscape islands to the right and left of the driveway, an area in front of the store that could be used, and to the left of the building. Mahaney indicated there appears to be vegetation in the front. Mahaney also stated that the big concern would be not blocking the views. P. Engel indicated there was a large area to the northwest that could also be used. Mahaney asked about curbing – Engel indicated it was a mountable curb. P. Engel felt they could work with staff to relocate the plantings that would be in the way. Soucy asked about the shared use and maintenance agreement for the easement. Throenle stated this is already done, as it

had to be in place before the sale was closed. MDOT has signed off on this, based on the easement.

Commission Decision

Soucy moved, and Rhein seconded that after staff review and Planning Commissioner discussion, *Site Plan Review Application SR 19-43* is approved in accordance with the standards outlined in *Section IX* of the *Zoning Ordinance*, with the following conditions:

1. Landscaping on the northwest side of the building be moved to accommodate snow storage.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Blondeau Storage Units Site Plan Review

Staff Introduction

Throenle introduced the site plan review for the storage units at 125 Kawbawgam Road. The storage units will sit on 1.93 acres. It is zoned commercial and has an overlay zoning of mixed use. Throenle pointed out Kawbawgam Pocket Park, the area where the storage units would be located, and the apartment building that sits on the parcel on an aerial view of the project area. The storage units have two functions – one for storage for the residents of the apartment building, and the other is to provide public storage. There is a tree buffer along the Pocket Park. The only question received was which way the storage buildings would face. Throenle indicated that all four units would not be going up at the same time. Mahaney asked about the time frame.

Commission Discussion

Matt Blondeau, 156 West Park Street – he is the property owner, and has recently bought the apartments across the road from the proposed storage units. He would like to build two of the units this year, with the remaining two being built next year. He would like to improve look of the whole area, and they do have plans to make things look nice. He would like the entrance to Kawbawgam Road look better. Each building would have 20 units.

Mahaney asked if this was a definitive time frame. Mahaney asked Throenle if it was acceptable to have this stretch over a two year period. Throenle indicated that it was, but if the Commissioners preferred, they could approve two units now, and have Blondeau come back to have the other two units approved when he is ready to put them up. Mahaney questioned the comment on the use of the land. Throenle explained that this is an interpretation and how they are using the storage units on that property. Mahaney was also concerned that there would be two different uses on one parcel. Throenle indicated that this would not be the first time for two different businesses to be on one parcel, and gave examples.

Blondeau indicated that he thought since this was in a mixed use district, that the intent was to be able to do this.

Maynard questioned that of the 20 units in each building, there was only one unit in each building that is ADA accessible. In the general population, 12% of the population are physically disabled – she felt two might be a better number. Blondeau indicated that would be acceptable.

Mahaney questioned the driveway. Blondeau indicated that at this time, there is an easement that has a circular driveway that is there. Rhein wondered about the upkeep of the driveway with the increased traffic that would result. Blondeau indicated that it is already being maintained, and this would continue.

Soucy felt there was not a fully complete site plan for review – they have the floor plan, the structural assessments, and a survey, but not all the things that are required of a site plan such as the easements, grading and drainage, landscaping, and the driveway are not shown in the plan. Throenle stated that the drainage is actually going into the gravel at this time, and the snow storage is shown on the survey. Throenle indicated he didn't see the need for such detail when it's only four buildings on a parcel. Soucy asked how to make the distinction on how much of a site plan needs to be submitted and questioned what is considered a complete site plan. Throenle indicated that there has been much less detail submitted to the Planning Commission, and those have been approved by the Planning Commission. Mahaney agreed with Soucy, and would like to see a definitive driveway – there is no architectural notation showing where it is going to be. Mullen-Campbell stated that this is a low hazard storage unit, and they are all over the place. She asked, why be so fussy??

Throenle indicated that it is identified on the survey as having ingress and egress. Possibly the detail of this could be a condition. They would be using the existing driveway. There is driveway actually showing going over to the units, but that could easily be shown.

Mahaney asked if Throenle felt there was a possible conflict of land use. Throenle stated he did not, based on his interpretation. Throenle explained there are already multiple parcels in the Township that are already running multiple businesses on a parcel. Throenle indicated that this was also a mixed use of the property, as some would be for the people renting the apartments, and the rest would be for the general public. Throenle feels that it is an extension of what is already there.

Mahaney questioned a possible lot split. Throenle stated he would have to look up the specifications on that, but he would assume that there is enough room to do that, but that would come back to the project having a separate entrance, unless an easement is granted across the current property to the new property. Milton indicated that if you split it, there would need to be another 30' setback. Throenle indicated that he already has the 30' setback from the road. Blondeau felt that it would be better if the lot could stay together, so that in the future in would all flow

together. Mahaney felt this should be explored so the Commission does not run into a conflict with the division of lots. Mahaney indicated that he is not opposed to the project, but wants to make sure that they are doing the right thing. He also felt that the site plan needs to be more detailed.

Milton asked about zoning – Throenle indicated it was a commercial lot. Milton indicated that you do not need to have 30' setbacks on a commercial lot. Throenle indicated that you do from the road, but the sides would be 5'.

Throenle indicated that this would not be purely commercial, so wondered at what point you consider them separate. Throenle indicated that the Commission could ask Blondeau to explore this and then come back to the Planning Commission. Mahaney felt this was a good compromise, so they are not setting any precedents.

Mullen-Campbell asked if they should approve it with conditions. Throenle indicated that he feels it should be tabled with conditions and work out details and allow Blondeau to explore the different scenarios.

Milton questioned if the only problem was if Blondeau was going to split the lot. Soucy indicated that there is also the identification of the driveway. Milton feels that it is already identified. Mahaney stated he did not think it was clear – there's lines on the site plan, but there is nothing definitive there. Mahaney would like to see more detail and have it definitive. Rhein stated that usage of the property needs to be worked out. Mullen-Campbell asked what is involved in splitting a lot. It was stated there is a lot of work involved in splitting a lot. Rhein indicated they would need to get a survey, bring it in to the Zoning Administrator, and hire a lawyer to draw up the plans. Mullen-Campbell stated that the summer is short, as it is August already, and that the plans look good to her.

Throenle asked Blondeau when he was planning on getting started. Blondeau indicated that he would like to get going the next week, if approved. Blondeau indicated that there is not a lack of a driveway. Maynard questioned that if there are two issues – splitting the lot and where the driveway is supposed to be – if the Commission could set aside the splitting of the lot, and ask Blondeau to show the Commission specifically where the driveway is going to be, would he have to wait for another meeting to do that.

Throenle indicated Blondeau would have to wait for another meeting, as the Commission is requiring a site plan drawing with the lines on. Blondeau indicated that in aerial shots, you are able to see the existing driveway. Throenle indicated that the Commission was concerned with is how traffic will flow.

Soucy indicated the site plan is the legal agreement with the developer on how the applicant is going to develop it. For consistency, he feels this is an important piece of the development and should not be allowed to slide. Milton felt there should be no question on where the driveway is going to be, as everything around there is sand. Bushong asked if there could be a condition added to the motion concerning the

driveway being connected between building one and two.

Rhein suggested that possibly the motion could include a condition that Blondeau must use driveways one and two, and that way he would not be able to move existing driveways.

Mahaney asked if the Commission would have approved the O'Reilly if there had not been a definitive driveway. Mullen-Campbell indicated that one was right along the highway. Milton asked what driveway they would be using. Mahaney indicated that it was spelled out in the site plan that they had an easement. Mahaney indicated that it does not have to have that kind of detail, but by looking at Blondeau's site plan, he can't tell where you would be pulling in and out of. Milton indicated that Blondeau has an easement also. Mahaney questioned if Milton could see the difference – in O'Reilly's you have a definitive driveway, and on Blondeau you are just saying that it's there somewhere.

Maynard questioned if it made a difference if a business was in the heart of Harvey or if it was something more rural. Bushong felt that the type of business should be taken into consideration – a large store should have a more detailed site plan, whereas the storage units would not necessarily need that sort of detail. He felt that the storage buildings would be the best use of that property, and it would be a shame if a minor detail put a stop to the project. Bushong felt that the plans were fairly well put together, although not extremely definitive, but they are in line with the project that Blondeau is asking to do. Mahaney stated that the parcel is zoned commercial, and wondered if we were going to start doing spot zoning since the project is rural. Bushong asked if it was zoned commercial, or mixed use. Mahaney felt that everyone needs to be held to the same parameters. Milton questioned Mahaney on how detailed we were going to get.

Throenle indicated that he is hearing some hesitancy in the Commissioners on approving this, regardless of if the driveway is there or not, so he would recommend tabling the request so that can be ironed out, and bring it back to the Planning Commission at the next possible opportunity. The concept is that the driveway will be drawn in to show the use and the flow of the driveway. Throenle indicated that he will take the hit on the driveway scenario.

Commission Decision

Mahaney moved, and Soucy seconded to table the Blondeau Storage Building project until there is further information on a site plan review for a designated driveway and the split of property is addressed.

Vote: Ayes: Mahaney, Bushong, Soucy, Rhein

Nays: Mullen-Campbell, Maynard, Milton

MOTION CARRIED

C. Lake Michigan Armory Enclosed Shooting Range Site Plan Review

Staff Introduction

Throenle indicated that this concept was brought before the Planning Commission at the last meeting, with the recommendation to put a Site Plan before the Planning Commission at this meeting.

The applicant is looking to move a fully enclosed gun range to the site (storage container). This would be behind the existing business (Lake Michigan Armory). Throenle has received one comment from the business next door (the veterinary clinic) that they had no objections to the shooting range. Throenle explained where the shooting range would be located and where the parking would be. There are large trees that buffer from the storage units in the back, and vegetative / fence buffers on each side. There would be a maximum of three people that could actually be in the container at the same time (2 shooters and one shooting range officer). The range would not be open unless the store was open and there was a shooting range officer available.

Tom Kolinsky from Lake Michigan Armory was on hand to answer questions.

Commission Discussion

Soucy questioned how we would know that those conditions would be maintained if we did not have it as a special condition. Kolinsky indicated that they have legal requirements that there be someone on site, either in the shooting range or through the use of cameras.

Mahaney questioned what the direction of the shooting would be – Throenle indicated it would be towards the storage units. Soucy questioned where the storage units were located, and Throenle indicated that they were situated behind the buffer of trees. Soucy indicated that the site plan does not identify buildings on the adjacent properties. Throenle indicated that it does in terms of the staff report and the site plan review.

Mahaney stated that he was absent at the last meeting, and had a few questions that may have been brought up at that meeting. Throenle asked that Kolinsky to give a little detail on the shooting range. Mahaney asked that he be given a few minutes before Kolinski could speak.

Mahaney questioned where a shooting range would come under permitted principle uses or conditional uses. He does not see where it fits in the Zoning Ordinance. Throenle indicated that his interpretation is that it falls under “Amusement and Entertainment”. Throenle stated that this comes back to the definition of amusement. Amusement is a wide open term. Throenle indicated that entertainment depends on the individual. Throenle asked if this was anything other than a gun range, would the Commissioners still have the same questions. If the answer is yes, Throenle felt the Commission would need to go back and tear the Zoning Ordinance apart. Throenle asked if every piece of amusement needs to be defined. Soucy felt that it is

subjective to what it is, and the Planning Commission does not have discretionary decision making power in site plan review, so you have to abide by the ordinance. That would suggest that it should be sent to the *Zoning Board of Appeals* for interpretation. Soucy indicated that at this point, that does not say anything about the appropriateness of use, as he is not looking at that at the moment. Soucy stated that suggests that there is a need to follow the Ordinance and follow procedures. Mahaney feels it falls under a special use. Throenle indicated that his interpretation of the Ordinance disagrees with that. He feels that whatever is contained in this storage unit (model trains, RC controlled cars, archery range, shooting range) are not defined in the Ordinance at this time. He asked the Commissioners if they wanted to go down that path, and tear the Ordinance apart, and try to come up with every type of use that there is. In Throenle's interpretation, "other places of amusement" was to cover that – we do not define every retail store that comes into the Township. Throenle indicated that amusement is a term that defines a whole array of what people consider amusement.

Soucy suggested that the applicants should meet with the Zoning Administrator early in the process when they have a use that is not identified, and work through the correct channel of getting the use added on a case by case basis. Soucy feels that if this is something the applicant truly wants, another three months added to the process is not out of the realm of normal things that people do with zoning in communities across Michigan. Throenle respectfully disagreed, as this would make it very difficult for entrepreneurs that come up with ideas.

Maynard is concerned about the public health and safety of the residents, and the Planning Commission is tasked with providing this, and with this particular use there is the concern of lead exposure, and the idea of the lead being transferred from clothing to the home. After the debacle in Flint, she is particularly sensitive to the issue of lead exposure, and while it may be possible to convince her that there may be measures possible to extract the lead from the container, she is not convinced that is where the problem stops. Throenle felt there was a much greater risk of being exposed to lead in an outdoor shooting range, than in something that is self-contained with safety procedures in place. Throenle indicated that with an outdoor shooting range, you are shooting into a bank of dirt. When it rains, that lead is now going into the aquifer. A second instance is shooting long range, missing the embankment or shooting in the air, and having no idea where it comes down. He feels there is a much greater threat with outdoor shooting ranges. Throenle laid out a demonstration of fishing supplies, all of which contain lead. Throenle indicated that he could open a fishing store in the container, and make lead objects. Lead is used for steelhead fishing, pointed out lead-head jigs that come in pure lead form, and he is touching that lead when he takes it out of the container. He can take lead in a melting pot, pour it into a form, and make those same sinkers. These can be purchased from any fishing store anywhere. His point was that he could buy any of these supplies anywhere, and that lead as a whole is not just contained to people

that shoot. Throenle indicated he would have more damage from the fishing supplies, than from going to a shooting range. Millions of fishermen do this every day.

Maynard indicated that as a founding member of the Chocoy Raptor Center, she has seen the effects of lead poisoning, and seeing eagles die of lead poisoning, that the example presented by Throenle shows the perversity of lead as used by all types of sportsmen.

Mahaney stated that he feels Maynard is correct, and that she is looking out for the community. Mahaney indicated that he can go to the store and buy them or refuse to buy them. Throenle indicated that you also make the choice to go to a shooting range and shoot. Throenle stated he was trying to show a point that people crafting with lead (whether it be fishing, or stained glass lead frame mosaics) are breathing the fumes. Maynard stated that does not make it healthy. Throenle asked if that meant that any business coming into the Township that would potentially sell products made of lead (such as a fishing / tackle store) would be denied. Throenle stated that he is a conservationist and sportsman, and respects what Ducks Unlimited did with steel shot. He also understands that he, as a fisherman, has a responsibility, even though it does not stop him from fishing. When he walks into a shooting range, he knows the risk. He does not feel that we as a Township can tell people to not take that risk. Maynard indicated that when you leave the shooting range, you will not be leaving naked. Throenle stated that on various occasions he has watched people leave the restroom without washing their hands, and would be more at risk of shaking hands with that person. Maynard indicated they would have to agree to disagree.

Mahaney also questioned what type of weapons would be discharged, maximum caliber, and required inspections. He feels that this requires a separate ordinance for this type of business. Under Indoor Theatres and other Amusement, Mahaney does not see how this would be the same as an indoor theatre – he feels it would suggest things like an arcade or bowling. Throenle indicated that his mind set would suggest a shooting range. Mahaney indicated they would have to agree to disagree, as it comes down to interpretation. Mahaney feels that this is so open-ended.

Tom Kolinsky, Lake Michigan Armory, stated that the caliber is defined in “self-contained”. He could have a .50 caliber shot in this container if he chooses to line it with AR 500 steel, which is not penetrable by .50. He is choosing to go with the largest caliber allowed being a .308 rifle, and rifles would only be allowed for sighting in, and will be regulated. The company takes the liability if a bullet escapes, which is why you line the container with appropriate AR 500 steel.

Soucy questioned the liability - if that is based on law. Kolinsky stated this is common sense. The person with anything higher than a .308 would not be able to get in. Soucy indicated that there is no condition that the Planning Commission can hold him to if a bullet escapes. Kolinsky stated if someone breaks in, there is an

alarm system. Throenle indicated that there would be a range officer to oversee what someone is shooting in the container, and that person would know what can and cannot be shot in that container.

Soucy feels that the fact the Planning Commission is having this discussion suggests that this use has additional health and safety consideration beyond what is normal for a typical entertainment use, which suggests that this needs to be considered through a different process – either update the ordinance or send to the *Zoning Board of Appeals* for clarification.

Throenle indicated that no matter what the business, there are certain liabilities that go along with it. We have become a very litigious society if we can sue anybody for anything. Throenle indicated that he feels that to have a special condition on this just because it is a shooting range takes it far outside the scope where this is going.

Kolinsky asked for permission to approach the podium, which was denied by Chair Mahaney.

Soucy asked about the comment made at the beginning about this being a non-conforming use and the point about not contributing to the continued non-conformity of this use. Throenle indicated that the container fits within the scope of being placed on the property. Maynard questioned a comment made by Throenle that the intention of a non-conforming use would over time be brought to conforming. Throenle indicated there a quite a few of non-conforming parcels in the Township based on depth of the parcel, width of the parcel, acreage assigned to it, etc. Soucy asked if it was then based on dimensions of the parcel. Throenle indicated that in some cases, the parcel itself is non-conforming, but there is a section in the Ordinance that states as long as you can meet setbacks in the lot of non-conformance you are good to go. Maynard asked if you are allowed to expand. Throenle indicated that you could, as long as you can stay in the confines of the property and meet the setbacks.

Throenle indicated that this was not a separate business, as it is used to promote the business.

Maynard indicated that Throenle had stated that the Vet clinic had stated verbally that they were fine with the intended use of the container, but Maynard wondered about the property that is 450' on the other side had given any written permission, based on the Firearms Ordinance. Throenle indicated he had not received any response from them.

Police Chief Scott Jennings spoke on the Firearms Ordinance, and feels that as long as the shooting is done within the container, nothing can escape and it satisfies the intent and spirit of the ordinance. The stated purpose of the Firearms Ordinance was to protect the buildings, property and people from stray bullets and reckless use of firearms. This contained unit, along with a certified instructor, is vented and minimizes the exposure to the people inside to lead, gases, and gun powder. The

instructor is there to insure the integrity. He feels that it is a fine accompaniment to the business.

Throenle explained the shooting range is comprised of a heavy ventilation system in the container that controls the flow, and that the ventilation system pushes forward toward the target, which minimizes the risk to the shooter. Maynard stated there would not be any risk if they only shot copper bullets.

Kolinsky stated that majority of bullets are copper jacketed, so the exposure to lead is minimized. S. Emerson interjected from the audience stating that copper jacketing makes no difference in the exposure based on scientific data, and that is not correct data. Emerson stated he is the expert on this subject, and would be happy to speak to the Planning Commission on this. He indicated he could also talk about the Zoning Ordinance. Throenle voiced objection to this.

Mahaney interjected and stated he would like to hear what Emerson has to say regarding health concerns. Kolinsky stated he would let Dr. Emerson speak as Kolinsky was a 35-year health provider, and then Kolinsky would like to speak. Throenle suggested that Dr. Emerson go first. Mahaney stated he wanted Kolinsky to go first.

Tom Kolinsky, representing Lake Michigan Armory as President – stated that the issue is on a shooting range and lead contamination. He stated that the shooting range has a ventilation system that takes the air flow from behind forward to a filtration system comprised of four or five filtration systems, with one being a HEPA filter so that none of the air that escapes the range has lead contamination. Kolinsky brought up carcinogens (smoking, gasoline, Roundup) and how they are responsible for more deaths than lead exposure. He stated that everything is about personal choice and what you expose yourself to, and how you clean it up. In relation to taking lead home on your clothing, there may be parts per million or parts per billion on your clothing. With the airflow technology, it is all filtering away, and the blast is going down range. This is regulated by OSHA, MIOS, NAHC, NAVFAC, and EPA, and is compliant for air flow and discharge.

Mahaney asked about filters and how often they are changed. Kolinsky stated that the filters are on a meter system, which indicates when they need to be changed based on air flow. The person who will be cleaning the range will have a special coverall suit to protect against themselves against lead exposure. Kolinsky has also invested in a non-explosive vacuum for unspent gun powder down range. There are policies and procedures on how to clean from the shooting line going forward. The container is designed with a deceleration chamber, so that when it hits into the bullet trap it goes around in a circle, decreasing the splatter of the bullet, which produces a more formed bullet and less lead exposure. Kolinsky indicated that this is not haphazard, and the industry regulates itself.

Mahaney questioned the noise. Kolinsky indicated there would be acoustic panels and the door is closed. At 10' away from the building outside would be no higher

than the decibels from a lawnmower. The farther away you get from the container, the less noise there will be. Throenle also indicated there would also be vegetation wrapped around the outside.

Scott Emerson spoke on the firearms ordinance, and feels the ordinance is very specific. It does not say anything about discharge of firearms in a container. Emerson feels that approving this would be a violation of the Firearms Ordinance. He stated that after serving on the Planning Commission for sixteen years, he knows how zoning ordinances are supposed to work. Emerson feels that this is a decision that the *Zoning Board of Appeals* would have to make. Emerson stated that Kolinsky had a very poor understanding about lead poisoning, as it doesn't cause cancer. Emerson feels that there is inadequate testing (pre and post) on people that use these types of shooting containers. There is no amount of lead that is safe, and the American College of Medical Toxicology just issued a warning on these types of shooting ranges. One of the problems is that they may have mitigated the lead exposure to the person in the container, but they have not taken care of the take home. When you fire, it is not necessarily what comes out of the barrel, but the lead vapor that is emitted, and the air flow is not fast enough to mitigate the inhaled vapor from the ejection port. Emerson stated that this will then enter your lungs, and in seven seconds is in your brain. Lead is an insidious poison that affects your neurologic system, decreases IQ points, and has been associated with CDC levels of alarm. The take home lead issues are another problem. You would need to have a decontamination process before entering and leaving the container. He feels that this type of shooting range is a toxic hazard that can leave the "amusement" area. It is not just a personal risk, but a public health risk.

Throenle indicated that there are all types of contaminants that people take home every night.

Mahaney stated there seems to be a lot of concerns and issues from the zoning aspect to the health and welfare of the public. Throenle interjected to clarify that Chief Jennings is the one that enforces the Firearms Ordinance, not the Zoning Administrator. Throenle highly respects the opinion of the Chief – he gave the shooting range idea to the Chief for comments. Mahaney then asked for commissioner comments.

Milton stated that he feels it is offering a service that is ancillary to their business. Maynard still has concerns about the public health. Soucy felt that procedurally speaking they should not approve it as it is not a permitted use in the district, and that it should be going to the *Zoning Board of Appeals* to make that determination or determining if this use can be added to the Zoning Ordinance. Throenle asked if this meant that any future businesses coming into the Township that are not specifically identified would have to go through the *Zoning Board of Appeals*. Soucy indicated that the applicant should be meeting with Throenle to make sure they are meeting all of our laws. Soucy stated we should not be taking short cuts – that they need to go through the proper channels. Throenle stated he does not see it as a short cut, and

that he takes offense to that statement. Bushong felt it comes down to the “amusement” definition, and at this point it appears the commission cannot agree on this. Bushong felt that since the commissioners cannot all say that this use is classified as “amusement”, it then becomes a *Zoning Board of Appeals* question. Mullen-Campbell had no comment, but agreed with Maynard on concerns about public health.

Kolinsky asked if the Commission was taking questions from the floor. Mahaney stated they were not.

Commission Decision

Maynard moved, and Soucy seconded to deny application based on concerns that the Commission has about public health and zoning compliance.

Vote: Ayes: Bushong, Soucy, Mahaney, Maynard

Nays: Mullen-Campbell, Milton, Rhein

MOTION CARRIED

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – spoke on site plans and what needs to be included. With the storage units, she did not feel it was a site plan. She had concerns on landscaping, driveway, vegetation, and the easement. With the shooting range, it's best to transfer to copper bullets and lead free primers. Spoke on lead exposure and it is not a personal choice. Applicants need to be directed to provide a complete site plan.

Tom Kolinsky, Lake Michigan Armory – stated that he had provided an official site plan. Stated he would like to lodge a formal complaint, as he doesn't believe Planning Commission members should be calling local neighbors and discouraging them by giving their opinion of a firing range, and then try to coerce them to go against the neighboring property. Commissioner Soucy explained that he had called the Veterinary Clinic and asked how they felt about the shooting range, as he was a new commissioner and trying to do his research. Kolinsky asked if Soucy had called the neighbor on the other side, and Soucy replied he had not. Kolinsky indicated that there was a little bit of a disagreement on what Soucy and the Vet clinic conversed about. Kolinsky was instructed to contact the Township Supervisor. Kolinsky asked what the process was with the denial – is he able to resubmit the application again. Is there an appeal process?

Dale Throenle, Planning Director, Chocolay Township – addressed the harassment by township residents to new businesses coming into the Township. There needs to be an enforcement ordinance against citizens harassing their neighbors regarding issues related to the Township. He stated that Lake Michigan Armory was asked to remove the gun sign from the front, as the harasser found it “offensive”. He asked the Commissioners to plant that seed in their brain, as he will be bringing it back to the Commission for further consideration. Soucy indicated this sounded like a civil issue. Throenle indicated that the person involved continues to do this on multiple properties

throughout the Township. Maynard asked about a restraining order. Throenle indicated that there are times that the individuals feel threatened by this harasser. Throenle indicated that this is an ongoing problem, and needs to be stopped. Commissioners felt this was outside the scope of the Planning Commission, and that it was a civil issue – a police matter.

Public comment closed at 8:33 PM.

X. COMMISSIONER’S COMMENTS

Rhein – None.

Milton – feels a shooting range is a good thing to have at the point of sale. There are a lot of things that go into firearms / pistols. There needs to be a lot more education on guns with the general public, so that they are buying the proper gun for the use intended.

Maynard – None.

Mahaney – stated it is hard at times to try to make the right suggestions for the community and not holding personal grudges. The Planning Commission tries to interpret the information that comes to them, but they are not experts. Mahaney also asked Throenle about getting full size site plans. Throenle stated we do not have the capability at the Township to print these – it would have to be something provided by the applicant. Mahaney indicated that there is so much detail, which makes it really hard to read.

Soucy – feels Bushong made a good suggestion on the distinctions on site plans. Maybe simpler uses could have a more simplified site plans. This is something that should be considered in the future.

Bushong – he is in favor of both projects that were denied, but feels it is all in the details. Things take time and they have to go through the process. He hopes both will continue forward.

Campbell – is pro-business for both projects also.

XI. DIRECTOR’S REPORT

Throenle discussed the purpose of a preliminary review, and the responsibility of the Commissioners to catch the things that need to be addressed. The purpose of a preliminary is to decide if the idea makes sense, and if it is an idea that the applicant should go forward with. Mahaney indicated that they are not experts, and they rely on Throenle to present the information to them. Throenle indicated that this is a “team” thing. If the driveway would have been caught in the preliminary, they could have breezed through that decision.

Throenle will not be available on the meeting scheduled for August 19th. Maynard will also not be available. Commissioners decided to move the meeting to August 26th.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board, 06.10.19

B. Minutes – Township Board, 06.25.19 Special

- C. Township Newsletter – July, 2019
- D. Minutes – Marquette City Planning Commission, 06.04.19
- E. Minutes – Marquette City Planning Commission, 06.18.19
- F. Minutes – Marquette County Planning Commission, Special Meeting 06.17.19, Draft
- G. Correspondence – Emerson

XIII. ADJOURNMENT

Meeting adjourned at 8:43 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 26, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:07 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Kendell Milton, Ryan Soucy

Members Absent: Don Rhein

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), and Suzanne Sundell (Deputy Clerk).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Maynard, and seconded by Bushong, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

July 22, 2019

Mahaney brought up the fact that the minutes did not reflect enough of the actual comments made by the Zoning Administrator, and the strong stance that he took regarding the shooting range. Mahaney feels that it is important for anyone that is reviewing the minutes have a good knowledge on how the Planning Commission and the Zoning Administrator acted and feel on issues. He feels the minutes are a basic gloss over of the last meeting, and he will not support approving the minutes as they are.

Soucy indicated he thought that the demonstration that Throenle gave on lead was pertinent to the discussion on the shooting range. He would also like to have revised minutes.

Motion by Maynard and seconded by Bushong, that updated minutes for July 22, 2019 be brought back to the September 16, 2019 meeting to reflect the comments made by Soucy and Mahaney.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – applauded the Planning Commission for sending the minutes back for revision. Had concerns about the recreation survey and only having 105 respondents – less than 2%. Residents feel that they are ignored. In reference to the Blondeau site plan, they have a total of 13 units on the site, and they want 80 storage units. She did not see anything on the site plan for the driveway or vegetation. Regarding the storage units on Carmen Drive, she still has concerns about

snow removal and placement. She questioned Mahaney (as he owns storage units behind Ace Hardware) how many storage units are needed in Chocolay Township. Should also keep in mind that these are being placed in an area with sewer that will not be used. Regarding the Recreation Plan, she would like to see an ADA accessible toilet at the Marina. She is also concerned about properties being used for equipment that is being left on these sites by companies doing work in the Township, as this could impact funding for state and federal money for recreational plans in the future. Mulcahey also indicated that the Public book in the back did not have the updated packet for this meeting in it.

Scott Doughty, UP Holistic Medicine, representing MKD Group, 6044 US 41 South – owns the building to the east of the proposed Genshaw Storage buildings. They have some thoughts and concerns to express for review by the Planning Commission. Professionalism, cleanliness, aesthetics and ease of snow removal are extremely important. They are health care professionals that provide a relaxed healing environment inside and out. They have concerns about their need for tree lined privacy. Snow removal is also of concern. Drainage could also be of concern.

Mark Daavettila, U.P. Engineers and Architects – he is there with Chuck Genshaw (owner) to answer any questions the Commission may have on Item VIII.A.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Blondeau Storage Units Site Plan Review

Staff Introduction

Throenle introduced the site plan review for the storage units at 125 Kawbawgam Road, and the request of the Planning Commission at the previous meeting to come back to the Commission with the driveway plan and whether a lot split needed to be conducted on that property. It is zoned commercial and has an overlay zoning of mixed use, so this use would fit into the concept of having multiple uses on the same property without the need for a lot split.

Commission Discussion

Mahaney asked if this parcel falls within the US 41 / M-28 Access Management Overlay District. Throenle indicated that it did not. Throenle indicated that this would pertain to properties fronting on US 41 or M-28. Mahaney stated that it also read “and other land at intersecting streets within 350’ of the US 41 / M-28 right of way. This is on a parcel of land that intersects. Mahaney indicated that it appears the lot falls in the 350’ and is right in the overlay district. Throenle indicated that the

driveway already exists, so this would not be an issue. Mahaney stated that whenever you amend your property, such as adding new buildings, you need to go to one driveway. Throenle asked if Mahaney was suggesting that this get tabled again. Mahaney indicated that was his thought. There are things that spell out the setbacks for items that fall into this overlay district – a 50' setback would be required for the first building. Mahaney feels there are other items that should have been reviewed with Blondeau. Mahaney indicated that this was under Section 5.3 (Q) (3) "**Parking Setback and Landscaped Area** - No parking or display of vehicles, goods or other materials for sale, shall be located within fifty (50) feet of the roadway right-of-way. This setback shall be planted in grass and landscaped with small clusters of salt tolerant trees and shrubs suitable to the underlying soils ...". Maynard asked if this was 350' from the right-of-way to the building. Mahaney indicated that it was 350' from the right-of-way to the property line. Throenle indicated that in that case nothing could be built on US 41 or M-28. Mahaney stated that this was for new construction. Soucy asked if it had been determined that it was actually 350', and suggested using the measuring tool in BS&A. Maynard asked about splitting the lot, and if that would figure into this discussion. Throenle indicated that if Blondeau chose to split the lot, and made it 350' to encompass the driveway, it could be built as designed. Throenle indicated that if the intent is to do further research, he suggested they stop the conversation at this point and table it. Mahaney stated he thought that is what should happen.

Blondeau asked Mahaney if he owned storage units. Mahaney indicated that he does. Blondeau was under the impression that when Ace Hardware was sold, the storage units went with the sale. Blondeau feels that there is a major conflict of interest for Mahaney being involved in the conversation regarding the storage units. Blondeau feels that Mahaney should have recused himself from the discussion, not only for this meeting but for the last meeting. This project seems to just get pushed along and is getting out of hand. Mahaney agreed that it is getting out of hand, because Blondeau has not been given the right information. Mahaney indicated that there are ordinances within the Township that they need to follow. Mahaney asked Throenle if it was too late to recuse himself. Throenle stated that the discussion has already happened, so it was. Soucy indicated that the procedure would be to ask the Commission if he should recuse himself, and then it would require a unanimous vote from the Commission.

Throenle indicated that he is not convinced that the Access Management goes that far down, but he will do the research to determine the answer. This could also be a problem if there are any other new businesses that wish to come into the Township.

Maynard apologized to Blondeau for not initially giving him the right information when he proposed his idea. She would also like to suggest that they spend their time trying to accommodate this business in this area.

Throenle stated that it would not be just the 350', but an additional 100' easement from the center line of M-28. This would make it 450', and the project would be

done. There would be no way to do a lot split at that point.

Throenle suggested that the project be tabled, and it be sent to the attorney for clarification on wording in Zoning Ordinance. Mahaney stated the attorney should also be asked about the driveway.

Soucy asked for Google street view, to see what the line of sight looks like from the driveway.

Throenle questioned what the intent was for the Access Management Overlay. Soucy asked if it could be brought up the Access Management intent could be put up on the screen. Throenle indicated that the intent is Section 5.3(A):

“...The provisions of this Section are intended to promote safe and efficient travel on the US-41/M-28 highways within Marquette County; improve safety and reduce the potential for crashes; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the highway and street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Township Master Plan and the US-41/M-28 Access Management Plan recommendations; ensure reasonable access to properties, although not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation, the Marquette County Road Commission, and adjoining jurisdictions, as applicable...”

Bushong asked if it has any bearing on the driveways, referring to Item R on the Access Management Plan. Throenle indicated that it depends on where he locates it. Mahaney stated it has a 50' setback.

Soucy asked about the volume of traffic on Kawbawgam Road. Throenle stated that right now it acts as a service road for the Casino, as well as residential, but will become residential only when the Casino opens. Soucy questioned if there are any exceptions spelled out in the Ordinance. Throenle answered he would be seeking the advice of the Township Attorney.

Commission Decision

Maynard moved, Soucy seconded that the discussion be tabled until the September 16, 2019 meeting when more information will be available regarding the Access Management Overlay Zoning.

Vote: Ayes: 5

Nays: 1 (Milton)

MOTION CARRIED

VIII. NEW BUSINESS

A. Genshaw Storage Units Site Plan Review

Staff Introduction

Throenle suggested that this item also be tabled, as it has the same scenario of the previous discussion.

Commission Discussion

Soucy indicated that he was under the impression that there was an overlay map that would show which parcels were included in the Overlay District, as he remembers coming to the Township and requesting that his property be removed from the Access Management Zone. Throenle indicated that was not the Access Management Overlay, but the Mixed-Use Overlay.

Throenle put the large site plan on the table for the Commissioners, and there was discussion among the Commissioners on the map.

Mark Daavettilla, UP Engineers, and Chuck Genshaw approached the table also. Daavettilla asked if the 50' was from MDOT's right-of-way. Mahaney stated that it would be 350'. Daavettilla stated that the Access Management Standard reads "if the property is within 350' of this right-of-way, it is in the overlay district" but does not say from there any property line is an additional 50' setback. Mahaney pointed out that it says from an intersecting road. Genshaw stated that Section 5.3 (Q) 2 states, "**Structure Setback** - No structure other than signs, as allowed in Article XVIII, telephone poles and other utility structures that are not buildings, transfer stations or substations, shall be permitted within fifty (50) feet of the roadway right-of-way".

Throenle indicated that this still comes back to an interpretation from the attorney.

Daavettilla stated that within that zoning district, you would have to be 50' away from the MDOT right-of-way to put up a building, and to put in a driveway on Carmen Drive (25 mph) it would have to be at least 150' from the right-of-way.

Daavettilla stated that to put this off for another month was somewhat of a joke, just to have a little research done. Mahaney called for no more comments. Daavettilla indicated that he agreed with Blondeau on the fact that Mahaney should have recused himself, as it is competition voting against competition. Mahaney felt this project should be tabled.

Genshaw asked when this zoning came into effect. Throenle indicated in 2008. Genshaw then questioned if anything new would fall under these same setbacks. Throenle stated it would – preexisting buildings are exempt, unless something would happen to them.

Mahaney stated that they should get an attorney's interpretation. Soucy stated that possibly it should go to the *Zoning Board of Appeals* for interpretation. Throenle

stated this would depend on the attorney's opinion.

Soucy had some questions for Daavettilla concerning drainage, as it appears to be a lower spot to the south and west, which could become a problem for the properties to the southwest. He is curious when the trees and shrubs are removed, if it will be able to handle the additional water. Daavettilla indicated that a portion is left gravel to help with drainage, and there is an additional storm water basin near Carmen Drive and another along the backside. Mahaney asked about the width of the snow removal (8-10 ft). He does not think this would be adequate. Mahaney wondered if it would cause problems for the apartments to the south.

Genshaw indicated that with the equipment he has, they do not end up with big snowplowed piles that take all summer to melt, as they have a snow blower that they use to blow snow back onto the driveway when it's nice to help with melting.

Scott Doughty (MKD) indicated that there was a ditch that runs around the property that could possibly be used. Genshaw indicated that he would be willing to talk with the adjoining landowner (MKD) and work some of the snow removal and drainage issues out.

Daavettilla asked about a variance – Throenle stated that he could ask for one from the *Zoning Board of Appeals*.

Bushong asked if Throenle could confirm that there was not a map on the Access Management Overlay District. Throenle did not find one in the Township electronic files. Soucy asked if there was a possibility that his predecessors may have made notes on this. Throenle indicated that he would have to dig back in the archives.

Soucy feels that it is very frustrating, that the Ordinance as it was adopted, did not take into consideration some of these things. As a member of the 41 Corridor Advisory Group, he knows that there was a sample ordinance that was passed around. He does not feel that what happened tonight was the intent.

Commission Decision

Maynard moved, and Soucy seconded to table the issue until the next Planning Commission meeting on September 16, 2019 to determine the applicability of the Access Management Overlay to this particular parcel.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Throenle asked if there were any other items that the Planning Commission would like have addressed on the two applicant's site plans before the plans come before them in the next meeting. Mahaney stated that this was something that should be addressed before it comes back the at the next meeting with the interpretation. He does not feel comfortable doing that at this point, as he doesn't feel that the projects were analyzed enough after the Access Management came into play. Soucy indicated that all his concerns have been addressed. Bushong stated he had no other concerns, and that the Overlay District came as a complete surprise to him.

Mullen-Campbell affirmed it was a surprise to her also. Mahaney interjected that he wanted the interpretation and have the meeting stand as it is. Throenle stated he was just asking, and Mahaney cut him off by stating that is how he wanted to leave it.

B. 2020 – 2024 Recreation Plan Review

Throenle indicated that is the start of reviewing and updating the Recreation Plan. As was mentioned in public comment, there was a small turnout in the survey, but the responses landed about where he expected they would. Throenle indicated that he had taken the Senior group on tour of the Township, and was surprised that even some of the Seniors that had lived here their whole lives had no idea we had so many recreation areas. His idea is to point out where the areas are and identify them with signage. The cost is basically maintenance.

Throenle has put together a budget, which is basically a wish list. This will help the Commissioners prioritize on what should be done. There are some items that have been identified with a Risk Management review.

Throenle indicated that the Recreation Plan would need to go through the Township Board and be in place by February 2020 in order to qualify for any DNR funding / grants. Throenle indicated that the document itself is about 95% done.

Mahaney wondered how realistic the budget was. Throenle indicated that the primary source of funding for recreation projects is the DNR. Mahaney feels that it is very aggressive. Throenle indicated that what he is asking of the Commissioners is to determine the priority of the items.

Soucy asked if there would be another opportunity to go over this. Throenle indicated there was. Throenle also indicated that in the coming year, the Planning Commission will be starting to take a look at the Capital Improvement Plan for the Township.

Mahaney asked Throenle how accurate he thought the numbers were. Throenle indicated that this has been reviewed with the DPW staff. Another aspect is to keep in mind how to maintain what is done.

Maynard asked about matching grants from the DNR for maintenance. Throenle stated the DNR will not do grants on maintenance. Maynard asked if we were luckier getting a full grant than a matching grant. Throenle indicated that in the DNR's case, there are not full grants, all are some type of match. Throenle indicated the DNR looks at two things going in – ADA compliance and matching funds.

Soucy asked if there had been an assessment has been done on our facilities regarding the accessibility standpoint. Throenle indicated that there had been, and it is covered in the document. Soucy asked if it includes things that need to be addressed for accessibility. Throenle stated that it does.

Mullen-Campbell asked about an interactive recreation guide that had been done by an intern in the past. Throenle pulled up this interactive guide on the Township

website under Recreation.

Mahaney noted that CABA (Chocolay Area Business Association) had been included as a participant in the spreadsheet. Throenle stated that they are in the process of trying to get this going again. There are 113 businesses in the Township, and the concept is to get them involved (or re-involved) in the organization.

Mahaney asked about the bike path on Green Bay Street. Throenle indicated that there is a plan to widen the bridge, to accommodate a bike / walking path that would be in conjunction with the Iron Ore Heritage Trail.

Mahaney asked if this subject was going to be discussed at the next meeting. Throenle indicated that it was, and that he would like the Planning Commission to give him a general direction on what they see as priorities.

Mahaney asked about the Soccer Association, and their pursuit of some land in Beaver Grove. Throenle indicated that the Soccer Association is very interested in pursuing the project. They are still working out details. Maynard asked if this field would be free to everyone. Throenle indicated it would not. Details are still being worked out. Throenle stated that the Soccer Association was working on funding the project through their association. The concept is that the property would be turned over to the Township and then be leased to the Soccer Association.

Mahaney asked Throenle if the Commissioners were supposed to rate the items on the spreadsheet – Throenle indicated that he would like the Commissioners to look through the proposed items to see if they make sense, and then come back to the next meeting to discuss. Throenle would prefer not to take anything out, since if it is not in the approved Recreation Plan, it would not be able to be funded through any grants. Soucy felt that by prioritizing the items, this should not be a problem.

Maynard referenced the survey: *“Question 26: Listed below are possible future recreation opportunities in the Township. Check your support level for each opportunity listed.”* Maynard also mentioned that in the past, in direct marketing 2.5% response on a direct mail campaign was what was expected. Maynard pointed out that of those that responded, the quiet sports and soccer, basketball, volleyball, and a community recreation center are high on the list. Non-motorized trails, the community center, summer programs for youth, and using school facilities scored the highest. She feels that is what the community seems to be interested in.

Throenle indicated that these are projects that could be done in cooperation with other entities, giving the example of the disc golf being in cooperation with Silver Creek Church.

Throenle indicated that one of the things we have lost is the cross country skiing trail on Kawbawgam, which will probably take 5 years or so before the tree growth is adequate. Throenle indicated that there is a possibility of doing smaller trails in areas such as Beaver Grove or Silver Creek, or even possibly Voce Creek.

Soucy thanked Throenle for conducting the survey, but mentioned that the under 21

crowd response is low, and he realizes that they are a hard demographic to capture in a survey such as this, but he wondered if there is an opportunity to have a short form survey when school kicks in to get a younger opinion. Throenle indicated that he could go to places like Cherry Creek School and talk to the children there and see what their interests are.

Mahaney stated that when the Planning Commission is looking at this, they will want to make sure that we are not competing with private enterprise. Throenle indicated that right now we have four different categories – Township owned recreation, cooperative recreation (recreation we do with the DNR or the State), private facilities (Gitchegumme campground or Chocolay River campground), and the public recreation facilities (fish hatchery). These are intertwined in how they work together.

Throenle indicated there have also been many comments from the public on trails – possibly one along CR 480. There is also the motorized groups, such as ATV, ORV, and snowmobiles.

Soucy was pleased to see the support for the trails. He now lives on the backside of Silver Creek, so he likes the ideas of disc golf, sledding, etc. Soucy likes the idea that the trails give access to many things. Throenle indicated that a lot of people do not know about the trails. Mahaney stated that this would come back to signage. Maynard feels that the trails are the most important aspect of the Township. She lives on the Iron Ore Heritage Trail, and is able to see all the different ages of people that use the trail.

Throenle asked if signage and direction (wayfinding signs) are a priority for the trails. Both Mahaney and Maynard thought it would encourage people to explore more. There are many things out there that nobody knows about. Maynard felt that signage would not cost all that much, and would provide an added boost to the Township. Throenle indicated that funding could possibly come from a community grant. Mullen-Campbell also thought it would be good to include the Marina.

Mahaney thinks the item “Purchase of trail maintenance services” is a very important aspect, and would promote the use of the trails in all seasons.

Mahaney stated that the Commissioners will take the list home and go over the priorities for the next meeting.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENTS

Milton – None

Maynard – None

Mahaney – stated that, as he sits on the Planning Commission, he does not take any of his own personal interests in judgement of anybody’s new or old business. He tries to be as fair as he can for the Township and the residents.

Soucy – stated that if there was an issue with the Asset Management zone that he would like there to be expediency in working together to get the issue solved in the most mutually agreeable way that they can.

Bushong – None

Campbell – Agrees with Soucy's statement

XI. DIRECTOR'S REPORT

Throenle indicated that the next meeting will be Monday, September 16 at 6:00 pm.

Soucy also added that the Michigan Association of Planning Conference is coming up September 25 – September 27 in Kalamazoo at the Radisson. The cost is about \$400 to attend the conference. Details can be found at www.planningmi.org.

Throenle indicated that if they had never been to the conference, it is an excellent conference to go to.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board, 07.08.19

B. Township Newsletter – August, 2019

C. Minutes – Marquette City Planning Commission, 07.02.19

D. Correspondence – Verberg (Blondeau Storage Units)

E. Correspondence – MKD Group, LLC (Genshaw Storage Units)

XIII. ADJOURNMENT

Meeting adjourned at 8:25 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 16, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:02 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Mahaney, and seconded by Bushong, to approve the agenda as changed. (Addition of discussion for current Appeals process for denied Planning Commission applications and re-open the recreational marijuana law discussion).

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

July 22, 2019 (Revised)

Motion by Milton and seconded by Rhein, to approve the revised minutes as written

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

August 26, 2019

Motion by Maynard and seconded by Soucy, to approve the minutes as written

*Vote: Ayes: 6 Nays: 0 MOTION CARRIED
(Rhein abstained from voting as he was absent from this meeting)*

IV. PUBLIC COMMENT

Scott Emerson, 119 Lakewood Lane – Spoke on his suggested changes to the proposed *Ordinance 61 Firearms ordinance.*

Public comment closed at 6:12 PM.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Blondeau Storage Units Site Plan Review (SR-000000-19-45)

Staff Introduction

Matt Blondeau, owner of the property located at 125 Kawbawgam Road, presented a site plan for formal review (application SR-000000-19-15) to the Commissioners during the July 22, 2019 meeting.

Commissioners reviewed the plan, and tabled the decision until two issues were addressed regarding the plan:

- 1) Adding a driveway to the plan to show the access to the proposed storage units.
- 2) Discussion on splitting the property to separate the proposed project from the current use of the property.

The project was presented again at the August 26, 2019 meeting with Mr. Blondeau's revisions. Commissioners tabled the project again based on concerns the project was in the US 41 / M-28 corridor overlay district and did not meet the criteria for the corridor overlay district.

Staff did extensive research on the US 41 / M-28 overlay district issue to determine if the project was in that district. Staff found that the district does not extend to the Kawbawgam Road location, as the district ends at the intersection of US 41 South and M-28 (see attached US 41 South / M-28 Findings document).

As a courtesy, the Blondeau project was sent to the US 41 / M-28 Corridor committee for review. The Blondeau project does not affect the corridor; however, Mr. Blondeau will need a driveway permit from the Marquette County Road Commission for the entryway into his project.

Commission Discussion

Throenle advised the Commission that Matt Blondeau was present to answer any questions they may have.

Blondeau told the Planning Commission he had done everything asked of him and also had a conversation with the Road Commission. The only requirement they have is for him to get the driveway permit after the site plan is approved and pave the driveway approach to the right of way.

Blondeau asked Tom Mahaney of the Planning Commission to recuse himself from the discussion and voting due to conflict of interest. Blondeau felt Mr. Genshaw (next up on the agenda with storage units also) would agree.

Maynard asked for clarification on the map where the driveway is. Blondeau stated where she suggested was correct.

Throenle stated in the past couple of meetings there were questions raised

concerning the natural buffer. He showed pictures to the Planning Commission that confirmed there was already a natural buffer present between the project and the Township pocket park.

Maynard asked if the first building built would be closest to the road, Blondeau stated he would be doing two buildings right away and they would be closest to the road and go back from there.

Soucy asked if this would happen within the year, Blondeau stated they would like to start tomorrow as he is running out of time with the weather.

Rhein stated he felt this project would make the existing property look better overall as it is currently a sand pit. Blondeau agreed and added the intent when he bought both apartment buildings on Kawbawgam Road, the intent was to clean up that whole intersection. He is also working on KBIC to tear down the old bank building on the corner of Kawbawgam and M-28.

Mahaney asked about a driveway permit and Blondeau stated the Road Commission said to get it after it was approved.

Mullen-Campbell asked if the driveway permit would be approved with the condition of the permit and Throenle stated it would not need to be as it is part of the build process.

Commission Decision

Bushong moved, Mullen-Campbell seconded, that after staff review and Planning Commission discussion, Site Plan Review Application SR 19-45 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Genshaw Storage Units Site Plan Review (SR-000000-19-51)

Staff Introduction

Charles Genschaw, owner of the properties located at 110 and 120 Carmen Drive, presented a site plan for formal review (application SR-000000-19-51) to the Commissioners during the August 26, 2019 meeting.

Commissioners tabled the project based on concerns the project was in the US 41 / M-28 corridor overlay district and did not meet the criteria for the corridor overlay district.

Staff did extensive research on the US 41 / M-28 overlay district issue to determine if the project was in that district. Staff found that the district does not extend to the properties on Carmen Drive, as the district ends at the intersection of US 41 South and M-28 and extends three hundred and fifty feet in circumference from that intersection.

As a courtesy, the Genschaw project was sent to the US 41 / M-28 Corridor committee for review. The Genschaw project does not affect the corridor; however, Mr. Genschaw will need a driveway permit from the Marquette County Road Commission for the entryway into his project.

Commission Discussion

Throenle advised the Commission that Mr. Genschaw and Mark Daavettila, U.P. Engineers, were available to answer questions.

Throenle told the Commission there was a slight difference in the application. Genschaw would be putting these units on two different parcels, two units on one parcel and one unit on the other.

Genschaw stated he had addressed the issues with the neighbors in the medical building on US 41. They went to the site after last month's meeting to discuss water issues in the southeast corner. Genschaw told the Commission they had agreed on a plan that would be helpful to those issues.

Genschaw stated he also had the discussion with the Road Commission about getting the driveway permit once the project is approved and paving the driveway approach up to the right of way. Genschaw also stated the Road Commission was happy about the location of the driveway as it will not be on a blind corner.

Rhein asked about the construction start date, Genschaw answered he is constrained by weather but it will be the determination of the project.

Maynard stated there were issues last month with the neighbors regarding snow removal and where he would be putting the snow. Genschaw answered they were concerned with flooding but he had discussed it with them and came to an agreement. Genschaw advised the Commission that they snow blow versus snow plow which seems better when the snow melts. Maynard wanted to make sure there is enough room for both parties snow removal.

Maynard also asked if Genschaw had a conversation with someone from the apartment building to the south. Genschaw stated he had talked with the manager in June regarding the removal of trees. He had advised her that he would need to remove some but would he would leave as many trees as he could and would also be planting more trees to replace the popple trees. He prefers a natural fence versus man made fence, plus the residents in the apartments use this area as a means to get to the grocery store. There have been no other conversations after that.

Genschaw stated that traffic in these type of areas are minimal. He would not be allowing the "rummage sale" type activity where they open up the units to sell their items as the increased traffic would not be fair to the people in that area.

Mahaney asked if he had areas for a proposed storm basin. Genschaw referred the question to his engineer. Daavettila answered there would be ponds that would be made to collect and hold water. Mahaney asked if they needed approval from the

DEQ and Daavettila answered they did not.

Mahaney felt it was a big footprint with the buildings and gravel for snow removal. Genschaw felt there would not be an issue with melting as he felt, with the gravel, it would not hold water very long. If it does hold water he could put irrigators in to keep the water moving. Daavettila informed the Commission these size ponds are designed for a 100 year floods as they are currently used in Marquette Township.

Soucy asked the type of soil on the site, Daavettila answered Harvey is more sand where Marquette Township has more clay mixed in with the sand. Genschaw commented that there are bigger parking lots in that area that are paved and did not know if they issues with water, adding they at least have a place for it to run to.

Soucy commented that there were not many concerns for curbing in that area before but as there are more businesses in that are there is less places for water to absorb into.

Daavettila commented that they looked at the design pre-development and took into consideration how much water the property could hold and designed it the same way post development. He also stated that maybe the Chocolay Township *Zoning Ordinance* could be changed to incorporate storm water requirements to help with the engineering of projects such as this.

Mahaney asked if the south property line, where the run off is proposed to be, would be excavated as a ditch. Daavettila answered it would be for the whole length of the property. Genschaw stated it is already a ditch and Daavettila added it would be the grade would be a ditch with berm on the sides. Genschaw added they would not be developing as fast as one would think. He will do one building and see how everything is working, if they have issues with water or anything else, they can make adjustments.

Commission Decision

Maynard moved, Rhein seconded, that after staff review and Planning Commission discussion, Site Plan Review Application SR 19-51 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

C. 2020 – 2024 Recreation Plan Review

Staff Introduction

Last month, the Commissioners were given the survey results and a draft budget that serve as part of the foundation for the 2020 – 2024 Recreation Plan. Commissioners were to review the documents and make recommendations for priorities in the budget.

This month, a revised survey (including comments) and the draft budget was attached for Commissioner review.

Staff will continue to work on the 2020 – 2024 Recreation Plan to prepare the plan for Commissioner review for the October meeting.

Concentration of the plan will address the developed sites as priority for equipment updates, as these sites (Beaver Grove Recreation Area, Township Marina, Township Complex, Silver Creek Recreation Area, Kawbawgam Pocket Park and Lions Field) are the most used in the Township. The priority for the remaining sites (Voce Creek Recreation Area, Wicks Site, Brower Recreation Area, Beaver Grove Agriculture Area, Green Garden Site, and Green Bay Street Park) is to establish signage and recreation opportunities on those sites and provide that information to the public.

Commission Discussion

The Commissioners asked several questions regarding all the recreation areas and talked about several concepts for the Township.

The Commissioners will be revisiting this next month in hope of finalizing this plan so it will be able to be turned into the DNR.

VIII. NEW BUSINESS

A. Proposed *Ordinance 61 Firearms* Revisions

Staff Introduction

Throenle addressed comments made in public comment earlier regarding the appeal to the Township Board made by the applicant for the enclosed shooting range. The Board had concerns regarding the *Zoning Ordinance*, as well as the *Firearms 61 Ordinance*. The language presented at the meeting tonight does not address the *Zoning Ordinance*, it only addresses the *Firearms 61 Ordinance* portion. The Zoning Ordinance will be a separate discussion.

At the Township Board meeting on September 9, 2019 the Board proposed a revision to Ordinance 61 Firearms to accommodate indoor shooting ranges within the Township, with a request for the Planning Commission to review that request.

Language proposed by the Board is:

“Firearms discharged within indoor, totally enclosed, noise mitigated, & lead mitigated, firing ranges located within Commercial or Industrial Mixed Use Overlay Zones”

Staff has added revised proposed language to section 5 of the ordinance for Commissioner review.

In addition to the staff-recommended language in section 5, the PUD zoning district was added to the restricted zones in section 3 (this restriction was overlooked in the previous version of the ordinance). Staff also reordered the zoning districts in this section to make the section easier to read.

Commission Discussion

Mahaney explained the background to the Commission how the Planning Commission had made its recommendation to deny the application for the enclosed shooting range to the Township Board. The Board reversed the recommendation and approved the enclosed firing range. Adding the Board also suggested either a separate ordinance for shooting ranges or revisions be made to *Ordinance Firearms 61* to accommodate this.

Mahaney feels the Planning Commission should have revised the *Ordinance Firearms 61* before the Board approved enclosed shooting range. He now feels the *Ordinance Firearms 61* has to be revised to suit the said business. It was discussed last month to examine a separate ordinance for this type of business or other options. He feels like they will be doing the Board's dirty work.

Milton stated they had talked about revising the *Ordinance Firearms 61* before any of this came up. Mahaney stated that was correct but it is now it is revised now to suit a certain business. The Planning Commission may have not included some of the items in the revised ordinance had it been done previously.

Maynard wanted an explanation as to why at the July meeting it was stated no less than six times this should go before the Zoning Board of Appeals, but it did not go there. Throenle stated it was due to the appeal process being specific in the ordinance. He also stated this could be included with the next agenda item as well (Item VIII.B, discussion of the appeals process, which was added to agenda earlier by Mahaney). Throenle stated this was not pertaining to a certain business, it was pertaining to certain business *type*. Mahaney stated if this is the case he would go back to his comment this should be a separate zoning ordinance for an enclosed shooting range.

Throenle stated the Board had sent two items to the Planning Commission. One was to enhance the *Zoning Ordinance* as to where those are located and the permissions. The second was to look at the *Ordinance Firearms 61* to clarify for the police so they know if they are enforcing an enclosed structure versus outside of that structure. Throenle stated of the two items, the *Ordinance Firearms 61* was the easier one as the *Zoning Ordinance* will take more time. Also, doing the *Ordinance Firearms 61* first will help the adjustment of the *Zoning Ordinance* to fit what is put into the *Ordinance Firearms 61*.

Throenle also reminded the Commission that the Police Chief stated at the Board meeting that he feels indoor shooting ranges do not fit under the requirements of the *Ordinance Firearms 61*. The Planning Commission needs to clarify the discrepancy of what the Police Chief feels should be enforced versus what is actually in the language.

Throenle stated in terms of interpretation, if the Zoning Board of Appeals was the direction for this ordinance, the concept would probably not be applied to *Ordinance*

Firearms 61 because their sole goal is the *Zoning Ordinance*. This language needs to be cleaned up by the Planning Commission as well as the intended language that was recommended from the Board.

The language that is included in the packet this evening has been tweaked by Staff and it is up to Planning Commission to look it over and decide if it makes sense or if it needs to go back to the Board, with changes after public comment for approval. This is the process; the ZBA does not have any involvement in this portion for this ordinance.

Maynard stated she felt uncomfortable with the precedence this is setting. She feels this language was designed for one business. Throenle answered that he agreed to a point but it comes back to a business type. This is what happens when there is a change to an ordinance, it seems to be because of a certain business but it needs to be changed for future businesses of the same type to be covered.

Rhein interjected and told the Commission that the Board was trying to clear up discrepancies for the Police Department. The Police Department felt the current ordinance was adequate and the Board wanted to make sure it was cut and dry so the ordinance matched what the Police found suitable. This is why the Board made the recommendations it did.

Mahaney stated it does not matter what the Commission does with the ordinance now as the enclosed shooting range is there. Throenle interjected and informed Mahaney that the Commission has the option to not include the language and send it back to the Board. Throenle stated the key element is Board does not mandate to the Planning Commission what language should be, it is a *recommendation* from the Board for the Commission to look at the ordinance.

Mullen-Campbell asked if the Commission had to make a motion this evening and Throenle advised her they can, it involves reviewing the language and seeing if it meets the needs of what the ordinance should look like. There is a motion involved but it states the language as *presented or revised*.

Maynard stated that personally she does not have an issue with an enclosed shooting range, she does, however, have a personal issue with lead. She would change the language to read 100% lead free and she would be fine with this and she would like it enforceable as such by the police department.

Soucy was in opposition to the site plan based on health and safety. He was not against the enclosed ranges in the community or even in that district; he would just like to have adequate protections in the wording of the ordinance. He feels that amending *Ordinance Firearms 61* and the *Zoning Ordinance* is a start in the right direction to get him to the point he is satisfied. Throenle reminded Soucy that what is in *Ordinance Firearms 61* is based on what is proposed in the *Zoning Ordinance* language is to make the enclosed shooting ranges a conditional use. The conditional use language automatically eliminates a few of the businesses that would come in to

the Township. Conditional use has a heavy review process from the Planning Commission to make sure it meets all the criteria. This criteria is for enforcement by the police department.

Throenle asked the Commission how the Police Department would measure 100% lead free and what tools would be needed. Maynard commented the business would not have mitigation equipment as they would not need it. Throenle commented these units may not have HEPA filters or other safety features as it would be declared 100% lead free.

Throenle reminded the Commission to be careful how the language is worded as there seems to always be a way around the language. Mahaney asked if there were size limitations to prevent enclosed shooting ranges from coming into vacant buildings in the Township. Throenle commented this is where the *Zoning Ordinance* would come in, it controls things like size, footprint, and setbacks.

Mahaney feels the hardest point of this is the enforcement. Throenle added a thought for this discussion; this plan has been approved with mitigated lead enclosure. How would a police officer enforce this if there was a separate ordinance say 100% lead free. Throenle feels the Commission could tighten up the *Zoning Ordinance* for any similar businesses in the future.

Throenle advised the Commission they had three options regarding this ordinance. The first would be to accept the language sent to the Board as is, second would be to tweak it and put it out for public hearing, or third would be to reject it completely and rewrite new language. They could also send it back to the board to say the Commission is not dealing with this.

Mahaney stated this is a technical ordinance and maybe would like to table it until next month. He feels this is important to the Township and they should do some research.

Throenle stated that is the Commissioner's choice but he would like to see that the PUD is added to the restricted zone as it was overlooked when this ordinance was done before. It is important language that needs to be added and was a Police Department request. It would have to go to public hearing for that to be added.

Soucy felt this would be a very long ordinance if all the protections, that the Commissioner's wanted, were included. He stated they could do a "generally accepted agricultural management practices" which is through the Department of Agriculture. As long as you meet certain specifications, that are already accepted in the industry, this could get approved.

Commission Decision

Rhein moved, and Soucy seconded to table the *Ordinance Firearms 61*.

Vote: Ayes: 7

Nays: 0

MOTION CARRIED

B. Proposed Change in Appeal Process (added to agenda)

Staff Introduction

Throenle stated Mahaney asked for this item to be added to the Agenda and asked Mahaney if he would like a change in the language for the denial process to go before the *Zoning Board of Appeals*. Mahaney answered this was correct.

Throenle respectively requested that the Commissioners discuss this tonight without decision as he needs to do research to see if the *Zoning Board of Appeals* is the correct area to send this to.

Throenle added the reason the Commissioners got where they are is from the Zoning Ordinance, Section 9.3.D which is the section that deals with appeals. Throenle disclosed he had a conversation with Soucy regarding the need for Planning Commission to look at the whole *Zoning Ordinance* to get it tweaked and fixed.

The appeals section, which is specific to site plan review, states "If any person shall be aggrieved by the action of the Planning commission, appeal in writing to the Township Board may be taken within five (5) days after the date of such action." Throenle stated from that perspective, the *Zoning Board of Appeals* does not look at site plans or anything from the standpoint of a site plan making sense. They look at the Zoning Ordinance language to see if it makes sense, not site plans. This why it went to the Board as an appeal process.

Mahaney stated in this case that just happened, the interpretation of "Amusement and Entertainment would come into play. Throenle stated it does not as it was rejected by the Planning Commission as a site plan review. Throenle stated he has researched history of the Township and this appears to be the only time this appeal process has been used. Throenle commented you do not find this appeal process any other place in the *Zoning Ordinance*, only in the section regarding site plans.

Soucy is familiar with the Michigan Planning and Enabling Act PA33 of 2008 it does allow a community to determine their process for dealing with site plans. It all depends on what is adopted in your ordinance.

Throenle stated as far as the *Zoning Board of Appeals*, if the applicant lost at that level they could bring it to the circuit court. The way the language is in the Chocoday Township *Zoning Ordinance* the Board has the authority to look at it and say yes or no based on the reason for denial. The Planning Commission has the right to review language and change this policy.

Mahaney commented he thought these were to go to the *Zoning Board of Appeals* was there if the Planning Commission were to deny something. Throenle stated not for a Planning Commission denial based on a site plan.

Items that would go to the *Zoning Board of Appeals* would be setback issues or issues that could be a hardship.

He pointed out the Planning Commission did make a revision to the *Zoning Ordinance* to allow campgrounds in Agricultural Forestry areas as it was not permitted in that area.

Throenle suggested the Commissioners table this for this evening and come back with languages they would like to see in the *Zoning Ordinance*. This would involve deciding if the language needs to be tweaked, changed or left alone. The existing language has been there since 1977.

Mahaney asked if the Zoning Enabling Act affected this in any way and Throenle stated it did not as the ordinance controls where the appeal goes as Soucy pointed out in the Planning and Enabling Act.

Mahaney asked how the Planning Commission could get to the motion to change the *Zoning Ordinance*. A request has to be made for the *Zoning Board of Appeals* to make an interpretation and someone would have to pay for it. Mahaney stated he felt that Soucy had specifically asked for an interpretation from the *Zoning Board of Appeals* and it never got to that point. This is why Mahaney is bringing this up, to put the *Zoning Board of Appeals* in the process.

Throenle stated this would up to the Planning Commission if this is what they choose to do. If they go this route, it would have to public hearing with the Planning Commission and a public hearing and two readings before the Board before it is approved. The Board can take the option of rejecting it.

Mahaney asked to put it on the agenda next month for review. Throenle stated it would be no problem but reminded them to provide him with language to review. Mahaney stated he would do some research on this.

Soucy commented he felt they got undermined on this project as he feels the Board has more political views versus judicial views he feels the *Zoning Board of Appeals* has.

It was decided to put it on next month's agenda.

C. Recreation Marijuana Law (added to the agenda)

Mahaney wanted this to be added to the evening's agenda as he sees the State has been moving along with licensing. Mahaney stated they had agreed to wait and look at this again when the laws became clearer. Maynard commented the Township had opted out. He would like this added to the agenda as well for next month.

Throenle respectively stated he has no problem adding this to the agenda next month but reminded the Commission he had a short window for next month's packet due to the fact he will be gone for two weeks. Mahaney feels he wants the recreational marijuana issue added to the agenda for next month as he sees the City of Marquette has also revisited it.

Throenle stated he would need direction from the Commission on what to add as there are different options regarding recreational marijuana. Throenle wanted to

know if they want a full blown discussion, certain just options, or if you want none of it.

Soucy read off a list of the options: Growers - class A, B, C, Processors, Retailers, Safety compliance facilities, Secure transporters, Micro businesses, Excess growers, Event organizers, Temporary event, and Designated consumption establishments. He stated the last five items were due to the emergency rules that came out from the State, they were not part of the original five options, they are however, anticipated to be adopted into the law as they revise it.

Throenle asked the Commission of the remaining options, what would they like to see and Mullen-Campbell stated all of them. Throenle stated if you want the Township wide open there would have to be an ordinance put together and he would like it in writing from each of them, individually, to get the direction. Throenle reminded them that whatever decision is made, it cannot be easily reversed.

Throenle commented that he would also like that they include law enforcement in regards of enforcing what is decided. The police chief and staff are concerned where this will go and how it will be enforced.

Soucy stated he would be comfortable looking at other smaller communities and their best practices for guidance. He also commented the Township can still be opted out as they work out the details to make it happen in the most safe and effective way. Throenle stated to also include the County Sheriff in their research.

Mahaney felt it should be looked at as attracting new business to the community. Throenle answered to keep in mind what they would like the community to look like in the future. Throenle added this comes to how it should be put it into the *Master Plan*. This is a bigger picture that just changing the *Zoning Ordinance* to allow it. Mahaney stated they need to adapt to community and Township changes and should start looking at it now.

IX. PUBLIC COMMENT

Scott Emerson, 119 Lakewood Lane – Commented on the proposed Recreational Plan, marijuana language and presented a suggested ordinance for regulating flag size in the Township.

Public comment closed at 9:49 PM

X. COMMISSIONER'S COMMENTS

Rhein - None

Milton – None

Maynard – None

Mahaney – Thanked Emmerson for his thoughts this evening.

Soucy – Thanked Dale for the research done regarding the Access Management Overlay. Feels confident with the Planning Commission decisions this evening.

Bushong – Will not be a resident or property owner in Chocolay Township. Accepted a position on the Sands Township Planning Commission, will continue to do both.

Campbell – Thanked Throenle and everyone else for their input this evening.

XI. DIRECTOR’S REPORT

Throenle will be gone for two weeks, the amount of information in next month’s packet will be limited. Would appreciate as much feedback, regarding the *Recreation Plan*, in the next ten days. The Commission is on a very tight schedule with the *Recreation Plan* and it will be a priority at the next meeting to be able to get to the DNR by February. Advised the Commission he had sent a DRAFT copy of the *Recreation Plan* in the email advising them the packet was ready, the revision dates will be added as it is revised. Reminded the Commission it is still in DRAFT form and is not available to the public. The next meeting is October 21 and Throenle will be gone until the 10th of October.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 08.08.19
- B. Minutes – Township Board, 08.19.19 special meeting
- C. Township Newsletter – September, 2019
- D. Minutes – City of Marquette Planning Commission, 08.20.19

XIII. ADJOURNMENT

Meeting adjourned at 8:56 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 21, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:01 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Bill DeGroot (Township Manager), Tony Carrick (Chocolay Police Sergeant), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Maynard, to approve the agenda as presented.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

September 16, 2019

Motion by Mullen-Campbell and seconded by Rhein, to approve the minutes as written

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

(Bushong entered the meeting after these votes)

IV. PUBLIC COMMENT

Bill DeGroot, 2017 Wetton – Introduced himself as the new Chocolay Township Manager. Went to elementary school here and attended NMU. Has met with Tom Mahaney, Chairperson, and would like to meet with everyone else on the Commission. Has read many of the past minutes for the Planning Commission; feels he is up to speed. He stated questions and opinions are welcome.

Public comment closed at 6:05 PM.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. 2020-2024 Recreation Plan Review

Staff Introduction

In August, the Commissioners were given the survey results and a draft recreation budget that serve as part of the foundation for the 2020 – 2024 recreation plan. Commissioners reviewed the documents and made recommendations for priorities in the budget.

Last month, a revised survey (including comments) and the draft budget was attached for Commissioner review.

This month, the first draft of the 2020 – 2024 recreation plan was available and attached for review. Pictures were added and history section was completed

Throenle asked the Commissioners if after reviewing the draft as a whole, if there were any sections they wanted to change/add to in the ten recreations areas.

Throenle stated his biggest concern is the Action Plan section and would like to address this first. This section is the general issues and strategies and the overall look at Township recreation.

Commission Discussion

Mahaney asked about electric charging stations, if this would be on Township property. Throenle answered that would have to be determined as the Township owns several properties, but also suggested the possibility of having it located at the Welcome Center or the turnouts.

Mullen-Campbell stated it may be safer in an area that has lights, Throenle answered absolutely and also commented that all of the Township facilities close at dark and would have to have lights installed to accommodate this. Mahaney felt something centrally located in the business center would be best.

Throenle stated they could possibly work and partner with businesses to make it happen. Throenle also pointed out it if was on a business property, it would be a question of who would own it, maintain it with, many things to work out. Mahaney asked who would pay for it, Throenle commented that he was not very familiar with these but would depend on the location and how it was set up. He also stated he would be against charging if grant money was used as it would be public use which is the intent of the grant in the first place.

Throenle told the Commission there is a bike repair/pumping station at the Welcome Center, it would be ideal to have another at the Lion's Field. This would help cover traffic on trails on both highways.

Soucy commented that electric cars will get more popular in the future and would get more use. He also questioned how long a person would have to sit at a charging station. Mullen-Campbell stated she thought it would be like a cell phone. Throenle was not sure about the time it would take but stated that battery life is always improving so felt in the future it may not be that long. Throenle also suggested talking to the gas stations in the area about adding them.

Rhein stated there are two charging stations currently in the City of Marquette, but he is not sure how they work. He also commented they may be the only ones between Marquette and Green Bay. He felt it would be nice to see more stations and if Chocolay Township could get in on it from the beginning.

Throenle stated he will get more information on the charging stations as a long-term strategy. Mahaney agreed that it will probably get more use down the road.

Mullen-Campbell commented she liked that the charging stations were listed in the *Recreation Plan*. Throenle stated that there may be items listed in the plan that seem odd but reminded the Commissioners that if the DNR does not see it listed they will not fund it.

Mullen-Campbell stated the history section was well written. Throenle answered that it was amazing to see how much history there was.

Bushong joined the meeting at 6:18 PM.

Throenle stated he had done a tour with the Senior Citizens of the recreation areas, some have lived here all of their lives, and the general comment on most of them was they did not know they existed. One item to consider is how to get the word out, how do we identify them, and which ones are a priority.

Throenle stated that through the Township insurance provider, there is a Risk Assessor available to determine what risk there is at these properties. The Township had this done prior to the last time the *Recreation Plan* was done and if anything needed to be fixed, they were added to the Action Plan section of that plan. This is a continual process when items are added to any of the recreation properties.

Maynard asked if there was a fee for the assessment, Throenle answered there was not; the insurance provider felt this would be a preventative action.

Recreation opportunities were discussed and are ongoing activities such as the Chocolay Festival to get people to do community wide events. One activity up and coming is pickleball, the new tennis courts at Silver Creek finished this fall, have combined striping so they can be used for either tennis or pickleball. This was not thought of five years ago and now is a national pastime. Other ideas are ice bowling, canoe/kayak instruction with local vendors, and fly fishing. Trout Unlimited would be willing to partner with Chocolay Township for fly fishing. Organized recreation would be teams such as softball, soccer, little league, and disc golf.

Underutilized watersheds and watershed preservations section, Throenle pointed out that the last time this plan was updated in 1999. He stated Chocolay Township has beautiful watershed for various activities and this outline should be updated.

Long term funding for recreation, is for the projects we build, and to keep them maintained. The strategy for this is how to keep the projects going after they have been funded so there would not be any long-term maintenance issues. He cited as an example would be the boardwalk at the marina.

Recreation easements will be something discussed in the future as well. Another big discussion from the Township is the lack of winter recreation, how do we improve this? We do have the hockey rink, but where can people snowshoe, cross country ski, or ride a fat-tire bike in the Township?

Long term funding will always be an issue, where will the money come from, we cannot always depend on grants as they are competitive and the more grants receive, the more you move down on the list for receiving more. The Township also has a higher income population so that moves us further down in the point system. What other funding is available?

Other long term are security systems, how do we keep them operating, they need energy.

Non-recreation programs are outside the scope of the recreation program that may affect the recreation program. We have talked about the Watershed Management Plan and there is the Community Rating System from FEMA that may potentially put some property in a scenario of a long-term park. When you look at something like this you have to also look at your emergency management system.

The Commission proceeded to discuss the recreation areas listed in the plan and their comments are as follows:

1. Beaver Grove Agricultural Area – this is a 14-acre site and has been used in the past as a lease for farming but has been dormant for the last five years. Has many potentials for use, such as a solar or agricultural demonstration farms or bee/butterfly attraction area. Maynard asked there had been any income to the Township in the past. Throenle commented that there is a small taxable stipend, so the Township wants to keep it as a lease agreement. Throenle stated that the most recent had been someone using the property for hay. If it is leased again the Township needs to have a reversal process in place to make sure the land is organically sound so it would not be treated with chemicals.
2. Beaver Grove Recreation Area – one of three most used sites in the Township. How do we take care of the aging equipment and how do we assure the viable use for the Township? How can these two be tied together, soccer could be a possibility. The pavilion also is popular with events throughout the summer. The restroom does need an upgrade.
3. Brower Recreation Area – 48-acre donated site with the understanding it would only be used as a recreation area, it is very wet. The Boy Scouts have looked at this in the past as a project, the plan was submitted but never acted upon. Possibly add signage.
4. Green Bay Street Park – this is a highly used neighborhood park, used for fishing and swimming. There is need to repair the stairs and the access to the site. This would also need signage to designate it as a Township facility. One other item would be to develop a partnership to address the erosion on the

bank of the river.

Mullen-Campbell commented that the bridge will be replaced next year. Throenle stated that could make this park more accessible with the new bridge.

5. Green Garden Site – people use it for fishing and swimming. Intention to leave as it is, add signage to designate as a Township facility, as this is a high flood area.
6. Kawbawgam Pocket Park – overdue for renovations. Existing swings are older and for some reason the basketball court does not get much use. Better signage as it is next to the snowmobile and North Country trails. It is plowed in the winter.

Rhein commented that people use this area often for biking and walking dogs. Throenle commented this trail was part of the Kawbawgam ski trail in the beginning and it may also get more traffic when the casino project is finished.

7. Lion's Field – another one of the top three. This recreation area is done for the most part, except for possibly do something with the sandpit area. Ideas could be a dog park or archery range. There is another small area that could host a small playground. This park is also a trail head for the Iron Ore Heritage trail.
8. Marina – needs boardwalk repair, was damaged last winter. Launch has a newer rollout pier. Does the Township need to keep the tent platforms, they were put in 2010 as part of a grant, do not know if they have ever been used. Restroom facility also needs to be replaced as it is not ADA facility.
Mullen-Campbell mentioned comparing the cost of replacing the existing bathrooms to renting a port-a -potty. Throenle commented he would write this down as a question and look it up.
9. Township Complex – utilize the Township hall for more activities. There are not many more improvements coming, but there are plans to add water/sink in the meeting room. Try to keep the historical aspect as the meeting room was the school, the bell in the office entrance was the school bell.
10. Silver Creek Recreation Area – this is the area that will be concentrated on to fix. There are bigger projects here and the question will be where do the funds come from? Security is a concern as far as fire and rescue, there is one way in, would like to extend the road through. Possible bike path extension, snowshoe or ski trails. The tennis courts were replaced this year and should be finished by the end of the month. Mullen-Campbell asked if there would be liability to add a skateboard area. Throenle commented it would depend on how it was built and what the insurance company said about liability.
11. Voce Creek – small access from US 41, maybe develop existing trails for hiking, possible biking, snowshoe. Add signage designating it as a Township property. Possible location for income by adding another cell tower to service the residents on the southern end of the township.

12. Wick Site – has not been visited by land, no easement found. There was no property survey turned over when it was donated. This parcel will not get any attention but does has potential for canoeing or kayaking across Kawbawgam Lake. This is the lowest on the list.

Maynard stated it may not be a bad thing if three of the properties mentioned were not developed – Wick, Green Garden and Voce. Throenle agreed but stated he would like to add signs designating them as Township property.

Mahaney commented it the parks in the waterfront areas had adequate signs they may see more usage.

Throenle stated these fit in with the Action Plan we have been discussing the past few months regarding the funding and would suggest putting this out for public review if there are no changes. He reminded the Commission that this does need to be turned in to the DNR by February 2020.

Commission Decision

Mullen-Campbell moved, Maynard seconded, that the Planning Commission put this plan for public review tomorrow (October 22, 2019).

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Proposed Ordinance 61 Firearms Revisions

Staff Introduction

At the Township Board meeting on September 9, 2019 the Board proposed a revision to *Ordinance 61 Firearms* to accommodate indoor shooting ranges within the Township, with a request for the Planning Commission to review that request.

Language proposed by the Board was:

“Firearms discharged within indoor, totally inclosed, noise mitigated, & lead mitigated, firing ranges located within Commercial or Industrial Mixed Use Overlay Zones”

Staff suggested revising proposed language the ordinance for Commissioner review as follows:

- Updating proposed language from the Board for section 5 to a “formal” format and language clarification
- Adding PUD to the restricted zones in section 3 of the ordinance, as it was overlooked in the previous revision of the ordinance
- Reordering the zoning districts in section 3 to make the section easier to read

Throenle explained to the Commission he has a Draft *Firearms 61 Ordinance* in the packet this evening reflecting the above changes and also added a definition for Sport Shooting Ranges or Range. The language for this was taken from the State language that revolves around shooting ranges.

Throenle has had conversations with the Bill DeGroot, the Township Manager to propose a slight change in the language to keep it more consistent.

DeGroot explained the reason for this change as being Section 5 only talks the about the description of firearms, to keep the definition consistent with the actual use the correlation has to be made “firearms to be defined as”, “the use of firearms within an indoor shooting range is”, “those particular uses such as”. This will help with use enforcement and use understanding to determine what the opportunity of use really is.

Throenle also explained that “indoor” was not included in the definition and asked the Commissioners if it should be as this particular scenario “indoor” would be an exception, automatically implying “outdoor” is not. Does this need to be a definition strictly for “indoor”?

DeGroot explained that what the Board suggested has two different opportunities for the Planning Commission to discuss. The first being as the Commission gets into the word or phrase of the actual use that should potentially include or not include “indoor”. The version handed to the Planning Commission by the Township Board does not include “indoor”. It is suggested that the existing use that is contemplated to the Township is exactly “indoor” and “indoor use” which was the intent of the verbiage that was discussed that evening.

DeGroot also explained the opportunity that was discussed in the definition section was to further define, to make it correlate with the rest of Section 5 pertaining to the uses of the permissions that were granted on the exception as to what firearms are defined as. These two areas of concern are to clarify the ordinance and allow the Planning Commission to target an ordinance revision, that is a bit more clear, defensible, and consistent of the events that have transpired from August to date, back to the Board. DeGroot stated he wants to honor both voices of the Board’s resolution and the Commission’s potential action without subsequent change to either discussion.

Police Sergeant Carrick commented that archery and firearms are being listed together but are separate items. DeGroot answered archery was not listed so instead of changing Section 5 to include archery and non-fire weapons it was easier to change the definition “such as” as it was a broader definition.

Commission Discussion

Bushong commented that archery does not fall under the definition of firearms in the definitions, it states “expel projectile by action of an explosive”. DeGroot advised the Commission the only other action they would have is to strike archery from that and in the Board’s version list archery as a potential indoor use.

Rhein commented that he felt it should be listed as “indoor” as he would not want any outdoor shooting ranges due to the issues with lead. With it being indoors at least it can be contained. He also feels archery should be left in there as well.

DeGroot reminded the Commission they have a zoning opportunity within the overlay district as well. When the Planning Commission goes back to the Board, how do you want Commercial and Industrial zones to be developed and what marketability future you want Chocolay Township to have.

Mahaney interjected he feels this ordinance is being modified for one business and will go back to his original statements in previous months that the meaning the approval of the indoor shooting range was done before the ordinance was contemplated being changed. He also feels the Board approved it without listening to the Planning Commission. It was brought up to do a separate ordinance for outdoor shooting ranges and it was not even investigated and now the *Firearm Ordinance* has to be changed to suit one business.

Maynard also interjected that unless the ordinance were to be changed to reflect the language as "lead free" versus mitigated she support or consider other language in the ordinance.

DeGroot commented that one of the items a Commission or Board has to evaluate is creating an ordinance that is so restrictive, whether it complies to Federal law, State law, or Local code, to where it becomes challengeable by right automatically. There are many words that cause the restriction to become the burden of how to enforce.

If we were to look at 100% capture for lead for example, how would this be enforced? It becomes a high problem of enforcement on the local level, do we have the skillset, the techniques to do this? Are we willing to take on the burden of risk, if challenged, how to enforce or have a certification of enforcement, whether it be someone on staff or reliable unit of government to back us up in the understanding of 100% in order to be defendable in court. DeGroot strongly suggest when thinking about that kind of risk, think of how it will be implemented. The Planning Commission has the right to suggest that language but what they have to question, of staff, is whether we have that opportunity and how do we prove that. He would not want the Planning Commission to write an ordinance where the staff does not have the ability to deliver the inspection, the quality, or the opportunity to validate the ordinance.

Maynard asked that the Planning Commission take the same position as California and ban all lead ammunition. This is her personal opinion as a Commissioner who is responsible for the health and safety of the community.

DeGroot understood but explained that weighing the risk as a community, Chocolay Township does not have assets to produce 100% compliance, California is struggling with this, they have lawsuits lined up. We have to be able, on the local level, to produce the tools to comply with an ordinance of regulation. If we do not do this, it will be just an ordinance on paper that we cannot enforce. DeGroot commented that we have the opportunity to be a bit more lenient and still strive for the target of 100% compliance, we can work towards that goal. He is acceptable to have Staff and Commission research and the opportunity of continuous improvement and possibly come back to the Planning Commission at a later date to amend any ordinances to

100% compliance in the environmental areas. We just do not have the tools, mechanisms, or certified staff as it stands right now.

Mahaney does not feel it should be up to the Township, he feels the burden of proof should be on the business owner, he does not think we are qualified as a Township to do this. Mahaney went on to say if they were doing a separate ordinance for shooting ranges, they could add this kind of language in there. He also feels if they were to have an ordinance there could be a way to hold the business to 100% and if they cannot maintain that, maybe they should not be there. He is against the shooting range and feels the lead is a big factor on the health of the citizens.

DeGroot does not disagree with Mahaney's expressed feelings in this process, the burden upon the Planning Commission is to review the definitions and suggest the ordinance to the Township Board that takes into account a new suggested use by looking at the existing two ordinances that they have asked for a review. Under the Planning and Enabling Act, the Township Board is the body to approve the Township's ordinances. The Commission has an opportunity to suggest tailored languages and how to implement it. DeGroot suggested to the Commission to find a way to work together to mitigate the situation.

Maynard stated the Commission does not have to all vote the same way, they do not need her vote for this to pass, but she needed to say how she viewed this ordinance. DeGroot stated he just wanted to be clear on how they got to this decision and advise the Planning Commission of the opportunity before them this evening.

Sergeant Carrick interjected with two comments. The first was regarding enforcement, the police have to prove, in court when they fine someone, their evidence, so they would have to be the ones to provide enforcement. The business could not provide evidence against themselves and they cannot do that.

Sergeant Carrick made his second comment regarding lead, stating that going to an indoor shooting range will reduce the amount of lead in the environment. As of right now State law allows a person with a small game license to shoot into any place with a backstop. There are several areas in the Township that lead is getting shot into the ground, gets rained on, and washed into the waterways. This will help greatly with the amount of lead in the ground.

Mahaney feels after the Planning Commission denied the shooting range and the Township Board approved it, they are spending more time trying to allow it within the Township. Throenle interjected by stating he agrees with his perspective, but he also sees this for any future applicants that attempt to do the same thing. It is not for one person; it needs to be in place if they come through the door in the future.

Mahaney was not sure the direction of allowing indoor shooting ranges was the directions the Township should be going in. Once you do this, it feels like you are allowing indoor shooting ranges. Rhein stated they could limit the number of shooting ranges in the ordinance.

Throenle interjected they have another item on the agenda that directs the Zoning Ordinance portion of this regarding where they are permitted, uses, and so on. This would control the shooting range concept. The Ordinance 61 *Firearms* does not permit shooting ranges in the Township, it would basically state if the Zoning Ordinance says it is ok to and the Commission conditionally approved it (if the Commission chooses to go forward with this language) then they are exempt based on Ordinance 61 *Firearms*.

Soucy stated his primary concern is not addressed in the Ordinance 61 *Firearms* but looking forward to the Zoning Ordinance. His concern deals with the construction of the shooting range itself as it does not really describe what it is. The definition says it needs to be noise mitigated but to what degree? The site plan does not deal with this. He feels having conditions that require what it is or refers back to a generally accepted standard from an institution that has a list of standards would they would not have to be listed in our own ordinance. He feels having standards from knowledgeable organizations is the best way to go for this.

Throenle stated when having a conditional use discussion, for an applicant, those conditions can be part of the conditional use permit, they do not have to be outlined in the ordinance specifically to state "A, B,C" but you can specify it in the conditional use that "A,B,C" have to be met to do this.

Soucy added this would rely on a future Planning Commission to take all the necessary steps to remember all the things that have to be included. We could use a conditional use process and have it all laid out. Throenle stated if they left it up to a future Planning Commission, they could have the flexibility to determine if it makes sense for "today". This allows them to look at the ordinance in the future and see if the previous conditions still make sense. Throenle stated, in his opinion, each case should be determined on its own merit, not from the perspective of one standard for all. Each applicant and location will be different.

Mahaney felt Soucy was on the right track with doing a separate Zoning Ordinance for this as it has to do with the health of the community. This is pertaining to discharging firearms, he feels this is totally different than a building project, it should be a whole different set of standards.

DeGroot interjected to explain what the Township Board recommended. The Board did not take a stance on use, it approved, by appeal, a site plan to allow the structure to be physically there. The Zoning Ordinance does not allow them to occupy the structure, as of now, the structure can be there as of now but cannot be used or occupied.

The Township Board recommended an opportunity to the Planning Commission to review the ordinance, to suggest a use that would fit the ordinance, and understand how and what can be done to tailor the conditions, complying with your denial, due to findings of fact from the Planning Commission that needs to be set forth.

The denial was based on the environment and concerns for noise and ventilation. One of these is covered under State law. Being compliant with State law as the backbone is significant. The Planning and Enabling Act allows a special use to be compliant and has to be reviewed on three bases: cultural, socioeconomic, and environmental. Based on this, when looking at the Zoning Ordinance discussion, the Planning Commission can look at the conditions being placed on it. State law also gives the Planning and Enabling Act to opportunity to look at site specific as it refers to the uses independently of each other.

DeGroot recommended the Planning Commission look at this as a conditional use opportunity as flexible as it can be because conditions do change. The opportunity that would be the best protection for the Township would be site-specific condition approved situation. DeGroot went on to explain, the more the restrictions are looked at as a guideline now, the more you have to change in the future as those guidelines change the less you become protected in the future.

DeGroot also explained that Ordinance 61 *Firearms* is a stand-alone ordinance enforced by the police not by the zoning district. Mahaney stated when enclosed shooting ranges were first brought up, the original *Firearms* ordinance, it stated specifically that the restricted zone was in the commercial district. Mahaney does not feel the ordinance needs to be amended, Rhein stated he felt it needed to be amended to have indoor range in the definition, so the police have the right to enforce the law. Mullen-Campbell felt it should be in the definition.

Bushong does not want to see archery included with firearms in the definition. Also add, under 5C, to add something explaining “firearms discharged within enclosed sport shooting ranges for which size and caliber designed”.

Supervisor Bohjanen made a suggestion to add impenetrable so it can't be enclosed with canvas. Sergeant Carrick commented anything is impenetrable, even his protective vest can be penetrated.

Soucy asked if there would ever be an issue as the mixed-use overlay district overlays many of the other restricted districts. Throenle stated the section for mixed use overlay district defines in the Zoning Ordinance specifically where they are located.

Commission Decision

Rhein moved, Milton seconded, that the proposed definitions and language for Ordinance 61 Firearms be accepted as revised and that the proposed ordinance be presented to a public hearing at a future Planning Commission meeting.

Vote: Ayes: 5

Nays: 2 (Mahaney/Maynard) MOTION CARRIED

Throenle asked for a five-minute recess. Mahaney agreed.

VIII. NEW BUSINESS

A. 34-19-05 Proposed Zoning Ordinance Revisions

Staff Introduction

At the Township Board meeting on September 9, 2019 the Board proposed a conditional use revision to accommodate indoor shooting ranges within the Township with a request for the Planning Commission to review that request.

The motion by the Board was:

“Amend Zoning Ordinance: Add as a Conditional Use within Mixed Use Commercial and Industrial Overlay Zones – “Enclosed Indoor Firing Ranges”. Section 1.5 of the Mixed Use Overlay Zone – “Relationship to Other Laws” that references more restrictive or higher standards referring to the Firearms Ordinance 61 (below), remains unchanged.”

Staff reviewed sections of the ordinance that would be affected by the proposed amendment. There are five affected sections in the Township Zoning Ordinance.

The first item recommended was in the definitions for Ordinance 61 *Firearms*, they asked that the same definition be put into the Zoning Ordinance to prevent discrepancy in language.

The second recommendation would be to look at the commercial district and add as a conditional use “sport shoot range” or “range”. This would also have to have “indoor” added so it would match the definition. The third would be adding the same wording to the industrial district.

The fourth change would be in the mixed-use district as the definition was also included in the mixed-use overlay district.

The last change would be for the actual conditional use, for the mixed-use district, would be included as an “indoor shooting range(s)”.

Throenle commented the discussion for the Commissioners is to look at the ordinance to make sure it makes sense by adding these changes and continue on to making this a conditional use in the overlay and industrial districts.

Commission Discussion

Mahaney commented he did not have a heading for mixed use, he does have heading for industrial and agricultural. Throenle answered that is due it being a different section in the ordinance.

DeGroot discussed the concerns regarding the conditional use permit section 16.2 Item 5 in the Zoning Ordinance which states:

“The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or

welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.”

DeGroot stated this goes back to the question of burden of proof as stated in Item 10 and 11:

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

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

DeGroot pointed these sections out to the Commission to show them there is one more section that is the basic determination the Planning Commission has in its Zoning Ordinance. This sections states:

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

DeGroot pointed out to the Commissioners they questioned, for indoor shooting ranges, the determination of mitigated versus 100%, backstop impenetrable or not, manufacturer’s standards. These are defensible positions of the burden of proof of in the Zoning Ordinance that your Zoning Administrator can use. He suggested the Planning Commission understands this section before they look at the definitions due to, they are listed under conditional use and can be enforced.

Mahaney thanked DeGroot for his comments. Soucy agreed the Zoning Administrator has power to curtail something bad from happening but feels the Commissioners should get conditions established to prevent this from happening.

Throenle stated he felt this was the point made by DeGroot. When an applicant comes to him for a conditional use permit that is the conditions are established, not through the Zoning Ordinance, due to each case being looked at differently. Throenle stated he is held to the conditions presented.

Soucy felt consistency is important and feels there would not be consistency this way. Throenle commented stated even if the language was not firmly planted in the Zoning Ordinance there could be issues. He also stated that until an ordinance is updated there is a standard to be held to. Soucy stated the State law supersedes and Throenle stated it would depend on how it is written and worded.

DeGroot suggested GAAMPs (Generally Accepted Agricultural and Management Practices) as they change. He further explained a more concerning feature in the Township that concerns him more than indoor shooting ranges are the GAAMPs under the Right to Farm Act. They change every year, when you look at what is compliant or conditional use this year could be different next year. He also commented that whatever is developed has to be inspectable, defensible, and enforceable and if it is in the Zoning Ordinance it needs to be enforceable by the Zoning Administrator, not a third party

Soucy stated he would envision this to be the conditions in the ordinance that were added by the Commission would be a guideline for future Commissions.

DeGroot commented that he would recommend strengthening the conditional use section within the ordinance. He also stated that he feels the current conditional use section does not require a true findings of fact determination. He suggested that within the conditional use application process and ordinance the Planning Commission should have a defensible findings of fact section. He asked the Commission if this would be enough to satisfy the requests from the Commission.

DeGroot went on to explain to the Planning Commission that under the State Planning and Enabling Act, "findings of fact determination" is a requirement under special use obligation, that the Planning Commission state exactly why they have come to the findings of fact, whether by approval, denial, or tabling, and specify by chapter and verse defensible by the Master Plan and Zoning Ordinance sections. In stating this, DeGroot strongly suggested the Planning Commission add a sentence in Section 16.2 that states:

"By resolution the Planning Commission determines in each case a findings of fact determinate on the Township Master Plan and Zoning Ordinance before final resolution of the application."

Maynard stated this would create a historical body for reference. DeGroot answered it would not only create a historical record that would be defensible in court and would also show future Planning Commissions why the determination for that site was reached.

Soucy stated his understanding was "by resolution the Planning Commission determines in each case findings of fact before resolution"

DeGroot told the Commission if they were willing to act on the contingency of the information from tonight, the information for the conditional use section can be brought back to the Planning Commission at the next meeting to reflect the suggested sentence.

Maynard stated she would like this revised language to come back to the Planning Commission next month.

Throenle asked the Commissioners if he could have a discussion next month regarding the language that was proposed in terms of location and conditional use,

with the understanding it will come back to the Planning Commission, for review with the additions added.

DeGroot told the Commission that if they agreed with the change mentioned in Soucy's statement, they have the opportunity to have all ordinances come back with at next month's meeting. The drafts would be available, there would be no action on them, but the public hearings could be held at next month's meeting.

Throenle stated the Commissioners can review the information so it can be brought back next month close to the way they want it. Rhein stated they did need to change the definitions. Throenle stated the definitions would be changed to read:

"Indoor sport shooting range or range". The actual definition would be "Means an area designated, designed, and operated for use of archery or firearms such as rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting." Throenle went on to say this is the wording that was put into Ordinance 61 *Firearms* and the same definition would also be put into the Zoning Ordinance. He would bring it back next month with this language in the revised document along with the section revision that was recommended.

Soucy asked if there is a special use presented as a special use permit request and they also have a site plan, could they bring in the site plan first? Throenle answered the conditional use would be first.

DeGroot interjected that he and Throenle have had lengthy discussions regarding this. He stated there have been discussion regarding process within the Zoning Ordinance. He suggests the Planning Commission think about regarding site plan and conditional use. He told the Commission to think of a conditional use site plan as a concept plan, the applicant would have to show the Planning Commission how they were going to use the facility and/or property and how it would affect the adjacent communities but it will not show all of the setbacks and all the other information at that stage as it does not have to at that point.

DeGroot went on to explain that the developer would have an idea, the developer would come to Township staff to discuss the idea, develop a concept plan, staff have a discussion to decide if it is conditional use opportunity for that particular zoning district, then come before the Planning Commission to discuss the idea, concept plan, get a conditional use permit granted, and then onto site plan review. He also explained the Commission has an educational opportunity in the conditional use opportunity, and the Planning Commission's motion to appeal this to court. However, if the site plan meets the ordinance, the Planning Commission is bound by law to approve it regardless of feelings about use. If the plan does not meet the spirit of the ordinance the Commission has the right to deny or table. If it were to be denied because it did not meet the ordinance, it would then go to the Township Board.

Mahaney asked if the Commission were to miss something on the conditional use application or hearing, could it be brought up during the site plan review. DeGroot

answered the Commission could ask the applicant but they are under no obligation to comply. Mahaney stated the real work is done under the conditional use hearing. DeGroot answered only if it is a conditional use opportunity but it does not get into a site planning situation.

DeGroot explained the *Master Plan* is the document of the Planning Commission and the *Zoning Ordinance* is the enforcing document of the Township Board.

Mahaney stated he would still like a separate ordinance for shooting ranges. If something gets missed under conditional use, by a future Planning Commission, it could proceed and there would be guidelines in place to follow.

DeGroot explained many communities talked about this but where would it end as there will be more conditional uses coming about. He stated the way the conditional use ordinance is written in our regulations now; he is not sure the Commission could enact a guideline that would allow the same rights they have now. The burden of proof is not on the us to help the developer develop within the Township, it is on the developer to prove to us that he can develop within the Township according to our guidelines.

Mahaney stated it goes back to his argument that the burden of proof can be put on the developer/owner to be 100% lead free. DeGroot stated the Commission may want to do this in the future but under the current conditional permit use right now he does not think this is possible. This restriction still exists now. Mahaney feels conditional use is a powerful weapon.

DeGroot explained that section 125 of the Planning and Enabling Act specifically calls out special uses. We have chosen to change the word "special" to "conditional" and he suggests the Planning Commission look at that.

Mahaney suggested that under the permitted use section, his thought was to take shooting ranges out of the mixed-use overlay zone but leave it in the agricultural and industrial zones. Throenle interjected they would have to go back and change Ordinance 61 *Firearms*, which was just modified this evening, to remove it from the mixed use overlay and add agricultural as a permanent district.

Throenle stated once this ordinance goes into effect with whatever changes, the applicant still would have to come back and get a conditional use permit, they have to go before the Commission before they can open the doors, assuming that was the direction the Commissioners took.

Mahaney stated he does not feel these ranges should be part of the business district. Throenle also told the Commission, as a courtesy of the site plan review, he sent out notices to the neighbors within 500 feet of the project. This has been a couple of months now, but to date he has not heard any negative comment of having a shooting range in that area other than the comments this evening.

Throenle also stated if conditional use is listed, the Commissioners have the power to list the conditions the applicant has to meet to be able to open the doors. If the

applicant is denied based on the conditions, they have the option of going to court.

Soucy asked if this could be tabled until the next meeting and Throenle stated it could not as he needed to know the language that has to be brought back.

Soucy asked Mahaney if there would be any place in the mixed-use zone that would be acceptable for a shooting range, given the right conditions. Mahaney commented he was not sure it would fit in anywhere in the mixed use.

Milton stated he liked the flexibility the ordinance gives the Planning Commission currently. Mullen-Campbell, Bushong, and Rhein agreed with Milton. Mahaney stated that would be the majority, even though he is against it, the majority would speak.

Throenle stated he would request a motion from the Commissioners to advise him of the acceptable language to be brought back next month.

Commission Decision

Rhein moved, and Milton seconded the Planning Commission move forward with the changes made and discussed tonight to be presented at the next Commissioner meeting.

DeGroot asked for clarification for the record that Staff will bring back in a package the changes suggested for Ordinance 61, 34-19-05 (proposed Zoning Ordinance revision) and article 16.2 to include the language suggested by the Planning Commission to include the basic definition of finding of fact. This would be presented as a package of three separate ordinances to come back to you at the next Planning Commission meeting.

Throenle commented that one additional piece, the definition in Ordinance 61 *Firearms*, will be added as well.

Rhein moved, Milton seconded to these additions to his motion as well.

Vote: Ayes: 6 Nays: 1 (Mahaney) MOTION CARRIED

Throenle asked for clarification, from the Planning Commission, that the intent of the motion was for this to come back next month for a public hearing. Rhein answered yes, that was part of it.

B. Ordinance 67 Marijuana Establishments Discussion

Mahaney asked the Planning Commission to end the meeting move the discussion for Ordinance 67 *Marijuana Establishments* to the next meeting. Mullen-Campbell asked if there was a deadline for this and was told no.

Soucy felt it was tricky and stated his concern was this could be subject to a public referendum that requires 5% of the 3118 voters in the community that voted for governor. This would be only 156 people to overturn this. Soucy feels the need for due diligence to draft ordinance language to prevent this from happening.

Throenle suggested the Commission to send their corrections, questions, comments,

or concerns regarding the proposed ordinance to the DeGroot, Township Manager so they can be addressed at the next meeting.

IX. PUBLIC COMMENT

Bill DeGroot, 2017 Wetton – plans a review of what is happening with ordinances according to changes in Michigan Tax Law regarding recreational marijuana in the City of Marquette, Negaunee, and City of Iron Mountain. Will also do an analysis of the impacts of commerce over federal law. He will also have information regarding Colorado and California, to see how it looks today after becoming a recreational state.

He is currently reviewing the opportunity of the Michigan Association of Planning to perform a training session before the annual meeting in January to discuss the Michigan Planning and Enabling Act and the Michigan Zoning Enabling Act. He has asked the Township Board to invite the Planning Commission and the Zoning Board of Appeals so everyone is there and can get an understanding of State laws and how they can help us. This will help set our priorities as we enter the new year.

He also has connections with the State Leadership of Michigan Association of Planning, and they are willing to come here for a training session. If there are other opportunities you would like briefs on, he is willing to bring experts in for training sessions as brief agenda item.

Public comment closed at 9:49 PM

X. COMMISSIONER'S COMMENTS

Rhein - None

Milton – None

Maynard – None

Mahaney – Mentioned that there were many items on the 2019-2020 Planning Commission Priorities that had been completed and the Planning Commission should review this to see what they would like to tackle. He asked the Commissioners to glance at it before the next meeting to get a direction for future meetings.

Soucy – There will be an Asset Management conference at the Holiday Inn on October 30th which coordinates with the TMC (Transportation Management Council) conference all are welcome to attend. The summit will begin at 2:00 PM and is free to attend and the TMC conference will be \$25-\$35 to attend. Throenle asked this information to be emailed to him.

Bushong – none

Campbell – none

XI. DIRECTOR'S REPORT

Throenle asked if the Commission was ok with the function ability of the tablets used for the meeting packets. He stated the Commissioners could always ask if they wanted a paper copy of any of the meeting materials.

Throenle also asked if there were any items the Commissioners would like to see on the

agenda, for next month, other than the hearings discussed this evening. Mahaney inquired what would be on the agenda as of now and Throenle commented that the following would be on the agenda:

1. *Ordinance 61 Firearms* for public hearing.
2. *Zoning Ordinance* for public hearing.
3. The marijuana talks that were not discussed this evening due to the length of the meeting.

The Commissioners agreed this would be a full agenda. DeGroot commented that the recreational marijuana discussion would be a lengthy discussion and one worthy of taking time in discussing.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 09.09.19
- B. Township Newsletter – October, 2019
- C. Minutes – City of Marquette Planning Commission, 09.17.19
- D. Minutes – City of Marquette Planning Commission, 10.01.19

XIII. ADJOURNMENT

Meeting adjourned at 9:13 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 18, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:04 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: Cory Bushong (Vice Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Bill DeGroot (Township Manager), Tony Carrick (Chocolay Police Sergeant), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Throenle told the Commission the date listed in Section XII.A for the Township Board Minutes should have been 10.14.19, not the 09.09.19 listed on the Agenda.

Motion by Milton, and seconded by Rhein, to approve the agenda as revised.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

October 21, 2019

Motion by Rhein and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

A. Proposed Ordinance 61 Firearms Revisions Public Hearing

Staff Introduction

Throenle advised the Commission there is a change in format how the sections are presented in the packet.

Throenle stated at the Township Board meeting on September 9, 2019 the Board proposed a revision to *Ordinance 61 Firearms* and to the Township Zoning Ordinance to accommodate indoor shooting ranges within the Township, with a request for the Planning Commission to review that request.

Language proposed by the Board for *Ordinance 61 Firearms* was:

"Firearms discharged within indoor, totally inclosed, noise mitigated, & lead mitigated, firing ranges located within Commercial or Industrial Mixed Use Overlay

Zones”

Staff suggested revising proposed language the ordinance for Commissioner review as follows:

- Updating proposed language from the Board for section 5 to a “formal” format and language clarification
- Adding PUD to the restricted zones in section 3 of the ordinance, as it was overlooked in the previous revision of the ordinance
- Reordering the zoning districts in section 3 to make the section easier to read

At the October meeting, Commissioners revised the proposed language to specify that exempted shooting ranges must be indoor and clarified the proposed definition language regarding shooting ranges.

Throenle told the Commission he had a conversation with Richard Bohjanen (Doc), Township Supervisor, to cleanup a definition which was presented to the Commission. This change in wording would make it more specific to what the ordinance would be referring to.

Public Hearing

Scott Emerson, 119 Lakewood Lane – He is a Board-certified medical toxicologist. He has a comment in the packet but wanted to congratulate the Planning Commission for their denial of the firing range at their July meeting based on zoning and public health safety concerns. He feels changes from 100% lead free ammunition to lead mitigated ammunition would not assure public health and safety. He feels lead dust is still a problem.

He stated 100% lead free indoor firing range is the best way to go, would be easy to enforce, and the violation can be assessed as in the ordinance. It would also lead to uniquely clean ranges here in the Upper Peninsula. Stated the Federal is the largest ammunition manufacturer in the United States and they are moving to 100% lead free for all of their hunting and sport shooting ammunition.

Jude Catallo, 119 Lakewood Lane – Has a comment in the packet. She feels best protection for the Township and the residents would be lead free.

Public hearing closed at 6:20 PM.

Commission Discussion

Mahaney asked the Commissioners if they had any other comments after reviewing the packet and listening to public comment.

Maynard stated that she will personally remain consistent in her comments, as a founder of the Chocolay Township Raptor Center, that she wants to see 100% lead free in the ordinance.

Mahaney commented that 100% lead free has been an issue with the ordinance. He stated there is lead free ammunition available and he feels it would not impede the business from having an indoor shooting range and it would protect the citizens of the Township. He feels strongly if they are going to make an ordinance, they should do it right now.

Mullen-Campbell stated after doing more research she now shares the same views regarding 100% lead free ammunition.

Milton stated people will still purchase lead ammunition as it is less expensive. Maynard added the Raptor Center has done research and found there are more eagles that come in the winter with lead poisoning. They understand that hunting is an important recreational and economic part of the Upper Peninsula, but she feels with all the expenses that go along with hunting, the difference in price between lead and non-lead ammunition is a tiny piece of the overall hunting trip.

Mahaney told the Commission the ordinance is not trying to stop you from buying lead ammunition for hunting. Milton stated if lead is going to be taken out of the environment, lead manufacturers and ammunition suppliers will follow, that is the way the economics work.

Mahaney stated it is already happening as California is 100% lead free and manufacturers are making lead free ammunition. If he was a hunter, he would take the option of not breathing lead dust and buy the lead-free ammunition regardless of the price. It is all a personal choice. He added that we are not telling people they cannot shoot in the indoor range; we are just taking a safety measure to protect their health and that of the surrounding environment.

Maynard feels with the ammunition companies going to lead free and California is already lead free, it sounds like it is the industry that is leading this. Her question was, will we follow them? If we do follow them, it could lead to others following and create a snowball effect.

Maynard added that she knows we cannot take lead out of the environment, but we could take steps to minimize it and eventually eliminate it.

Mahaney it could be looked at from the standpoint of not hurting the business but encouraging the people who are afraid of lead contamination in an indoor shooting range to shoot outdoors where they feel safer. Mahaney stated he does not see this as a bad thing, it may increase more use of the facility being lead free.

Milton commented that he does not see this as bad either, but he will continue to go with whatever the price dictates. He has an older gun that only uses paper shells, he must go to gun shows and special places to buy old ammunition for it. He stated they do not make lead free in paper shells.

Maynard stated she is not telling people to not hunt or hunt with lead, she hopes they would not use lead, but this is about an enclosed environment and the Commission has an opportunity to make it healthier in this instance.

Rhein felt by making the indoor shooting range lead free, it could lead to a facility being built that does not have the vacuums, filters and other safety precautions; someone could go in and shoot with lead, that would go right into the atmosphere. He also feels that if the ammunition companies are going to lead free, eventually it will all be lead free.

Soucy commented that he was on the fence regarding lead. He knows there are animals that are affected and that is disappointing but there is a major study beginning in Marquette. Michigan State University and Northern Michigan University are doing this study on sustainable tourism and what it means to our community; how to promote it to define us. He feels the indoor shooting range factors into the sustainable tourism; would making the change to lead free ammunition make us a leader in sustainable tourism. He is leaning towards the lead-free ammunition as well.

Maynard stated there are many things that we, as people, would take as “normal”. She added, for instance, cosmetics had lead in the manufacturing. Mahaney commented that there was lead in water pipes and are now having to be replaced due to the dangers.

Mahaney stated the Commission has the opportunity to take this step for others in the future to look at, to see the awareness. He has no questions regarding the rest of the ordinance.

Throenle interjected and told the Commission the lead-free discussion comes down to enforcement. He asked the Commission, from the Zoning aspect, three questions.

First, who would be certified to do the testing to assure it is 100% lead free? Second, how frequent would this have to occur? Third, how do you insure the person entering did not have lead on them before entering the range, causing a contamination of the range that could lead to a fine for the owner.

Throenle also asked what type of testing would be done prior to a person entering the unit. He stated if the unit is to be 100% lead-free, there would be an issue, from the enforcement aspect, on determining how it got there if lead was found.

Mullen-Campbell asked if there was a way to leave the 100% portion out of the text for the ordinance. Throenle added that Mullen-Campbell had an interesting point, something for the Commission to consider. If they were to leave the ordinance at mitigate, with the intent as ammunition changes to lead-free by the manufacturers, this would take care of itself. This would keep the owner from getting fines that the owner did not cause. This would also help with the sustainable tourism aspect as it would show that the Township is heading in the direction of lead-free.

DeGroot interjected and told the Commission that the comments tonight by Throenle were extensions of conversations they have been having after reviewing past comments by the Commission and the public.

DeGroot stated there are many older homes with lead-based paint in the area. If a contractor works on one of the those and decides to use the indoor shooting range, DeGroot is concerned any lead-based contaminant could give a false reading for lead in the range as a result of the worker entering the range.

DeGroot personally believes in 100% lead-free in everything, would love to be the first in doing this, but as the Township Manager his question is how to enforce this through the police and what are the techniques to promise and insure that the Township staff is competent, trained, and has the ability to enforce this on a daily basis by understanding the enforcement techniques that are designed for indoor shooting ranges. The issue at hand is not hunting or shooting lead ammunition, it is the ordinance and the defendability of the ordinance for indoor shooting ranges.

As the Township Manager he wants to bring the Township an ordinance that will protect the residents at all costs which means it needs to be enforceable. As the Manager, his responsibility is to put this into a procedure that Staff can implement.

DeGroot also stated if the enforcement of the ordinance, regarding lead, were to go to court, it would be the Township’s responsibility to prove that the business was in violation, not a contaminant brought into the range by a person coming into the business. He added that the integrity of the ordinance would be called into question if the Township were to go to court by way of the enforcement tactics, the enforcement of the ordinance, and unified control of the ordinance. Even though DeGroot agrees with the toxicology, he does not have a certified person on staff to take tissue

samples nor does the Township Police have the ability to take blood samples to prove it. The proposed enforcement strips take samples from the air and cannot be used to prove if lead came from a gun or not.

Emerson explained that according to the recommendation of the National Toxicology Registry for the firing ranges is there is a clean room with a clean, disposable suit provided to change into. His main concern is that there is always a range officer on duty that inspects the ammunition and asks if the gun is cleaned before entering the range.

Sergeant Carrick, Firearms Instructor for Chocolay Township, interjected. He told the Commission he is responsible for the cleaning and maintenance of the Township weapons. His firearm has been cleaned and has not been fired since but he would guarantee there would be lead found on it; it is impossible to get all of the lead out of it. He also told the Commission that blood level tests would not be accurate due to employees being active in shooting when off duty. How do you hold the employee responsible for what they do when off duty; you cannot do that.

Mahaney stated there is a penalty incorporated within the ordinance but asked how one would know if the velocity was not within the range of the unit; it would be up to the owner of the range. The same could be done if it was posted as lead-free, the owner to check before they enter. He also asked how the noise would be mitigated. He stated there are many ways to enforce penalties, but they need to reach a decision they feel would be safe for everyone, if they cannot do this why enforce anything?

Throenle commented that if they could take the emotion out of the subject and decide where we want the Township to be, it could be achieved if we state, "mitigate lead with the intent of getting to the 100% lead-free". He added that by establishing 100% lead-free Staff would have to figure out the enforcement. Would the enforcing officer have to remove their clothing and weapon due to the lead before entering the unit?

Mahaney suggested studying the law in California due to the State being 100% lead-free.

DeGroot interjected by stating the Planning Commission was required this evening to hold a public hearing and discuss the opportunity to change an ordinance that would then go to the Township Board for concept and discussion at that level. At that point in time, the Township Attorney would be engaged. He suggested, as an alternative, the Planning Commission state mitigate versus 100% lead-free and ask the Township Attorney to weigh in with his professional opinion of defending the Township in litigation and/or suggesting to the Township Board how this should be worded.

Maynard commented instead of concentrating on the 100% lead-free environment, maybe they could state that all ammunition used in the indoor shooting range must be lead-free and mitigate the environment as much as possible today. This would help the exposure of any additional lead being introduced into the environment inside the range. The ammunition would be lead-free, but the environment would be mitigated.

Mahaney stated if felt like a compromise and he liked it. Throenle made the draft changes to the ordinance exceptions that states:

(C) Firearms discharged within indoor sport shooting ranges that are totally enclosed and impenetrable by manufacturer-allowed calibers and velocities, mitigate noise, mitigate lead, require the use of ammunition labeled as lead-free and are located within the Mixed Use Overlay District or the Industrial (I) zoning district, and comply with all external government agencies including health and safety.

Soucy asked for clarification, before making changes, if this is the appropriate spot in the ordinance or would it be better in the conditional use section due to it being a police powered ordinance versus in the *Zoning Ordinance* where their special use could be revoked as the penalty.

DeGroot answered with the clarification on the enforcement side is the ordinance has the penalty built into it for violation. The Commission should decide which way they feel more comfortable with. DeGroot went on to explain that in the special use the Township has an opportunity to revoke the special use permit so that can never do it from that site again. The burden of proof for the Township becomes much greater to be able to revoke the special use.

Mahaney felt it should be put in the ordinance as they would have to follow the ordinance before they went into a special use.

Sergeant Carrick asked to speak to the Commission, Mahaney agreed. Sergeant Carrick looked up 100% lead free ammunition laws in California on his phone and stated that all the ammunition listed allowed for 1% lead so they should not be labeled as 100% lead-free.

The Commission decided to remove the wording “100%” and replace it with “ammunition labeled lead-free”.

Commission Decision

Maynard moved Milton seconded, that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve proposed Ordinance 61 Firearms as revised.

Vote: Ayes: 5

Nays: 1 (Rhein)

MOTION CARRIED

B. Proposed Township Zoning Ordinance 34-19-05 Revisions Public Hearing

Staff Introduction

At the Township Board meeting on September 9, 2019 the Board proposed a revision to Ordinance 61 Firearms and to the Township Zoning Ordinance to accommodate indoor shooting ranges within the Township, with a request for the Planning Commission to review that request.

The Board voted to send the following instructions regarding the Township Zoning Ordinance to the Planning Commission for consideration:

“Amend Zoning Ordinance: Add as a Conditional Use within Mixed Use Commercial and Industrial Overlay Zones – “Enclosed Indoor Firing Ranges”. Section 1.5 of the Mixed-Use Overlay Zone – “Relationship to Other Laws” that references more

restrictive or higher standards referring to the *Firearms Ordinance 61* (below), remains unchanged.”

Staff identified seven sections in the Township Zoning Ordinance that were affected by the change:

- II Definitions – Sport Shooting Range or Range
- IV Zoning District Regulations – section 4.5.C
- IV Zoning District Regulations – section 4.6.C
- 5.5 Use Definitions
- 5.5.C Conditional Uses
- 16.2 Basis of Determination and General Standards
- Reordering the zoning districts in section 3 to make the section easier to read

At the October meeting, Commissioners reviewed the affected sections, and added additional revisions to section 16.2 Basis of Determination and General Standards.

Throenle stated he felt the Planning Commission heard and discussed what they needed in the previous agenda item. With that there will be sections in *Zoning Ordinance 34-19-05* that will have to be revised to match the changes made to *Firearms Ordinance 61* and he asked to proceed with the public comment portion.

Mahaney asked Throenle if the indoor shooting range applicant is approved or if they would still have to get a conditional use permit. DeGroot interjected and stated they would have to get a conditional use permit. Soucy commented that the site plan was approved, not the special use.

Supervisor Bohjanen interjected and told the Commission he felt they would not need the special use according to the ordinance, as it was at the time the site plan review took place. Throenle told Mahaney it would be a discussion outside of this meeting to get that answer.

Bohjanen stated it was an accessory structure that was already included in the zoning district at that time before it was modified. Soucy added that it was never included in the Zoning Ordinance as an accessory use; there is existing case law that states if the use is not listed in the ordinance it cannot be approved. Soucy added he could go back and do the research to find the court case, but he feels this would not be approved. Throenle stated he would look at this again, but they can finish this portion as this conversation is not relevant to this discussion.

Public Hearing

Scott Emerson, 119 Lakewood Lane – Has concerns about including this to the Mixed-Use Overlay Zone because with the distance requirements, this could include some residential areas. Feels it should be confined to the Commercial section of the Mixed-Use zone; has no issue with it being in the Industrial section. Feels it could be close to school and it should be in a more restricted geographical area. Even though a resident would have to get a conditional use permit he has concerns of any future Planning Commission not applying the conditions.

Public hearing closed at 7:23 PM.

Commission Discussion

Mullen-Campbell asked if there were apartments near the location of the indoor shooting range. Rhein commented that it would be a confined unit and meets all specifications of the weapons being used.

Throenle stated if you look at the underlying zoning for the Mixed-Use district it is restricted to commercial and it was not added to residential. Throenle also reminded the Commission that it does not matter what Commission is sitting here it would still have to be looked at as a conditional use. If the conditional use is to be looked the whole neighborhood aspect would be looked at as part of the application. He does not feel this needs to be applied but that would be the Commissioner's decision.

Throenle continued to go through the changes in the document that would be needed. A summary of the changes is as follows:

Comparison for Zoning Ordinance 34-19-05 of Current Township *Zoning Ordinance* with requested changes is listed below.

Number	Change	Revised Document Page	Revised Document Impact
1	II Definitions – Indoor Sport Shooting Range	12	New definition
2	IV Zoning District Regulations – 4.5.C	25	Added text
3	IV Zoning District Regulations – 4.6.C	26	Added text
4	5.5 Use Definitions	51	New definition
5	5.5.C Conditional Uses	59	Added text
6	16.2 Basis of Determination and General Standards	137	Added text, corrected spelling and punctuation

Throenle noted for the Commission in the Zoning districts this is not listed as a conditional use in the residential district but is listed as a conditional use in the commercial district. Throenle also stated the final section was in the site plan review in the application section.

Mahaney asked if there was ever a written statement on special use or if it was a decision the applicant went on. Throenle stated there was not, it was never in there and that was basically how it was done.

DeGroot reminded the Commission this was a contention with some of the Commissioners at the last meeting by not having this written statement as part of the public record. There was discussion of strengthening this language.

DeGroot explained that the belief was all findings of fact and conclusions forming the basis of the decision would include judgements of the Master Plan, judgements of a Zoning Ordinance, regulatory ordinances, and subjects that are regulated by the Township Board that would allow the Planning Commission to make a full and informed conditional use findings of fact.

Soucy stated the findings of fact make the Planning Commission decisions defensible in court; DeGroot agreed. Mahaney commented it made sense to have the language included but did not realize it was not already part of the process.

Soucy stated he had done some research and stated the Department of National

Resources (DNR) has a large document they reference, produced by the National Rifle Association (NRA), for the design and operation of shooting ranges. He added that PA 269 from 1989, amended in 2012, that reference the generally accepted practices. He just wanted to bring the process of the DNR to the attention of the Planning Commission; maybe it would be good for the Planning Commission to follow. Bohjanen interjected and added that PA 269 is included in the agenda packet.

Soucy also suggested if they were to add something like this, it be added in Section 6, where general standards and other uses are discussed. It may help to have a more general outline from the NRA as he is uncomfortable approving a special use for a shooting range. Soucy feels he not knowledgeable enough with this and feels the NRA would be a good source of information with these guidelines.

Mahaney asked if this would be a basis of criteria and Soucy answered yes but general enough to be flexible for various situations.

DeGroot stated that a manufactured home park, wind energy or a lighting ordinance is similar to having a supplementary ordinance where a definition is expanded upon and could easily be added to this plan set going forward. It would have to generated but advises to not do it "on the fly" this evening as is would be too much of an issue. If this is what the Planning Commission would like he would like to work on the wording based on the Commissioner's comments and present information back to the Commission. This would create a stand-alone regulatory stance that would allow it to conform to the generally accepted practices that would list the impacts and remedies.

Mahaney stated this sounded like a direction of a separate ordinance for indoor shooting ranges. DeGroot stated it is not; it would be a supplemental ordinance that certain criteria would have to be matched.

Throenle asked Soucy how big the DNR document was. Soucy answered it is expansive and covers every different kind of situation with many sections. Soucy also commented there are specific chapters regarding indoor shooting ranges.

Throenle told the Commission based on that initial point and the holiday season upon us, it would be a minimum of ninety days for development of ordinance language research. Throenle added his recommendation would be to amend the ordinance with the intent, in the future, to add the language. This would prevent the delay of the ordinance therefore delaying the process. This would also give the Commission the opportunity to discuss and include other language, besides shooting ranges, at the same time.

Throenle also told the Commission he does not want to repeatedly open the Zoning Ordinance as it is costly to the Township with advertisements and such; it is confusing enough as it is. He also reminded the Commission an extensive breakdown of the Zoning Ordinance is something that is not done overnight and will not be ready for the next meeting.

Soucy asked if there were any indoor shooting range applications and Throenle answered the Lake Michigan Armory application is currently on the table. Throenle commented the site plan has been approved but the conditional use permit cannot be approved due to the language not being approved.

Soucy feels they should get it right the first time, do not rush into approving anything without all the considerations put in front of them and included in the ordinance.

Throenle offered a suggestion that if language was sent to the Township Board for

approval, the Commissioners could use the conditional use power currently in the ordinance to allow the Commission to look at the conditions without the language having to be in the ordinance. The language could then be strengthened based on any conditions that may be part of the discussions versus being held to the language that may have been forgotten.

Mahaney agreed with Throenle and would like to see the language approved so the Commission would have the authority to deny the application for any reason they may find. He also agrees with Soucy and go in the direction of the Commission having the power of conditional use.

Soucy stated he may be able to support that if the Township could purchase a copy of the NRA source guidebook. Throenle asked if it was available at the local library and if Soucy would email him the title. Soucy said he would check on that.

Throenle asked the Planning Commission Chairperson to have a motion for Throenle to go forward with this, if this is what the Commissioners would like.

Commission Decision

Soucy moved Maynard seconded, that the Planning Commission request the Zoning Administrator to acquire and share with the Planning Commission a copy of the NRA 2012 Range Source book.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Mullen-Campbell moved Rhein seconded, that after providing required notification to the public, holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve proposed amendment 34-19-05 to the Township Zoning Ordinance as revised.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Planning Commission Chairman asked for a five-minute recess.

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Recreational Marijuana Update

Staff Introduction

Throenle stated DeGroot would be the lead on this discussion. DeGroot reminded the Commission and the public that the Township Board took the position to opt out of the medical marijuana years ago and months ago for the recreational marijuana.

He stated recently there have been several communities across the Upper Peninsula that have changed their perspective and opted into recreational marijuana and a regulation for various reasons.

DeGroot stated he had been following this issue for some time. Due to his

background as a Community Planner there may be larger issues, such as this, that the Commission will see him take the lead on. He and Throenle will be a tag team on issues. These issues will be looked at from a Community Planner perspective versus a Manager perspective.

He told the Commission that they had looked at the marijuana topic, the State law, and the changes that have been happening around the Upper Peninsula to give the Planning Commission the update they requested.

DeGroot looked at where the law stands, where the community stands, and how this will filter into the changes that may be made by the Planning Commission.

As of now there 1,773 different municipalities in the State of Michigan, 1,373 of which are listed as "opted out", even though this was a voter-driven initiative.

DeGroot told the Commission what is unclear and has not been defended is the talk we are going to have about reopening the "opt out" ordinance and potentially recommending an ordinance, in the future, to the Township Board for approval. This is so new there is no case law and State law guidelines are unclear if once "opted out", one can change and opt back in.

DeGroot would like to take the approach that the Commissioners would like to opt back in; how do we look at this and what opportunities do we have? Staff has put together the pros and cons of what other communities have done.

DeGroot stated Iron Mountain had blighted downtown buildings and is looking at this as economic revival for the downtown. He added there is information about Colorado and Washington in packet, both which have had legalized marijuana, recreational and medical, for a long time.

The City of Marquette looked at the voting results with the 2018 November General Election results where 70% of the voters wanted marijuana legalized to serve as the base for their decision.

DeGroot added that staff does not offer any decision making only the update that was requested and finalized by saying if Chocolay Township accepts this, according to State law they must accept all aspects. He does not believe Chocolay Township would benefit from the commercial aspect due to the ordinance being wide open in the City. He does, however, feel Chocolay Township would have the best opportunity with the micro business, research, agricultural, and production side of marijuana. He also told the Commission that Northern Michigan University had approached Chocolay Township a couple years ago to have a research-based center.

DeGroot stated he is not advocating any position; he is suggesting there are opportunities if the Planning Commission would like to define a character and deliver an ordinance to the Board of acceptance for certain provisos. It may be an opportunity for the Township to gain long term tax base if it were agricultural / research-based verses commercial based where we could be in competition that could lead to a "dark store" situation.

DeGroot told the Commission there is an abundance of research available that he would be willing to compile and share with the Commission if they were to choose moving forward with this.

Commission Discussion

Maynard asked how Chocolay Township voted on the marijuana in the 2018 election. DeGroot answered that staff had looked at this and he believed it was 54% in favor.

Mahaney asked what the surrounding communities have done; DeGroot answered that Sands has voted marijuana in, Negaunee is wait and see, Ishpeming is looking at opting back in, Iron Mountain is wait and see, and Munising is in the process of opting back in also.

DeGroot told the Commission that the evidence from Colorado, which has a similar governmental system to the Upper Peninsula, is this is a very personal choice, not something forced upon the community or something that a community has to abide by. We have an opportunity to review and develop an ordinance if we want.

Maynard asked if the understanding was there are three aspects; retail establishments, micro businesses and agricultural. DeGroot answered that was correct. She asked if the community were to opt in would all three aspects would have to be accepted; DeGroot answered yes but reminded the Commission he felt Chocolay Township would be most competitive in the micro business or agricultural aspect. She stated her memory was that those two aspects were the most appealing to the community.

Mahaney stated he felt there were five separate categories in the State law; the growers, the processor, the retailer, the testing facility, and the transporter. Mahaney continued these are five separate licenses to be applied for through the State.

Maynard asked if it was safe to assume that the growers and the research people would not be cash businesses. Throenle interjected and told her no, it would not be safe to assume. DeGroot commented he could not make a safe assumption as he did not know enough about that.

DeGroot told the Commission that it gets fuzzy on the research and federal compliance sides. In the past it was stated that if a business chooses to go this path there would be a loss of federal funding due to marijuana being against federal law. In his research with Colorado and Washington, he does not see where any federal funding has been removed from a local government that has complied with local State law. If we move forward and write this ordinance, we have to comply with State law first as our opportunity of defense. As far as federal regulations, it is still illegal except under certain provisions.

DeGroot told the Commission that as of now there are 30 states that have adopted some form of voter-led regulation to have a State law that requires medical or recreational marijuana that is acceptable. At some point there will have to be regulation change, DeGroot just does not know when that will be.

Milton commented to the Commission that they thought the sign ordinance was going to be bad. Mahaney commented they could adopt the same ordinance that Marquette has.

Emerson asked to interject, Mahaney allowed it. Emerson stated he was the one who talked with Northern Michigan University to look at the agricultural aspect in Chocolay Township. He also stated there could be two different cannabis aspects. He feels the medical cannabis should always be organic and there would be a high demand for organic. The Commission could add wording in the ordinance stating no harmful chemicals could be used.

Soucy told the Commission that his belief is that the tax revenue would come into the community is dependent on having a retail operation and how many. If a community did not have any, they would not receive any of the tax revenue "windfall".

Mullen-Campbell commented that she was watching a special on 60 Minutes regarding California that the people with the legitimate businesses are not making the money they as they cannot compete with the people growing it illegally and shipping it out of state. Maynard commented that it appears that the tax revenue has dropped; Mullen-Campbell stated in California it has.

Throenle reminded the Commission to consider, in regard to the tax revenue, that for two years no entity would receive any revenue from marijuana, as the communities that are looking for this for an economic boost will not see any revenue for at least two years.

DeGroot added that he was not looking at the taxation windfall or suggesting it. He was looking at State revenue sharing, and the way it has been dwindling and we do not get what we did before from it. The State law is set up as a buy-in basis.

DeGroot told the Commission the taxation he was referring to was land use equalization. This would be looked at as the long-term benefit to the community when doing property tax evaluations as it would stay local and it may be an opportunity to strengthen our long-term tax base.

Maynard mentioned a discussion previously about the retail side and cash businesses and Sergeant Carrick had discussed the potential for theft as there would be cash around as it was not able to be put in a bank due to marijuana still illegal on the federal side. DeGroot answered this was true and Colorado is facing this now.

Rhein commented that the micro growing facilities can be an eyesore. He has witnessed them in the Garden peninsula; they must be fenced in and some people do not care how their fence looks.

Maynard stated the research is important as it is a Schedule 3 drug but the amount of money, nationally, is not going towards the research. She has concerns about the affect on mental health and thinks it would be a big contribution if Northern Michigan University could spend time on the research in that aspect. Rhein is a believer in the medical based product.

Mahaney commented that the Planning Commission could put restrictions to the number of retail businesses allowed. DeGroot agreed yes, they can limit the number of permits.

DeGroot recommended the Commission make or pass a motion where the Planning Commission ask the Township Board if they would like the Planning Commission to generate a draft ordinance, this would be proper policy. He reminded them the ordinance that is in place now is to "opt out".

Maynard added the alternate option is "status quo" and DeGroot commented yes, the Township would stay as "opted out". Maynard asked if the Commission could get answers to questions asked tonight before petitioning the Board. DeGroot answered the questions as he understood were:

1. The limitations of the number of permits - this we know we can do.
2. The opportunity of restrictions within applications of the law – we cannot do as we must comply with the law as our best defensibility.

Mahaney suggested the Commission should go to the Board to get approval before doing the research. DeGroot answered that this would be the proper etiquette. Soucy asked if it would be prudent for the Commission to include a recommendation stating the reasons why the Commission is considering this. DeGroot stated that support of the resolution would benefit the clarity of the resolution to the Board; this would help them to understand the position of the Commission.

Soucy asked the Commission to prepare some points they would like included in the recommendation to the Board. Soucy commented that one would be industry diversification within the central Upper Peninsula. This could be an opportunity to participate in. Mahaney added it could be classified as the economic viability.

Mullen-Campbell stated research, Soucy added partnership and coordination with a research institution. DeGroot suggested including a point about the residents voting in favor of accepting this.

Commission Decision

Soucy moved Milton seconded, to request that the Township Board consider requesting for the Planning Commission to draft an ordinance based on the following considerations:

- economic viability
- coordination in participating with research institutions
- following the will of the residents of the community based on the results of the 2018 election,

and to allow the investigation of the Michigan marijuana ordinance laws and regulations, and to amending Ordinance 67.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

None

IX. PUBLIC COMMENT

Scott Emerson, 119 Lakewood Lane – Agrees with Soucy regarding the Lake Michigan Armory; does not agree the Board approved a site plan review based on the Zoning Ordinance, specifically the firearms ordinance and was not listed as a principle or conditional use in any zone. He felt the Commission did a great job tonight and is pleased with the way this Planning Commission is functioning. He also likes the ideas of the marijuana ordinance.

Bill DeGroot, Chocolay Township Manager – Advised of a training session opportunity for the Board, Planning Commission, and Zoning Board of Appeals members on December 3rd, 2019 at 6:00 PM. The Michigan Association of Planning will present this based on the Planning Commissioner's tool kit but he asked them to elaborate on the rules between the Township Board and Planning Commission and Zoning Board of Appeals as related to the Michigan Enabling Laws passed in 2008 and 2006. Just needs an RSVP.

Public comment closed at 8:34 PM

X. COMMISSIONER'S COMMENTS

Rhein - None

Milton – Commented that the Zoning Board of Appeals would like the Planning Commission to look at an ordinance in Chocolay Township regarding “tiny homes”.

Maynard – None

Mahaney – Appreciates public comment and feedback is good to hear when tackling different ordinances.

Soucy – None

Campbell – None

XI. DIRECTOR'S REPORT

Throenle does not have a report but has a request to see what the Commissioners would like to see on the next agenda.

Mullen-Campbell suggested shelters for the bus stops. DeGroot commented he was asked to be on the Marq-Tran board.

Rhein suggested the infamous sign ordinance.

Maynard would like to take up the tiny home subject.

DeGroot stated ordinance and Master Plan reform have been on the list for some time and would like to get approval from the Planning Commission to start a framework to get them looked at and done in a timely manner. Mahaney asked what this was in reference to and DeGroot stated an example in the Zoning Ordinance, the sign and lighting sections where the standards need work for enforcement due to changes in case law. He would like to look at complaints, actions by the Zoning Board of Appeals actions and Zoning Applications regarding conditional uses; these areas dictate where the ordinances have problems. Focus on correcting those first and build a framework from there to address the rest. He would like to work on this to get the Zoning Ordinance and the Master Plan to get them up to current case law and current interpretation; this also allows them to be clarified with the ordinance.

Soucy commented there was a work plan approved with priorities; he would like to look at this to see where they are at.

Throenle stated the Recreation Plan will be on the next agenda so they can get it moved on. It is on the website for review.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 10.14.19
- B. Township Newsletter – November, 2019
- C. Minutes – City of Marquette Planning Commission, 10.15.19
- D. Correspondence – Emerson

- E. Correspondence – Olsen
- F. Correspondence – Mulcahey
- G. Correspondence – Catallo

XIII. ADJOURNMENT

Meeting adjourned at 8:44 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 16, 2019

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 6:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Cory Bushong (Vice Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Bill DeGroot (Township Manager), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Bushong, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

November 18, 2019 Planning Commission meeting

Motion by Maynard and seconded by Rhein, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Recreational Marijuana Update

Staff Introduction

The Planning Commission was granted the permission by the Township Board to amend Ordinance 67 Marijuana Establishments. DeGroot explained there are some items that are unfolding within the industry that will make the next steps of this ordinance challenging.

DeGroot told the Commission that the Board agreed that there is an opportunity for

the Township to play a part within the industry, especially in the agriculture heritage and to support the “supply chain” effort within the industry. State law also includes a commerce side, but the Township could choose not to focus as heavy on the permitting process of those.

The Board felt the Commission should create dialog, have a public discussion, and end with a possible ordinance.

DeGroot told the Commissioners that draft Ordinance 70, that was included in the packet, was started four months ago but has not progressed much farther. He added it does comply with State law but may not go as deep into some areas of opportunity.

DeGroot stated this may offer the chance to focus on certain areas within the Township, such as agricultural areas or research along the corridor, through a Request for Proposal (RFP) process. By doing this it would allow us to see if there are any applicants out there and what does it mean. In the past, Northern Michigan University (MNU) research department had contacted the Township in the past to partner, they cannot be the applicant and it would be good to have to have a long-term taxable entity as the landowner that would benefit the tax rolls. Private Partnerships may be best opportunity, similar to what Iron Mountain has done.

The Commission has this opportunity to discuss this further and how it should look. In the three weeks since the start of this industry, there is now a new codification from the State within the permitting process. It states that all applicable businesses must have Union workers involved in the employment of the business. This has put some of the small businesses in a tight spot. This is not in the law but is in the permitting process within the Secretary of the State office. This will have to be worked out.

DeGroot suggested the best opportunity for business growth in the Township would be RFP process. After the perspective of the ordinance, then have a recruitment for that type of design and move forward from there. He reminded the Commission there is no timeline or obligation, as the Township has opted out of recreational marijuana, but we also see the possible benefit to the community by having this public conversation.

Commission Discussion

Maynard stated she supports the research for health effects of marijuana because the federal government has not put any money into the research due to it being a schedule three substance. Her feeling is any effort made in research would be a good thing.

DeGroot commented that he would like the Commission or the Township to officially reach out to the NMU research program to see what their request was, what it is they are proposing, and if the request still exists.

DeGroot added there are many effects that need to be understood before they can either write an independent ordinance or change the existing Zoning Ordinance.

Maynard clarified that that there were “three legs to this stool”, they are the agriculture, research, and retail; if the Township wants one, they would have to have all three.

DeGroot answered that was true but municipalities can control the levels in which they permit. All of the opportunities are included in an opt-in ordinance but the number of permits for each can be decided upon and set. His suggestion would be to

have more permits for the “supply” side versus the retail side. He referenced neighboring Sands Township has two permitted medical marijuana establishments, which have the right to also permit under the recreational side as well. He stated there would communities around Chocolay that would need supply. He is not sure of any State sanctioned suppliers in the Upper Peninsula at this point.

Milton asked what the RFP would be put out for. DeGroot answered it could be for the actual request of the required permits similar to what Iron Mountain did for their permits. Iron Mountain actually put a RFP for the interest in permits, they gave bonus points for rehabilitation of existing buildings or certain land use characteristics. This would allow someone who has an application in to the State have a local letter of support and apply for the proposal and describe their business plans.

Soucy asked if this would take the place of the “lottery” system that other communities have done. DeGroot replied it was similar to that. DeGroot also stated that he did not know how many, if any, permit holders were in Chocolay Township due to the “opt out” ordinance currently in place. Throenle interjected that there are zero at this point.

Milton also asked if the Planning Commission or the Staff would be responsible for doing the RFP reviews. DeGroot commented legally he did not know if it would be the Board with the aid of the Planning Commission or what the role of the Planning Commission would be in the process as it is premature to understand what the industry standard is.

As of now DeGroot only knows of one or two communities that have done the RFP process and he would like to contact them on how the process was run and also have the Township attorney contact their attorney. Any way that this goes, it would still be a permit process that would end with Board action.

Milton commented that it didn’t seem very expeditious to run it through the Planning Commission. It would take three to four months. DeGroot commented it would not be a very expeditious process no matter what and the applicants would understand due to it being so new.

Soucy asked if it had to be a Union worker involved in the construction or an actual employee be in the Union. DeGroot answered that it is not construction based, it was employee based. This was from an article in the Free Press and DeGroot is not sure how this will change the permitting process.

Mahaney asked how long the City of Marquette worked on their ordinance. DeGroot commented it was most of the year, but it was in the fall when they adopted an ordinance; and they are still working on where to go within their Zoning Ordinance. DeGroot reminded the Commission that the City of Marquette felt compelled as they had 70% of their voters voted for Proposal 1.

Mahaney commented he read in their Planning Commission minutes that part of the criteria was the policing within certain districts. DeGroot commented that after reading ordinances in Washington and Colorado, that some of the burden is the industrial look of the establishments. DeGroot added it may not just be the stand-alone ordinance they create but the Zoning Ordinance may also have to be adjusted; doing this is the job of the Planning Commission.

Mahaney asked if the State has combined the licenses where you could grow, process, and retail marijuana all in one place. DeGroot stated they are if that is what the community wants. It would still be a local compliance issue and permits would be

yearly, they would have to petition to change the permit. The Township could not deny but they can limit the number of specific permits; certain situations also depend on the land use permit. Bushong commented that it could be regulated by zoning district as well. DeGroot commented this is the reason he does not feel this is just a stand-alone ordinance. Looking at the uses will be a big part in the permitting process.

DeGroot reminded the Commission that Proposal 1 only passed by 54% in Chocoday Township and could still be a controversial subject. He added that listening to public comments and talking to people in the community it appears to be accepted as research and agriculturally based with limited retail base.

DeGroot explained to the Commission he does not expect any decisions tonight, just wanted to present what discussions are needed in the future and also told them this will not be a quick process.

Rhein stated the only problem he has is the fencing around the growing facility. He is familiar with these and they do not look nice. Suggested alternate options such as indoor growing facilities. Mahaney stated those are issues to be addressed when drafting the ordinance. DeGroot stated that hydroponic facilities are popular downstate.

DeGroot stated the plant will grow in almost any condition, just depends on the quantity needed from it to be a supplier. Maynard asked if it was an annual or perennial plant; DeGroot's understanding was that once it was producing it would keep producing and can become excessive very quickly.

Soucy added there is a potential for excess due to the cap on the amount one person can have. DeGroot added the production would be State certified to limit what you can grow.

Maynard is concerned what would happen if the value of the crop would decrease over time what would happen to the buildings, would they become blighted? DeGroot did not know the answer directly but has read about this happening in California. She felt the research aspect would be more immune from this.

Commission Decision

The Commission agreed to discuss this topic in further detail at upcoming meeting once Staff has prepared a guideline for full public review and involvement.

B. 2020 – 2024 Recreation Plan

Staff Introduction

Throenle advised the Commission that the draft Recreation Plan has been available for public review for over 30 days and there have been only two comments from the public or public entities. One comment was regarding the number of items in the Recreation Plan and the other was from Keweenaw Bay Indian Community (KBIC) stating they would like to be involved in any recreation development going forward.

Throenle proposed that the Commissioners discuss any changes that they would like tonight so the plan can be forwarded to the Township Board, for public hearing, to meet the March 1, 2020 deadline. This is the deadline it needs to be to the DNR.

Commission Discussion

Mullen-Campbell asked for clarification as she had read that there was some

involvement from Gwinn and Sands Township is parts of the plan. Throenle explained that there are relationships with other local governmental entities that are cooperatives or regional recreational opportunity. Some grants are determined by relationships with neighboring governments.

Mullen-Campbell also asked the status of the ATV trail in Chocoday Township. Throenle advised the Commission that the organization promoting the trail has not returned with the additional information needed to move forward, this is the reason it has not come back to the Planning Commission.

Mahaney asked the status of the Silver Creek little league expansion. Throenle answered there was a change in leadership and have chosen a different direction. As of now they have committed to finishing the moving of the fence on the little league field but not with a plan for expansion; Throenle added he will look at it again in the spring.

Mahaney asked if there were any grants that the Township is currently looking at. Throenle commented that there is nothing substantial in 2020, if there is something it will have to be looked at in the next month as the grant applications are due early in the year. Anything recreational will also depend on the budget.

The Commission agreed it was a thorough plan.

Commission Decision

Mullen-Campbell moved, and Soucy seconded that after providing required notification to the surrounding government entities, public agencies and the public, the Planning Commission recommends the Township Board approve the 2020 -2024 Recreation & Natural Resource Conservation Plan as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

None

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Campbell – Asked for meeting dates for 2020. Throenle answered the Township Board approved them, the first meeting for the Planning Commission in 2020 is January 20, the Commission can look at them and determine if there are any conflicts. Mullen-Campbell also asked if there was a joint meeting and Throenle answered there would be on February 17 at 5:30.

Bushong – None

Soucy – Thanked the Township for the tremendous job on keeping the pathways cleared with the amount of snow.

Maynard – Agrees with what Soucy said.

Milton – Merry Christmas to everyone.

Rhein – Merry Christmas.

Mahaney – Will be resigning his position on the Planning Commission tonight. Thanked the Board and Staff for the help over the years. It has been fun and a good run.

Manager DeGroot advised the Commission that the Board will vote on a recommendation from the Supervisor for the replacement of Mahaney at the January meeting. Once that is decided, the Commission will vote on the election of officers at their next meeting.

XI. DIRECTOR'S REPORT

Throenle stated the next meeting is January 20, 2020 at 6:00 PM. Thanked Mahaney for helping him over the years. Wished everyone a Merry Christmas and a Happy New Year.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 11.11.19
- B. Township Newsletter – December, 2019
- C. Minutes – City of Marquette Planning Commission, 11.12.19
- D. Minutes – City of Marquette Planning Commission, 11.19.19

XIII. ADJOURNMENT

Meeting adjourned at 7:02 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 20, 2020

I. MEETING CALLED TO ORDER BY: Susan Maynard (Vice-Chair) at 6:06 p.m.

ROLL CALL

Members Present: Susan Maynard (Vice Chair), Donna Mullen-Campbell (Secretary), Don Rhein (Board), Kendell Milton, Ryan Soucy

Members Absent: Cory Bushong (Vice Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator) and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, and seconded by Soucy, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

December 16, 2019 Planning Commission meeting

Motion by Rhein and seconded by Mullen-Campbell, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Election of Planning Commission Officers

Staff introduction

Throenle explained that each year the Planning Commission must elect new officers as directed by Article VI in the *Procedures and Bylaws of the Chocolay Township Planning Commission*.

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

“The officers of the Chocolay Township Planning Commission shall consist of a Chair, Vice-Chair, Secretary, and Vice-Secretary. The Executive Committee shall consist of Chair, Vice-Chair, and Secretary. Said officers shall be elected by the Chocolay Township Planning Commission from among its members, at its January Meeting, and shall serve for a period of one year. (Amended 7-97, Amended 2-17)”

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

“The member representing the Chocolay Township Board shall maintain liaison with the Chocolay Township Board. Such member may not hold office in the Planning Commission.”

Throenle further explained to the Commission, that George Meister has been appointed to the Planning Commission by the Township Board, however he has not been officially sworn in, so he would not be eligible to be elected for any position at this time.

Commission decision

Milton motioned for Maynard to be appointed to the chair position. Maynard graciously declined; she stated she has given this much thought but felt there were some young, enthusiastic, qualified people to be the Chair.

Motion Number 1 – Chair of the Planning Commission

Maynard moved, and Milton seconded to elect Soucy as the Chair of the Planning Commission.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

At this time Maynard handed Soucy the gavel, as he was the new Chairman of the Planning Commission for 2020.

Motion Number 2 – Vice-Chair of the Planning Commission

Rhein moved, and Milton seconded to elect Bushong as the Vice-Chair of the Planning Commission.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Motion Number 3 – Secretary

Maynard moved, and Rhein seconded to elect Mullen-Campbell as the Secretary of the Planning Commission.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Motion Number 4 – Vice-Secretary
Rhein moved, and Mullen-Campbell seconded to elect Maynard as the Vice-Secretary of the Planning Commission.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

B. 2019 Planning Commission Annual Report

Staff introduction

Throenle stated each year the Planning Commission must submit an annual report to the Township Board as directed by Section IX in the *Procedures and Bylaws of the Chocoday Township Planning Commission* (see document in agenda item VIII.A).

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

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

Throenle advised the Commission that any changes would be submitted to the Township Board. Once completed it will be submitted to the Board at the February meeting.

Commission discussion

Soucy commented that he read through the report and felt it reflected what the Planning Commission had completed in 2019.

Commission decision

Rhein moved, and Maynard seconded to forward the *2019 Planning Commission Annual Report* as written to the Township Board for consideration.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

C. Proposed 2020 – 2021 Planning Commission Priorities

Staff introduction

Throenle stated the Planning Commission should establish a list of priorities for Board consideration at the joint meeting in February between the Board and the Planning Commission.

Each year, the Township Board and the Planning Commission mutually determine a guideline for Planning Commission direction throughout the remainder the current year and into the following year.

To begin the discussion with the Board, the Planning Commissioners review the current priorities and prepare a document to be presented to the Board for consideration at the joint meeting between the Board and the Planning Commission.

Staff is recommending the Commissioners review the priorities for 2020 – 2021 to determine if they are the ones the Commissioners wish to address for the coming year, and when the priorities document is complete, the document will be placed on the agenda for the joint meeting with the Board in February.

Commission discussion

After much discussion the Commissioners came up with the following list to be forwarded to the Township Board:

PROPOSED 2020 – 2021 PLANNING COMMISSION PRIORITIES

ITEMS FOR PLANNING COMMISSION CONSIDERATION FOR 2020 / 2021

- **Review and update the Township *Master Plan***

Review the master plan with the intent of presenting it to the Township Board as the five-year master plan direction for the Township
- **Consideration for rewrite of the Township *Zoning Ordinance***

Review and revise the *Zoning Ordinance* with the intent to simplify the language and to bring the ordinance up-to-date. This rewrite process will include regular review of State-legislated language that may affect the *Zoning Ordinance*.
- **Further amend the Township ordinances to implement the *Zoning Plan* in the *Master Plan***

Review *Master Plan* recommendations and reflect those recommendations in the Township *Zoning Ordinance* and non-zoning ordinances
- **Determine ordinance status (opt in / opt out) for marijuana regulations in the Township**

This status will determine if non-medical marijuana facilities should be permitted in the Township
- **Address non-conformities regarding properties in the Agriculture / Forestry (AF) district**

Determine regulations and changes required to reduce property non-conformances in the AF district

- **Develop processes for the National Flood Insurance Program (NFIP) *Community Rating System* implementation**

Develop processes and potential zoning regulation additions or changes to accommodate the program implementation for flood protection and flood insurance cost reduction throughout the Township

- **Update the *Chocolay River Watershed Plan* as part of the *Community Rating System* project**

Update the watershed plan to reflect changes that have occurred in the watershed since the last document was written

The last update on this plan was completed in 1999, and the plan should be updated as a regional plan with local agencies and government units

- **Reconsider approach to private road regulation**

Determine if existing language for private roads should be modified

- **Plan for four-season transit facility**

This Township-located facility will provide a place for the public to wait for Marq-Tran and ALTRAN public transit

- **Consideration for Bluezone / AARP livable community design**

Research quality of life design primarily directed toward senior citizens

- **Coordination with Marquette County on the County 2040 master plan**

Coordination with Marquette County on potential Township related items in the County 2040 master plan

- **Development of an education plan**

Development of an education plan for the Planning Commission both internally and externally

- **Consideration for non-traditional homes**

Review of *Zoning Ordinance* language for possible inclusion of non-traditional homes (under 800 square feet) as permissible primary structures in the Township

Commission decision

Maynard moved, and Rhein seconded to approve the proposed 2020 – 2021 Planning Commission Priorities as revised, and to forward the priorities to the Township Board for consideration at the joint Board / Planning Commission meeting scheduled on February 17, 2020.

Vote: Ayes: 5

Nays: 0

MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Rhein – Looking forward to a new year, getting stuff done. He feels the Planning Commission has ideas to accomplish and feels they can get this done as a team.

Milton – None

Maynard – Looking forward to this year, very happy with the accomplishments of tonight's elections. Is delighted there are a couple of fun items on the to-do list for this year.

Mullen-Campbell – Let us go forward with courage and faith as our core values in serving our public. Let's do it!

Soucy – Is excited and surprised at the opportunity to be Chair. Hope he does this well and he has room to grow.

XI. DIRECTOR'S REPORT

Next month's meeting is on the standard night; however, the time of the meeting has changed. The Planning Commission members need to be here at 5:30 for the Joint Meeting with the Township Board, the Planning Commission meeting to start at approximately 7:00 PM.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board, 12.09.19

B. Township Newsletter – End of the Year, 2019

C. Minutes – City of Marquette Planning Commission, 12.17.19

XIII. ADJOURNMENT

Meeting adjourned at 6:50 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

February 17, 2020

A Joint meeting of the Chocolay Township Board of Trustees and Planning Commission was held on Monday, February 17, 2020 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 pm.

PLEDGE OF ALLEGIANCE

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Ben Zyburt, Max Engle, David Lynch, Don Rhein, Judy White, Mark Maki.

ABSENT: None

Planning Commission Chair, Ryan Soucy, called the meeting of the Planning Commission for the Joint Meeting to order at 5:35 pm.

PLANNING COMMISSION.

PRESENT: Ryan Soucy, Cory Bushong, Donna Mullen-Campbell, Susan Maynard, Don Rhein, George Meister

ABSENT: Kendell Milton

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

APPROVAL OF AGENDA – Township Board

Zyburt moved, Lynch supported that the agenda be approved as presented.

MOTION CARRIED

APPROVAL OF AGENDA – Planning Commission

Bushong moved, Maynard supported that the agenda be approved as presented.

MOTION CARRIED

JOINT MEETING LED BY PLANNING COMMISSION - DISCUSSION OF PLANNING COMMISSION PRIORITIES FOR 2020.

Planning Commission Chair Soucy went through the issue summary presented.

Supervisor Bohjanen brought attention to the fact that there are two Planning Commission Priority sheets included in the packet – the first being the one that was approved for 2019 – 2020, indicating what has been accomplished, what is in progress, and what is suggested to move forward to the updated 2020 – 2021 priority list.

PC Chair Soucy questioned the fact that the Capital Improvements portion had been removed from the 2019 list and what the Township’s anticipated direction is in regard to capital improvements. Manager De Groot indicated that with an organization of our size, we do not need

to have a capital improvements plan. It is not required under the law the way it is presented, and how we actually budget for it. As part of the budget process, and the way we are going to present the budget, we will be itemizing out how we fund capital projects by aligning the values we find within the Master Plan and aligning the budget document to lay out a multi-year capital plan. PC Chair Soucy felt this would be a good approach, as the Planning Commission's fingerprints would still be on the document.

Trustee Maki questioned the Road funding plan, asking if there was a document that covered this. Manager De Groot indicated the Road Asset Management Plan is the document that was used, and this can be found on the Township's website. Trustee Maki asked if there was a list. Supervisor Bohjanen indicated that this was a professionally generated list, but it is subject to change based on other projects.

PC Chair Soucy asked about private roads, and if they need to be built according to Road Commission specs. Planning Director Throenle indicated that new ones would need to.

PROPOSED 2020 – 2021 PLANNING COMMISSION PRIORITIES

Items for Planning Commission Consideration for 2020 / 2021

- Review and update the Township *Master Plan*

Review the master plan with the intent of presenting it to the Township Board as the five-year master plan direction for the Township

“PC Chair Soucy indicated that he feels this is one of the highest priority items, and should be started early in the year. The Township to decide what it is the community wants, before it can proceed with the Zoning Ordinance.

Manager De Groot indicated that the best way to work a community through a Master Plan rewrite involves three things: What types of legislative changes have occurred since the last Master Plan was written; All actual action by enforcement Boards (Township Board, Planning Commission, Zoning Board of Appeals); throw a wide net to interpret what the community value sets are. Manager De Groot feels that there should be at least two more joint meetings to discuss the outcomes of the wishes by the community and make sure the Township Board and Planning Commission are in agreement of and allow staff to work with the Planning Commission to make the first draft. There are two things this year that will help us – this is a Census Year which will provide a lot of the demographic information, which then gives the Township the time and opportunity to ask questions on what the community wants.

Trustee Maki asked about the possibility of water, as he gets questioned quite a bit. Manager De Groot indicated that it would take 5 to 10 years to plan correctly. He feels that there are opportunities in the Township – but the studies are not small. De Groot indicated that we are currently going for our first SRF funding for wastewater, and this may be a way to be able to fund a water source.

Supervisor Bohjanen indicated that there was a joint study between Chocolay Township and Sands Township. This was rejected by Chocolay Township, but the information found in that study may make a good starting point. Bohjanen said there is going to be a day in the not too distant future where the Health Department will say that we need a municipal water system – we have a lot of inadequate water in our community and the only testing that gets done is usually when the house gets sold as this would be mandatory testing. Supervisor Bohjanen and Planning Director Throenle have been invited to join a group of interested parties from Marquette County looking to establish a water coalition. Things are being done, just not done quickly.

Chair Soucy indicated that we need to keep in mind that the main reason for living in Chocolay Township is affordability.”

- **Consideration for rewrite of the Township Zoning Ordinance**

Review and revise the *Zoning Ordinance* with the intent to simplify the language and to bring the ordinance up-to-date. This rewrite process will include regular review of State-legislated language that may affect the *Zoning Ordinance*.

“PC Chair Soucy indicated that the Zoning Ordinance is a living document and needs to adapt with the times. He feels that it is important to always be looking at this document to understand what needs to be updated.

Trustee Maki indicated that he wondered about the overlay zone that was done a couple of years ago. Why was this not a text amendment to the Zoning Ordinance, instead of an Overlay Zone?

Commissioner Maynard indicated that one of the intents was to support small businesses in a “live / work” benefit.

Supervisor Bohjanen indicated the original intent was to maintain status quo and look to the future.

Trustee Maki stated that he feels the simpler the ordinance is, the easier it is to understand. We need to make it clear to anyone that is looking at it. He feels the overlay zone is more complicated and confusing than it needs to be.

PC Chair Soucy asked how many have been created in the overlay zone since it was created.

Manager De Groot indicated that there are opportunities that people are starting to push. The newer Zoning Ordinances and Master Plans are going toward a character-based enforcement. There could be a character-based zoning ordinance written specifically for the village.

Trustee Maki also brought up the Sign Ordinance, and the length of it now. PC Chair Soucy

would like to go back and simplify this ordinance if the Board would like.

Supervisor Bohjanen stated that most of our ordinances have been written in trying to resolve disputes among neighbors rather than trying to make the Township better. There are three mechanisms that could be used in rewriting our ordinance: Contracting with a professional to rewrite the ordinance (planning or legal professionals), but they need to know how we want our ordinance to read; Plagiarizing from other Townships that have gone through the process; Having the Planning Commission write it themselves.

PC Chair Soucy indicated that you can borrow the text if there is no other way to word it. You may have to be careful on proprietary graphics for such things as a sign ordinance.

Manager De Groot indicated that his expertise is in planning. He feels he may be able to aid the Planning Commission and would like to volunteer to help the Planning Commission.

Commission Maynard feels that within the manager's office we have the expertise and practical experience to be able to help with the rewrite."

- **Further amend the Township ordinances to implement the Zoning Plan in the Master Plan**

Review *Master Plan* recommendations and reflect those recommendations in the Township *Zoning Ordinance* and non-zoning ordinances

- **Determine ordinance status (opt in / opt out) for marijuana regulations in the Township**

This status will determine if non-medical marijuana facilities should be permitted in the Township

"Trustee White asked about the marijuana issue. Chair Soucy indicated that the Planning Commission will be coming back to this. Manager De Groot indicated that we are in the process of working on how we may be able to fit into the supply chain that does not compete with neighboring communities. We have an intern whose sole focus is this, and he will be presenting to the Board at the April meeting (power point and white paper)."

- **Address non-conformities regarding properties in the Agriculture / Forestry (AF) district**

Determine regulations and changes required to reduce property non-conformances in the AF district

"Trustee Maki indicated that we needed to be cautious when review the agricultural zone and nonconformities that exist. There will never be conformity for some areas.

Supervisor Bohjanen thought there may be a need to have different rules for different sizes of agricultural areas. Manager De Groot indicated that this would be called sliding scale zoning. He also indicated that you can write whatever you want for a zoning ordinance, but if there is no support in the community we will not be able to enforce. We need to look at community character and community input in order to decide what should be out there. De Groot stated we need to balance State law with our community values. "

- **Develop processes for the National Flood Insurance Program (NFIP) Community Rating System implementation**

Develop processes and potential zoning regulation additions or changes to accommodate the program implementation for flood protection and flood insurance cost reduction throughout the Township

- **Update the Chocolay River Watershed Plan as part of the Community Rating System project**

Update the watershed plan to reflect changes that have occurred in the watershed since the last document was written

The last update on this plan was completed in 1999, and the plan should be updated as a regional plan with local agencies and government units

“Planning Director Throenle indicated that the last Watershed Plan was written in 1999. The watershed stretches from here to Sawyer. It also goes down the path of protecting resources. The Watershed Plan ties together with the Community Rating System and National Flood Insurance Program to help reduce the cost of overall flood insurance. This also ties into the Master Plan for potential park locations and benefit to the area as a whole.”

Trustee Maki asked about erosion and flood plain insurance. Throenle indicated that most residents in Chocolay would not be affected. At this time, FEMA, Army Corps of Engineers and EGLE are all in the process of flood plain mapping.

Commissioner Meister stated that on the environmental side, there is money available in State for restoration – need a Part 319 Approved plan – usually a 30% match on funds. Meister indicated that grant applications are due by March 14, with a 10% match.

Trustee Maki brought up the junk car ordinance and wondered why we are so worried about our water, if we are okay with allowing junk cars on property that could be seeping fluids into the groundwater.

PC Chair Soucy indicated that CUPPAD, in conjunction with LSCP, are now working on an Economic Resiliency Strategy. Soucy commented that not having blight in a community makes it more appealing.”

- **Reconsider approach to private road regulation**

Determine if existing language for private roads should be modified

- **Plan for four-season transit facility**

This Township-located facility will provide a place for the public to wait for Marq-Tran and ALTRAN public transit

“PC Chair Soucy has had conversations with other communities in the area. MarqTran does not pay for construction or maintenance. Soucy feels we need to be investing in these structures. A question was brought forward on the KBIC 2% money, and if this money could be used for something like this. This would also involve taking a look at transit planning, and coverage of the county. What does the community need, versus what can MarqTran supply.

There may be other options to consider, such as ride hailing (UBER, Lyft, etc)."

- **Consideration for Bluezone / AARP livable community design**

Research quality of life design primarily directed toward senior citizens

"PC Chair Soucy indicated that Commissioner Mullen-Campbell had brought up the idea of Blue Zones. This addresses aging in place. Mullen-Campbell indicated that there is nothing like this in Michigan right now. If you look ahead to our community in the next 15 to 20 years, as more research needs to be done. Mullen-Campbell stated there are no state funds, but it would be supported by foundation money.

Manager De Groot shared that in looking at how to approach our budgeting process and how the money is being spent. In looking for opportunities, the City of Kalamazoo has established a 501(c)3. The auditors have been asked about this, and he will be reviewing this. This would be an additional source of income that would be foundation funded for the sole purpose relieving the tax burden placed on residents.

PC Chair Soucy feels that this would be something that should be considered when looking at the Master Plan rewrite. "

- **Coordination with Marquette County on the County 2040 master plan**

Coordination with Marquette County on potential Township related items in the County 2040 master plan

"PC Chair Soucy stated that Marquette County will be holding Region Rallies, and have broken the county into four different areas: Chocolay and City of Marquette are grouped together as Borealis Beach; Ishpeming and Negaunee is the Iron Core; Western area such as Michigamee and Big Bay is Moose Hills; and Sands Township is Blueberry Fields.

Marquette County did a survey and gathered over 3,000 responses. It is a very extensive survey, and he feels that Chocolay could benefit from their results. PC Chair Soucy has volunteered to be a facilitator at their events. Soucy will forward the meeting dates to the Township."

- **Development of an education plan**

Development of an education plan for the Planning Commission both internally and externally

"PC Chair Soucy feels there are a lot of educational opportunities out there, and the Township could benefit from this. CUPPAD will be hosting a training on Asset Management 101 relating to annual budgeting."

- **Consideration for non-traditional homes**

Review of Zoning Ordinance language for possible inclusion of non-traditional homes (under 800 square feet) as permissible primary structures in the Township

"PC Chair Soucy indicated that this would cover things such as tiny homes – it is sometimes nice to have an option that is more affordable. Soucy stated the younger generation does not want large homes and would rather pay for a view, and this would also go along with aging in place."

PC Chair Soucy thanked the Township Board for the opportunity to present the Planning Commission priorities to them, and receive input on how they should proceed going forward.

Supervisor Bohjanen asked about the recommendation last year to rewrite the Sewer Ordinance, and where the process stood. Manager De Groot stated that we have to wait until Marquette City's Ordinance was drafted. This is done, and now we can proceed as we needed the Wastewater Treatment information before moving forward.

White moved, Rhein supported that the priorities for the Planning Commission be forwarded to the Planning Commission as written as the recommended Planning Commission priorities for the 2020 through 2021 calendar year.

MOTION CARRIED

PUBLIC COMMENT – NONE.

Zyburdt moved, Lynch supported that the Township Board portion of the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 7:20 pm.

PLANNING COMMISSION

Rhein moved, Bushong supported that the Planning Commission adopt the suggestions of the Township Board on Priorities for 2020 – 2021.

MOTION CARRIED

Planning Commission moved to adjourn.

MOTION CARRIED

The meeting was adjourned at 7:24 pm.

Max Engle, Clerk

Richard Bohjanen, Supervisor



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on February 17, 2020.

The meeting was cancelled.

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 16, 2020

I. MEETING CALLED TO ORDER BY: Ryan Soucy (Chair) at 6:00 p.m.

ROLL CALL

Members Present: Ryan Soucy (Chair), Donna Mullen-Campbell (Secretary), Don Rhein (Board), Kendell Milton.

Members Absent: Cory Bushong (Vice Secretary), Susan Maynard (Vice Chair), and George Meister.

staff Present: Richard Bohjanen (Supervisor), Bill DeGroot (Township Manager), Dale Throenle (Planning Director/Zoning Administrator), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, seconded by Milton, to approve the agenda as written.

Soucy discussed moving the remaining agenda items to next meeting, dated to be determined to comply with Governor Whitmer's *Executive Directive 2020-20* (see below).

Amended motion by Rhein, seconded by Mullen-Campbell to add the discussion of holding the remaining agenda items until the next meeting, date to be determined to comply with Governor Whitmer's Executive Directive 2020-20, to the agenda.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

III. MINUTES

January 20, 2020 Planning Commission meeting

Motion by Rhein and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

February 17, 2020 Planning Commission meeting

Motion by Rhein and seconded by Mullen-Campbell, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. NEW BUSINESS

A. Postponement of Meeting

Staff Introduction

Soucy asked for a motion to postpone the meeting until a later date.

Commission Discussion

Manager DeGroot explained to the Commission the proactive approach the State of Michigan is taking to help monitor the COVID-19 virus. He told the Commission the Governor had been in contact with the CDC, the President's Task Force, and the State of Michigan Health Department. The Executive Directive she signed went into effect on Friday, March 13, 2020. (see below)

Part 1 of the Executive Directive stated: "The order stated that all public bodies of departments and agencies of the State, including but not limited to boards, commissions, committees, subcommittees, authorities, and councils, must, to the extent practicable, consider postponing public meetings and/or agenda items that may be deferred until a later time."

Manager DeGroot recommended that the Planning Commission and staff abide by the Executive Order as there are no pressing issues before the Commission at this time. As of now it will be for the month of March but can be reevaluated based on future determination; staff will stay in contact and keep the Commission updated. Rhein asked staff to keep the Commission updated; transparency has been great and is what he is looking for.

Milton asked if they should communicate via email with the office staff. DeGroot explained there was an emergency meeting of the Township Board on Tuesday, March 17 to discuss the different options available to the Board. DeGroot also commented his assessment would be that staff would be initially available via email or telephone and would be in the office during regular business hours, pending any future mandates. He also stated the changes are made by the Board; he cannot change them. He also added that we are a public agency and we work for the public. Soucy thanked DeGroot for keeping the Commission informed and continuing the communication; he has total confidence it will be handled well.

Soucy asked that staff try to best of their ability to keep the people of the community calm and rational as best they can.

DeGroot stated he is working with the Clerk's department on a communication plan for the community. DeGroot does ask the community member to look after each other, especially the senior members, to get any available information to them.

Commission Decision

Motion by Rhein and seconded by Milton, to postpone the March 16, 2020 Planning Commission meeting to a later date.

Vote: Ayes: 4

Nays: 0

MOTION CARRIED

VI. INFORMATIONAL ITEMS

Executive Directive 2020-02

No. 2020-2

To: State Department Directors and Autonomous Agency

Heads From: Governor Gretchen Whitmer

Date: March 13, 2020

Re: Public Meetings of State of Michigan Public Bodies During the COVID-19 Emergency

As governor, one of my most solemn obligations is to protect the health, safety, and welfare of Michigan residents, particularly in times of crisis. It is a core and critical duty of the executive branch to respond quickly and effectively to emergent threats to the public health, safety, and welfare of Michiganders, and to faithfully execute the laws of this state in a manner consistent with that priority.

With Executive Order 2020-4, I declared a statewide state of emergency due to the spread of the novel coronavirus (COVID-19). This is a new strain of coronavirus that had not been previously identified in humans, can easily spread from person to person, and can result in serious illness or death. To mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and this state's health care system and other critical infrastructure, it is crucial that all Michiganders take steps to limit in-person contact, particularly in the context of large groups.

One of the cornerstones of public engagement in governmental activities is the ability to participate in the meetings of public bodies. The Open Meetings Act ("OMA"), 1976 PA 267, as amended, MCL 15.261-.275, sets forth guideposts to ensure that the public has meaningful access to the meetings and decision-making processes of certain public bodies. The OMA requires that "[a]ll meetings of a public body shall be open to the public and shall be held in a place available to the general public," and "[a]ll decisions of a public body" and "deliberations of a public body" must take place at a meeting open to the public. MCL 15.263(1)-(3). It further provides that "[a]ll persons shall be permitted to attend any meeting except as otherwise provided in this act" and "shall be permitted to address a meeting of a public body under rules established and recorded by the public body." MCL 15.263(1), (5). Finally, the OMA provides that "[a] meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body." MCL 15.265(1).

The OMA promotes governmental accountability and fosters open and responsible governmental decision making. In conducting its business during this time of emergency, state government must ensure that it preserves these important governmental objectives without unduly compromising the public health, welfare, and safety of this state.

Acting under sections 1 and 8 of article 5 of the Michigan Constitution of 1963, I direct the following:

1. All public bodies of departments and agencies of the State, including but not limited to boards, commissions, committees, subcommittees, authorities, and councils, must, to the extent practicable, consider postponing public meetings and/or agenda items that may be deferred until a later time.
2. All public bodies of departments and agencies of the State subject to the OMA that must continue to meet must do so by means sufficient to enable meaningful access and communication for all participants. Participation by remote access technology, including conference calling, real-time streaming, or other platforms is acceptable, and sufficient to form a quorum, so long as public access and participation is preserved.
3. Public notice of the time and date of each meeting of a public body of a department or agency of the State subject to the OMA must be given in the manner required by the OMA, which includes publication of the notice on the public body's internet website. The public notice must include sufficient information such that the public's right to address a meeting of the public body is preserved.

This directive is effective immediately and will remain in effect until further notice.

Thank you for your cooperation in implementing this directive.

VII. ADJOURNMENT

Motion by Milton and seconded by Rhein, to adjourn the meeting.

Vote: Ayes: 4 Nays: 0 MOTION CARRIED

Meeting adjourned at 6:15 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on April 20, 2020.

The meeting was cancelled.



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on May 18, 2020.

The meeting was cancelled.

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 15, 2020 via Teleconference

I. MEETING CALLED TO ORDER BY: Ryan Soucy (Chair) at 6:06 p.m.

ROLL CALL

Members Present: Ryan Soucy (Chair), Donna Mullen-Campbell (Secretary), Susan Maynard (Vice Secretary), Don Rhein (Board), Kendell Milton and George Meister

Members Absent: Cory Bushong (Vice Chair)

Staff Present: Bill DeGroot (Township Manager), Dale Throenle (Planning Director / Zoning Administrator), and Lisa Perry (Administrative Assistant).

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, seconded by Maynard, to approve the agenda as changed to include the March 16, 2020 meeting minutes. Also noted the minutes in the packet from the January and February were already approved at the March meeting

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

(Commissioner Mullen-Campbell had difficulty with audio, she did not vote)

III. MINUTES

January 20, 2020 Planning Commission meeting approved at March meeting

February 17, 2020 Planning Commission meeting approved at March meeting.

March 16, 2020 Planning Commission meeting

Motion by Maynard and seconded by Rhein, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

(Commissioner Mullen-Campbell had difficulty with audio, she did not vote)

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Future Planning Commission Meetings

Staff Introduction

Throenle discussed future status of the Planning Commission meetings regarding the status in the State which would limit the amount of people able to attend the meetings if they were held in the Township hall. Throenle listed three options for the Commission to discuss:

1. Schedule and conduct a meeting in the Township hall. Limit the number of people to fourteen to comply with the social distancing requirement. This would include seven Commissioners, up to three staff members, and four from the public.
2. Schedule the meeting exclusively virtual like this meeting.
3. Schedule the meeting in the Township hall and allow virtual access.

Commission Discussion

Soucy commented that he went through some of the Executive orders put into effect by the State and thought order 2020-75 pertaining to the Open Meetings Act (OMA) was in effect until June 30. His hope is that the virtual meeting would be an option going forward to allow more people to participate in meetings that may have issues doing so otherwise. His choice would be option three, to allow virtual meetings but does not have to be exclusive.

Maynard and Meister agreed they were comfortable with option three as well.

Rhein stated the Township Board had the same discussion and felt that there could be an issue if meeting at the Township Hall due to the Commissioners having to wear masks and with social distancing the recorders may inhibit the recorders from getting all of the conversation.

Manager DeGroot added that the Township Board did decide to go with a virtual meeting for one more month – the July meeting – due to the recordings with masks may not be clear enough for the public.

Soucy voiced his concerns if they had to limit the public attendance, how would they decide who was able to attend. Having virtual participation as an alternative would help alleviate this.

Soucy asked how the Commission could advocate to the State to extend the virtual meeting portion of the Open Meetings Act, not just by Executive Order, but have it become law as an amendment to the Open Meetings Act.

Maynard stated she felt it would provide “at risk” groups and senior citizens the opportunity to participate comfortably.

Manager DeGroot recommended if this is the direction the Commission would like to go, they should sponsor a letter to the Township Board, addressed to Supervisor Bohjanen and Clerk Engle and copy to include the rest of the Board to advocate for that position.

DeGroot further explained that there are two bills working through the Michigan legislative channels to allow electronic meetings for the remainder of this year as an amendment to the Open Meetings Act. This is being driven by the Michigan Township and Michigan Cities Associations. He added that they have gotten more participation at the Township Board level by holding meetings this way.

Meister stated he has no objections, suggested the meeting as a live broadcast and felt people email or send letters to get their comments to the Commissioners.

Mullen-Campbell joined with audio at 6:23 PM.

Commission Decision

Rhein motioned and seconded by Milton, for Soucy to draft a request to the Township Board of Trustees to request that they support legislation to conduct future Township meetings in a virtual format.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Soucy reminded the Commissioners they had to choose one of the three options for the July meeting. He stated he felt the Commissioners were of similar mind and they should do option two, meet exclusively virtual for the July meeting with the potential of moving to option three for meetings after that.

Rhein agreed; he felt that option two would be best as well. Milton asked how the Township was currently handling their business for the Board meetings. Rhein answered that the Board was going to be doing a virtual meeting for their July meeting.

Maynard asked if that would be option two and Rhein answered yes. Maynard suggested the Planning Commission follow the Township Board. Soucy agreed and stated the Planning Commission would follow the suit with the Board for July and discuss it further at the July meeting.

Meister motioned and seconded by Rhein to go with Option 2 to schedule and conduct the July meeting virtually.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Proposed Marijuana Establishments Ordinance
Staff Introduction

Throenle informed the Commissioners that Manager DeGroot would lead this discussion. DeGroot explained that the Planning Commission and the Township Board had agreed some time ago on the direction to do research to allow the opportunity of permitting some form of recreational marijuana activity within the Township. His discussion was on what this activity would look like and what would a future ordinance look like, and what policies could make this happen.

He stated the Planning Commission had discussed staying with its heritage and going with the research and agricultural aspects, not the commercial route that some of our neighboring government agencies have done. This would focus on the supply chain option, the transportation, growing and the research for medicinal purposes.

DeGroot told the Commissioners that Chocolay Township had hired an intern (Ryan Knight) to delve into the marijuana subject, to research the legal background and to research the opportunity to create an ordinance; the results of this were a draft ordinance that was included in the packet.

This draft ordinance allows an unknown number of applications to fulfill the mission of the Planning Commission and the desire of the Township Board; both the Commission and the Board have the same thought process to allow these types of recreational marijuana businesses in the Township and its agricultural area. DeGroot and staff feel this is a good first attempt; he added that the presentation material can be used as a public discussion to allow the public to know the process the Township has taken to get where they are.

DeGroot added there are moving targets, such as how many allowable resources does the Township want in the community, how many grow facilities, how many micro businesses, and how many transportation facilities. With this ordinance being a stand-alone ordinance, this would be ultimately decided by the Township Board. Historically the Board has allowed the Planning Commission to have discussion and to review the draft ordinance.

DeGroot reminded the Commissioners there is no hurry if they needed more time to think about this, but he informed the Commissioners there have been some inquiries of residents to use their agricultural property as grow facilities. DeGroot stated he had shared the draft ordinance with the interested residents, and they have expressed support of the ordinance. He added that there were people at the last public meeting in February who also showed interest.

Commission Discussion

Meister asked for clarification of the scoring sheet that was included in the packet. DeGroot explained the scoring sheet is a culmination of what Iron Mountain did by releasing an RFP (Request for Proposal) to recruit business alternatives that would lead to using blighted buildings for these types of endeavors. This would mean the Township would be working with the State because, in order to release an RFP, there must be an active permit within a 60-day window of the request.

Soucy felt there would be a need for coordination between multiple entities to do this. DeGroot answered there would be but if the Township thinks of the business, they do not necessarily have to allow it. He also reminded the Commissioners there is no timeline for this discussion to be a reality. The Commissioners can take their time and methodically go through each step.

DeGroot also commented the Township could also do what the City of Marquette did by putting isolation factors on the number of permits issued but allowed marijuana in any land use.

DeGroot also stated that the Marquette Township Planning Commission is taking the approach of redeveloping commercial areas. He added the approach Chocolay Township takes will be decided on how the Planning Commission and the Township Board choose to have this conversation going forward. The mechanics within the Ordinance can be fine tuned but the Ordinance shell is a good example of staying close to Chocolay Township's heritage.

Soucy thanked DeGroot and the intern for doing the research and giving the Planning Commission good information. He also commented he has some apprehension due to what he is seeing with the City of Marquette having a concentration of distribution facilities in one area. He is concerned there could be blight in a concentrated area and would like to consider a dispersion option to prevent this from happening in Chocolay Township. Maynard and Rhein agreed that this concerns them as well.

Maynard commented that she thought Iron Mountain was going to issue one permit at a time on a wait and see approach; she wondered if this was still the case and if they issued more.

DeGroot thanked Soucy for discussing the implementation of the policy, whether through a conditional use or by the six-month trial that Maynard has asked about. He told the Commission that Iron Mountain did have a six month trial with the first permit; the first business was able to open, and they did issue a second permit. He

was not certain if the second business opened due to COVID-19. He added they were going to see how the market saturation worked before issuing more.

Maynard would like to like to focus on the research and agricultural aspects; she feels these would not go away any time soon and would be more solid and secure.

Rhein commented that he would like to see a limit on the grow facilities as well; he has witnessed outdoor grow facilities that do not have the standards of how they should look, maybe require a site plan to make sure it is tolerable to look at. Mullen-Campbell agreed with Rhein.

Meister told the Commissioners that most grow facilities he has seen or heard of from his engineering background have all been enclosed in a building and not in a field and questions if this fits in the agricultural picture the Commission has.

Meister also stated he thought the ordinance was missing requirements for sensitive areas such as schools, daycare centers, and substance abuse counseling areas; this was mentioned when the City of Marquette was drafting their ordinance. He also questioned if there would need to for any security requirements or signage wording limitations.

Meister asked for clarification on some of the definitions of a Marijuana Safety Compliance Facility; he asked if this would this be a scientific laboratory. He also asked if the licensee must be a person or could it be an entity or a business. He felt the processor and processing could be clarified into one or change the names. He asked if the herbal extract and natural product industries would include research on anything other than marijuana, and maybe there needs to be a clarification to be based around the cannabis products.

Maynard liked the clarification of the herbal extracts and natural products industries and would agree to not include them in the marijuana research category.

Meister asked if there was a State requirement of the spacing of a marijuana facility from schools, etc. DeGroot answered there is a 500-foot minimum from any religious institution, school, or place of drug rehabilitation.

DeGroot reminded the Commissioners this is a stand-alone ordinance and he would like to have connectivity between it and the Township Zoning Ordinance. This would allow the site plan capacity in the Zoning Ordinance to be reviewed, especially how the nontraditional aspects of the Right to Farm Act interacts with the medical and recreational marijuana activities to accept the generally practiced hydroponic aspects. DeGroot stated that some of this may be traditionally outside of Chocolay Township's realm as far as a true site plan characteristic but within our realm in other

areas such as signage, security, and others that are not traditionally associated with farming or protected under accepted practices but could be regulated by the Zoning Ordinance as a better alternative. He could see amending this ordinance to include and giving the full depth of bringing the Zoning Ordinance in as a conditional use permit or conditions placed on the permit. There may be more items within the Zoning Ordinance that come into this such as parking, acreage disturbance and minimum size of the lot in the AF district.

He suggested a blanket statement stating this would not be a replacement of site plan approval or false Zoning Ordinance compliance would be necessary. Meister agreed with the size of the lot in the AF district; the district could all be grow sites if it were to be just a warehouse. DeGroot agreed due to the way the Zoning Ordinance is structured.

Soucy stated he thought this was in the priorities for the year that needed to be addressed more in depth.

DeGroot asked the Commissioners if this was a good starting point and what direction the Commissioners would like to take from this point and what point would they like this to the public for their view. Maynard felt this was an excellent starting point and felt it has been examined from all aspects, she also appreciated Meister's comments.

Rhein suggested making a few changes and discuss them at the next Planning Commission meeting and send it to the Board from there.

Soucy felt it would take a couple meetings discuss this; he would like to take the extra time to get it right. He would also be interested to see what a comparable township has for their setback requirements in a similar district. Maynard and Mullen-Campbell agreed.

DeGroot and staff will take the comments and do the edits so the Planning Commission can see where the changes have been made. They will also try to address the priority section later as it may require more discussion.

C. 2020 – 2021 Planning Commission Priority Order
Staff Introduction

Throenle explained that the Planning Commission will review the approved list of priorities, approved at the February Joint meeting with the Township Board, to determine the order that the priorities will be addressed during the 2020 – 2021 calendar year.

Commission Discussion

Milton asked where the Marijuana Ordinance would fit into the list of priorities. Throenle explained it was approved by the Board was currently ranked on the list.

Meister commented he felt some of the priorities would be easier to get through in a short amount of time and some would take more time, even though they may not seem as important.

DeGroot stated he would like to discuss the Master Plan and the Zoning Ordinance what he views from the Manager's position. He explained that since September, he has been reading and trying to understand the inner relationship of the Township Master Plan and Zoning Ordinance also the general land use plan and how the community follows them; in reality he feels the Township is not following them.

DeGroot felt the approved Zoning Ordinance from 2008 has little connection to the 2010-2012 community planned version. The surveys that were sent and completed by the community were reflected in the land use policy statement of the 2015 Master Plan. He feels the Master Plan and the Recreation Plan are very sound documents with no real changes needed at this point other than tweaking the approval process and updating to comply with new regulations since 2015. He also added he felt the Master Plan should help guide the changes and additions of ordinances.

Meister felt the Township Master Plan, Zoning Ordinance, and implementing the Zoning Plan into the Master Plan would be the top three and the rest are no specific order. Rhein agreed.

Throenle suggested if the Zoning Ordinance is added to the top three to address the non-conformities in the Agricultural Forest (AF) district at the same time. Rhein agreed to this also.

DeGroot told the Commission in order to get a draft for change in the Zoning Ordinance, staff may have to come to the Planning Commission and ask for interpretation such as defining the lot sizes in the Agricultural Forest district. In the meantime, the Board can review documents to allow staff to work with residents for compliance and future development before there is an approved draft.

Soucy asked DeGroot if this would be an interpretation on the existing Zoning Ordinance or from the Master Plan.

DeGroot gave the example that 40% of the AF district became non-compliant as it was combined with another land use, which has created challenges in enforcement

and development that the Zoning Board of Appeals cannot interpret or define. This is currently the Planning Commission's job to define interpretation of use. Milton agreed that the non-conformities has restrictions and need to be addressed.

Soucy asked about more training as a group, the development of an education plan. He suggested more training from the MSU extension office as an option.

Throenle discussed the priorities with the Commissioners and came up with the following items as priorities to be discussed at future Planning Commission meetings:

- Review and update the Township Master Plan
- Consideration for rewrite of the Township Zoning Ordinance
- Further amend the Township ordinances to implement the Zoning Plan in the Master Plan
- Determine marijuana regulations status
- Address non-conformities regarding properties in the AF district
- Coordination with Marquette County on the County 2040 master plan
- Development of an education plan

The remaining priorities will be addressed as time allows. Those include:

- Develop processes for the NFIP Community Rating System
- Update the Chocolay River Watershed Plan
- Reconsider approach to private road regulation
- Plan for four-season transit facility
- Consideration for Bluezone / AARP livable community design
- Consideration for non-traditional homes

Commission Decision

Mullen-Campbell moved and seconded by Rhein that the priorities for the Planning Commission be addressed in the new order as discussed and adjusted by Throenle for the 2020 – 2021 Planning Commission Priorities as the recommended direction for Planning Commission activities for the 2020 through 2021 calendar year.

Vote: Ayes: 6

Nays: 0

MOTION CARRIED

D. Public Engagements Methods

Staff Introduction

Throenle explained that planning processes, such as the upcoming revisions of the 2015 Master Plan and the Township Zoning Ordinance will require public input to ensure the documents address the public's direction for the Township. He asked the Commissioners for suggestions on how to get the public engaged as the public will be a crucial part in the of the Township Master Plan and Zoning Ordinance process.

Commission Discussion

Mullen-Campbell suggested using the Cherry Creek Elementary Gymnasium for larger public meetings.

Meister suggested live casting through Zoom or YouTube; he felt that Facebook did not work as well. He also felt the Township website would work, but the website may need some updates to make it easier to navigate.

Throenle was also looking for ways to reach people without technology. Mass mailings have a big cost to to the Township and there is staff time involved.

Rhein suggested using the new Township sign. Soucy felt utility billing does not work. Meister suggested information added to the tax billing; Throenle explained that the timing of the tax bills is not always convenient.

Several Commissioners asked about a text or email alert.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENTS

- | | |
|-----------------|--|
| Rhein | Felt the Commission did a good job prioritizing the priorities; feels the virtual meeting works for now but would like more public comment |
| Milton | None |
| Mullen-Campbell | None |
| Maynard | Has done many business and personal virtual meetings in the last two and a half months; they feel normal |
| Meister | Looking forward to moving forward on the projects |
| Soucy | Hope all stay safe and healthy, have a good rest of the month |

XI. DIRECTOR’S REPORT

Throenle stated he had nothing more to add and thanked the Commission for participating and for the great comments.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 03.09.20
- B. Minutes – Township Board, 03.17.20 special meeting
- C. Minutes – Township Board, 04.13.20
- D. Minutes – Township Board, 04.17.20 special meeting
- E. Minutes – Township Board, 05.11.20
- F. Township Newsletter – April 2020

G. Township Newsletter – May 2020

H. Minutes – City of Marquette Planning Commission, 03.03.20

I. Minutes – City of Marquette Planning Commission, 03.17.20

J. Minutes – City of Marquette Planning Commission, 04.21.20

K. Minutes – City of Marquette Planning Commission, 05.05.20

XIII. ADJOURNMENT

Motion by Maynard and seconded by Milton, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Meeting adjourned at 7:45 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES**
Monday, July 20, 2020 via Teleconference

I. MEETING CALLED TO ORDER BY: Ryan Soucy (Chair) at 6:00 p.m.

ROLL CALL

Members Present: Ryan Soucy (Chair), Cory Bushong (Vice Chair), Donna Mullen-Campbell (Secretary), Susan Maynard (Vice Secretary), Don Rhein (Board), Kendell Milton and George Meister

Members Absent: None

Staff Present: Bill DeGroot (Township Manager), Dale Throenle (Planning Director / Zoning Administrator), Richard Bohjanen (Township Supervisor), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Rhein, seconded by Mullen-Campbell, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

June 15, 2020 Planning Commission meeting

Motion by Maynard and seconded by Milton, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Proposed Marijuana Establishments Ordinance

Staff Introduction

Manager DeGroot stated to the Commission the evening's discussion would be a continuation of the Recreational Marijuana discussion from the June Planning Commission meeting, where emphasis was on a way to protect the community values and still comply with the possibilities of having marijuana establishments within the community.

He stated staff made changes to the draft ordinance based on comments by the Commissioners at the June meeting that attempted to answer the Commissioner's questions and concerns. He stated that If the Commissioners agreed with the changes in the draft ordinance the next step would be to hold a public hearing to receive public comment to allow recreational marijuana establishments within the Township. He stated as part of the revision there were not many changes to the definitions other than site plan specific opportunities.

He said Commissioner Maynard suggested at the June meeting to allow one permitted use and wait six months to evaluate to allow another. He said staff felt if this was still the thought of the Commissioners, the definitions could be developed into a flushed-out way in the second half of the ordinance. DeGroot explained that all the other suggested changes were incorporated to connect the site plan to the existing ordinance to make it part of a Zoning Ordinance adoption as well. As of now he said this would be a stand-alone ordinance.

Commission Discussion

Soucy asked the Commissioners for their comments but stated he would like to take the ordinance process slowly and have as much time needed to do the ordinance correctly.

Maynard asked the difference between a micro business owner selling product and a retail establishment selling product and also asked if the micro business would be allowed to have the 150 plants or can this number be changed as she felt that was a large amount of product.

DeGroot explained that a retail establishment would just be selling the end product and would purchase their product from a supplier, where a micro business would include all aspects such as growing and selling onsite. Staff felt the micro business would consistent with the community characteristics due to the growing and research aspects and be more sustainable that just a retail aspect.

In regards the number of plants allowed in a micro business, DeGroot told the Commission that staff would have to do more research to prevent underquoting the law.

DeGroot mentioned the Right to Farm Act and Michigan Department of Agriculture have deemed the medical marijuana a viable crop so it could be possible that one micro business could supply multiple retail businesses with product do to the amount of product one plant can supply.

Soucy asked if the micro businesses could claim the Right to Farm Act on any nuisances that they create, even if in an urbanized area. DeGroot explained the definitions of the Right to Farm Act fall under the generally accepted agriculture management guidelines and nuisances still must comply with regulatory control of the districts they are in. He also explained that depending how the product is being cultivated, they may not have to comply with all parts of local zoning code as long as

they still comply with the Right to Farm Act. The growing and cultivating would be protected under the Right to Farm Act, but the end sales would be under the regulatory of the taxation committee and law. This is why staff felt a blanket statement stating they had to comply with the Zoning Ordinance and other state or federal guidelines as prescribed so investigative powers would not be limited if needed.

Soucy asked if staff had statistics on the micro businesses, as he felt this would be the way to go for the Township.

DeGroot explained that the industry is so new that there are only a few micro businesses across the State and that he cannot give statistical information at this time. From what he has seen it is the larger corporations that are doing this as they have the funds to get them going.

Meister went online to find information on buffer zones and could not find much and stated that he felt most communities created their own asked if it was something they should add to the ordinance. DeGroot replied that it is not in the draft ordinance at this time but is something that should be established. DeGroot explained that State law does have requirements and they can add them to the ordinance but at this time he has concerns with the Agriculture / Forestry and other districts in the community. His concerns are that there needs to be a discussion or change in ordinance as there were many properties added to the Agriculture / Forestry district that was not originally intended and has them closer to urban areas. This has to be watched to ensure these businesses are not in areas they are not supposed to be even though they are zoned properly.

Meister also asked about Section 3 in the draft ordinance under regulations. He asked who would determine the local character if it should state "as determined by the Planning Commission". DeGroot felt it should be tied to the Planning Commission so they can have the power to review individual site plan requests regardless of location.

Soucy felt the Future Land Use and Character Areas have a description and defines land uses and the Master Plan also references this so the Commission could relate back to that as well.

DeGroot explained that the Planning Commission has the right to interpret land uses even if questionable, so any additions of ties to the Planning Commission decisions would be important.

No further action taken on this and DeGroot commented that staff would take the suggestions from this meeting and bring back answers for the Commission for next month.

VIII. NEW BUSINESS

B. Township Master Plan Discussion

Staff Introduction

Soucy reminded Commissioners that the Master Plan was one of the items that is on the priority list for 2020. He stated the plan from 2015 was well-written, but there were items that needed to be looked at as things have changed since that time. He pointed out that one of the items is the character areas, and another is to address inconsistencies with the current zoning ordinance.

Throenle also pointed out that there are items that need to be updated, and he stated, as an example, that the plan defines fourteen character areas while the zoning ordinance references seven zoning districts. He also referenced the non-conformances in the agriculture / forestry district that plan should address. He indicated the character areas discussion was the priority that should be addressed, as all other sections in the plan depended on that section. He would also like to look at new directions for solar, wind and tiny homes as discussion items for the plan.

Throenle stated the plan is the underlying guidance document for the zoning ordinance, with the intent the zoning ordinance will match up with the plan.

Commission Discussion

Soucy addressed the character area discussion with an idea to look at the character areas, possibly combining some of them.

Maynard asked Soucy to clarify if his intent was to combine the language. She felt that some of the districts were very close in definition and could be combined if there were no reason not to. She also asked for suggestions on how to review the categories, and what task the Commissioners were to address.

Throenle stated the direction for the meeting was to determine direction, not to define specific character areas or to combine character areas. He stated that would be the on-going process to review those areas, but the priority for the Commissioners was to decide if the character areas were to be used or abandoned.

Maynard asked which decided the other – the zoning ordinance or the master plan.

Throenle stated the master plan comes first, with the zoning ordinance reflecting the language in the plan.

DeGroot added that the plan is the general direction, with the intent of looking at the plan with a twenty-year vision. He stated the zoning ordinance is not intended to be a vision statement, he said that is the intent of the master plan.

DeGroot said the master plan identifies the character areas and creates a framework for those character areas to be defined. He said the zoning ordinance would further refine those definitions.

Throenle pointed out that table 7-2 of the master plan further aligned the character

areas with the future zoning districts. He also pointed out that some of the character areas overlapped with the newly defined zoning districts. He again stated the Commissioners should look at combining those character areas but cautioned that it should be done carefully so as to not repeat the non-conformances that happened in the 2008 zoning ordinance.

DeGroot described the history of the zoning ordinance versus the master plan. He said when the zoning ordinance was written in 2008, it came from a regulatory way of thinking which put more emphasis on a single lot than looking at the character of a neighborhood. He stated the master plan was designed during a time when the character of an area, not a single building, was the intended factor for a neighborhood. He reemphasized that the zoning ordinance is written based on the policies established in the master plan.

Soucy requested ideas on how to review the plan going forward. He suggested that certain areas should be selected, with the intent of getting an in-depth review of the material.

Rhein suggested taking two or three character areas per meeting for review to see what would need to be changed.

Meister asked how detailed this information needed to be. DeGroot responded that the intent was to protect the character of the area – why it is important and what the benefits of the area are.

Meister also asked about the trends and directions regarding mixed use in neighborhoods. Maynard interjected that changes in global trends over the last several months would also impact the direction.

Soucy responded by outlining the general direction from an economic development direction, and stated the focus was on a dense mixed-use development. Mullen-Campbell concurred with Soucy's comments.

DeGroot commented that the age of the community and the willingness to travel added to the decision-making process, especially from a recreation, commercial, industrial, residential and community service needs perspective.

Milton added that some commercial uses require a one-hour fire separation in their developments. He said emphasis on water for the community would have to be addressed if there any desire to develop additional commercial development. Meister added that this was a hindrance to development in the downtown corridor.

Maynard looked at the commercial character areas and asked if they could be combined. DeGroot responded that they could, as the trend is leading away from shopping malls and other larger business developments. He also emphasized the master plan development belonged to the Planning Commission for approval and development.

Soucy suggested that the Commissioners review three of the character areas per

meeting. Mullen-Campbell suggested that mixed use and agricultural forestry be addressed first. Meister suggested adding village mixed use. Rhein suggested that Throenle look at which could be combined for presentation; Rhein further refined the suggestion to look at character areas 1, 2 and 3. Maynard agreed with Rhein's suggestion, and added that character areas 10 and 11 be looked at next.

Bushong suggested character areas 1, 2 and 3, with 9, 10 at the next meeting and 11 to follow at the September meeting.

Throenle asked if there should be more than one group for the next meeting; Bushong suggested staying with one group for the next meeting to see how the process would work, and the Commissioners agreed.

Throenle asked for Commissioner input on the information they wanted to see for the character areas. DeGroot suggested visual examples from the way they are written today, with updates based on industry standards, so the Commissioners could see the intended direction.

Meister asked if images were appropriate. DeGroot answered that figures and displays would work well in the future, as it would reduce confusion for interpretation.

Throenle asked if Commissioners were interested in doing another community survey. Rhein asked about the results from the Recreation Plan. Throenle responded that approximately 200 responses came in.

Soucy indicated that not much would change regarding the plan overall. There have not been too many changes since the current plan was written, so his suggestion was to work on the plan first, then decide if more information from the public would be required.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Bushong – apologized for missing last month's meeting and it was good to be back.

Rhein – felt the discussion was very informative and have a good plan to move forward. Asked if the O'Reilly store was still in progress or if it was on hold.

Throenle commented that his last correspondence with them in June was that they were in negotiations with contractors to move their project forward. Tentative opening date that was given to the Township was February or 2021.

Mullen-Campbell – had three comments to changes to possibly be made to the Master Plan.

1. Page 82 would need a picture of the new Township sign/message board.
2. Page 67 says the Township's electricity is powered by coal, do we have a new system?

3. Page 20, Appendix F there are no roads listed that begin with the letter “R”
Soucy – Noticed one edit to the Master Plan as well; it is the 30th Anniversary of the Americans with Disabilities Act and he felt that on page 92 the reference that states “the disabled...” should be changed to “people of all abilities”.

Meister – looking forward to working through the character areas

Maynard – thanked the Commission for their patience in walking her through the Master Plan, character areas, land use, and the zoning.

Milton – asked Throenle if the commercial districted that housed the kennel reverted to back to the Residential 1 area as is has not functioned as commercial for a year.

Throenle responded that the kennel is operational and will have a grand opening August 1, 2020. They had done extensive review and was determined to still have commercial capabilities and the intent of reopening within the one-year time frame.

XI. DIRECTOR’S REPORT

Throenle commented that he is looking forward to working on the master plan project with the information from the Commissioners.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board, 06.08.20

B. Township Newsletter – June 2020

C. Minutes – City of Marquette Planning Commission, 03.03.20

D. Minutes – City of Marquette Planning Commission draft, 06.02.20

E. Minutes – Marquette County Planning Commission, 04.01.20

K. Minutes – Marquette County Planning Commission draft, 07.01.20

XIII. ADJOURNMENT

Motion by Rhein and seconded by Mullen-Campbell, to adjourn the meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Meeting adjourned at 7:18 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 17, 2020 via Teleconference

(Due to lack of quorum, only action taken was Public Comment)

I. MEETING CALLED TO ORDER BY: Ryan Soucy (Chair) at 6:05 p.m.

ROLL CALL

Members Present: Ryan Soucy (Chair), Cory Bushong (Vice Chair), and Don Rhein (Board).

Members Absent: Donna Mullen-Campbell (Secretary) was unable to participate due to technical difficulty, Susan Maynard (Vice Secretary), Kendell Milton and George Meister

Staff Present: Bill DeGroot (Township Manager), Dale Throenle (Planning Director / Zoning Administrator), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Due to lack of quorum the Agenda was not able to be approved.

III. MINUTES

July 20, 2020 Planning Commission meeting

Due to lack of quorum minutes from the previous meeting were not able to be approved.

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – Stated she was confused on how the Planning Commission was proceeding with the breakdown of the master plan. She said she was encouraged by the comment of supporting utility infrastructure cost in the village Mixed Use area. She said she does not like commercial areas used for storage units or contractor's yard. She also felt the master plan should be all-inclusive in supporting natural features; she felt the casino does not have enough of a vegetative buffer and she would like the Planning Commission to be mindful of this when looking at further development. She has concerns with community wide road noise and would like to work as a community with MDOT to address this issue.

Soucy added that his perspectives from being on the Planning Commission is to improve community livability and felt this is a good time when looking at the master plan.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Township *Master Plan* – Future Land Use Discussion

Due to lack of quorum there was no discussion.

VIII. NEW BUSINESS

None

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENTS

Soucy – Suggested doing some diagnosing of Zoom participant access before the next meeting. He said he knows this is a hard thing for people to adapt to; and hard to pick up where we left off at the next meeting. There was a lot of information in the packet and this will give him extra time to go over it. He thanked Throenle and the Township for the efforts in getting the information together.

Bushong – Stated that Soucy’s comments sounded good to him as well.

DeGroot – Suggested scheduling a Zoom tutorial meeting for any of the Commissioner that would want to attend. He has had success with the Township Board members with that tutorial. Soucy commented that sounded good and looks forward to that.

XI. DIRECTOR’S REPORT

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board, 07.13.20

B. Township Newsletter – July 2020

C. Minutes – City of Marquette Planning Commission, 07.07.20

D. Minutes – Marquette County Planning Commission, 08.05.20

XIII. ADJOURNMENT

Soucy adjourned the meeting at 6:32 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 21, 2020 via Teleconference

I. MEETING CALLED TO ORDER BY: Ryan Soucy (Chair) at 6:00 p.m.

ROLL CALL

Members Present: Ryan Soucy (Chair), Cory Bushong (Vice Chair), Donna Mullen-Campbell (Secretary), Susan Maynard (Vice Secretary), Don Rhein (Board) and Kendall Milton (member)

Members Absent: George Meister

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

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Chair Soucy requested that *New Business* and *Unfinished Business* be switched on the agenda to accommodate the applicants for the new business item.

Motion by Bushong, seconded by Rhein, to approve the agenda as revised.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

July 20, 2020 Planning Commission meeting

Motion by Rhein and seconded by Bushong, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

August 17, 2020 Planning Commission meeting

Motion by Rhein and seconded by Bushong, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane

Expressed opposition to commercial contractor yards where sewer is provided; thanked the Commissioners for the work they do; requested Master Plan consideration for access through the neighborhoods for walking, biking, and non-motorized traffic; referenced a seasonal transportation shelter; stated desire to see a requirement for blue mailboxes throughout the Township; asked why the Harvey Oil cleanup was not completed; did not support water development for businesses, stating residents should come first; and referenced the McDonalds project: commented on the failure to maintain road through the property; commented on snow removal for the project; asked if there were going to be two order pickup lanes; questioned the sewer identity on the plan; and expressed concern with potential traffic backup to the service road

Joel Jackson, Bishop Engineering

Requested to be added to the discussion under new business

Joe Cocanato, McDonalds Project Construction Manager

Requested to be added to the discussion under new business

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Site Plan Review – 1001 M-28 East (McDonalds)

Staff Introduction

Throenle presented highlights of the staff Site Plan Review document as presented in the packet.

Throenle addressed traffic flow to the drive through as related to the rear of the Moyle Center and the neighboring Interior by Design property to the west. He stated the drive through is “landlocked” and not accessible either from the rear of the Moyle Center or through the Interior by Design property. He added that because the directional signs from the west (beginning at the entrance to the Holiday Gas Station and proposed at Interior by Design) would not be on the project property, they would not be allowed under the *Zoning Ordinance* as they would be considered off-premise signs. He requested guidance from the Commissioners regarding the signage as the traffic attempting to access the drive through via the Interior by Design parking lot.

He completed his comments by stating that staff did not see any major issues with the project as designed.

Commission Discussion

Soucy began the discussion with concerns regarding internal circulation, and asked Throenle about the frontage road and Moyle property access. Throenle stated the circulation process was apparently designed to provide delivery access for the occupants of the Moyle Center as well as to the occupants of the Interior by Design building that previously had four occupants.

Soucy requested comments from the applicants. Jackson addressed the circulation issue, stating McDonalds was willing to look at the directional signage especially related to the Interior by Design traffic flow. He stated the overall purpose of the project was to prevent the backup of traffic queuing at the ordering board by providing the ability to take customers in multiple lanes, which allowed the customers to get through the drive through faster. He stated the project would last approximately three weeks during business hours, and that the drive through would be open during the construction. He stated snow removal would remain as done in

previous years and that finished landscaping would occur in the spring of 2021.

Soucy expressed that business adaptation was important, especially with the changes required during the pandemic. He pointed out that restaurants especially were adapting with drive through answers to sit-down restrictions.

Maynard expressed a desire for the project team to look at using native plants instead of sod in keeping with Township commitment toward rural character. Jackson replied that only a small area (drive through islands) would be landscaped as part of the project. Cocanato added that McDonalds would look into the possibility with the owner / operator of landscaping areas around the project.

Maynard questioned the one-window pickup and pay design for traffic flow. Coconato replied that loop detectors are installed that notify McDonald crew as to who is placing the order, and orders are processed accordingly. He said McDonald studies show that this process speeds up the process for ordering and pickup. Jackson added that customers typically take longer to order than to pay, which is the reason for the two lane order / one lane pickup concept.

Soucy stated that staff site plan review showed that five parking spaces would be eliminated; however, his review showed eleven spaces would be removed. Jackson confirmed the number would be eleven. Throenle stated the increase in the number of parking spaces removed would not affect the overall parking count. Soucy suggested that shared parking could be achieved with the Interior by Design lot; Throenle stated that he did not see Interior by Design allowing the shared parking as the general direction for Interior by Design was to retain the lot for that business only.

Soucy asked where Moyle Center employees parked. Throenle stated he would have to research that question.

Soucy asked where trucks park. Rhein stated he generally sees trucks parking on M-28 and drivers walking into the restaurant.

Soucy asked for additional Commissioner comments. Bushong stated this project seems to be the general direction for McDonald drive throughs. Mullen-Campbell stated she looked at the drive through setup in Ishpeming and Marquette, and saw they were well done. Rhein stated this was a system they used everywhere, and that this was a win-win situation for this project.

Soucy asked Throenle if there were additional corrections needed on the site plan, especially regarding the snow removal. Throenle responded that he did not see the need for the snow removal information to be added to the plan, as that was covered during the approval of the Moyle Center site plan. He stated the Commissioners could add snow removal as a condition of approval if they chose. Soucy questioned the lack of Miss Dig information; Throenle stated this was further defined in the site plan as a contractor requirement. Coconato stated the general contractor will be required to do this as part of the project. Mullen-Campbell asked if the Miss Dig requirement should be added to the site plan as a condition; Throenle stated he did

not think it should as that is addressed on the site plan.

Soucy asked if off-site signage would be addressed separately. Throenle stated the current off-site signage was previously addressed as a variance request, as the *Zoning Ordinance* specifically prohibits off-site signage. Throenle stated this would be a separate conversation outside the site plan process. Throenle added that the signs as part of the project would be addressed through the sign permit process.

Soucy stated that there did not appear to be any conditions that needed to be added to the approval. Bushong added that it be noted that the number of eliminated parking spaces be recorded in the staff notes to reflect the change from five to eleven.

Commission Decision

Maynard moved, Mullen-Campbell seconded, that after staff review, Commissioner discussion and Commissioner findings of fact, Site Plan Review Application SR 20-62 is approved in accordance with the standards outlined in Section 9.2 of the Zoning Ordinance.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Township Master Plan – Future Land Use Discussion

Staff Introduction

Throenle presented highlights of the staff master plan future land use issue brief that was in the packet. Soucy requested the Bayou Bar and Grill be added as a change item since 2015, and Throenle added the Bayou Nature Preserve as an additional item.

Commission Discussion

Soucy expressed that a simplification could be done in the language in the plan. He added he is looking at the design with nodes and corridors. He identified Cherry Creek Road and US 41 South as the node with a circle around that area. He stated he thought there were three area corridors: a lower-speed corridor through the village area, a second after the residential area north of the village up to the Welcome Center, and a third heading east on M-28.

Maynard asked what the definition and distinction would be between the three character areas. Throenle stated the original design was to set off the village as a separate neighborhood, as well as to define the reasons for the descriptions. Throenle also pointed out that the area densities were different depending on the neighborhood, using Harvey as the densest and others as less dense, and as well as the lot widths. Maynard stated she felt the corridor and village were one and the same as opposed to other neighborhoods. Throenle indicated the village is platted as a residential area, and that there is a separation between the village and the overlay

district. Maynard expressed that other communities such as Chassell had a true village; she felt we had more of a corridor feel as there is not an existing downtown area. Throenle responded that Harvey is a much more walkable area due to density than other neighborhoods in the Township. Throenle also pointed out that the village originally had a store and other locations within walking distance of the residents.

Maynard asked about the purpose of the character areas. Throenle responded that each grouping had distinct features with the intent of wrapping the zoning around those features. Throenle pointed out that the *Master Plan* and the zoning in the *Zoning Ordinance* are out of sync with each other, and the intent of this process is to bring them together in the same direction. Soucy added that the a master plan is the statutory guide to use when developing zoning. Maynard added that perhaps the descriptions should remain; Throenle stated there was no reason to change if Commissioners felt they should remain as is. Throenle added that updates, such as census data, were necessary in some sections without rewriting the entire plan. Maynard stated that the descriptions could be kept as is because of the distinctions described.

Soucy stated his direction was from the challenge of the zoning ordinance. He asked Throenle if that would complicate zoning administration. Throenle pointed out the zoning districts were intended to match up with the character areas, and that multiple zoning districts could be defined as the same. Throenle stated the direction should be the global design for the zoning with the specifics being added to each district. Rhein asked Throenle if Throenle was satisfied with the plan with the intent of zoning. Throenle replied staff sees the plan as a good master plan, but the zoning does not match it. Throenle stated that the Commissioners could stay with the current plan with updates or completely rewrite the plan, depending on their desires.

Soucy added that the plan is the community's vision and seemed to be well-balanced for community direction. He asked how the mixed use overlay district would be affected. Throenle stated that he felt that the original mixed use discussion was an attempt to fit the zoning ordinance as it was written to the master plan instead of rewriting the zoning ordinance to match the master plan.

Maynard expressed that she saw the reasons for the fine points added to the plan for the character areas. Throenle asked the Commissioners to consider if there was a necessity to change the character areas or to proceed with the plan with updates and with the intent of keeping the character areas as defined. Maynard stated she felt that the plan with updates would be a good direction to go. Throenle proposed that taking a chapter from the plan would be a good start for the next meeting. Maynard suggested putting multiple chapters on the agenda.

Milton asked for a due date for the project. Throenle stated that an approval was necessary to keep the plan viable, and Soucy added that the Planning Commission was required to review the plan every five years with the intent of either keeping or updating the plan. Soucy did not feel the update process would take long as the land

use discussion was already covered in the current plan.

Soucy asked Throenle to consider more detail in the agriculture districts. Throenle stated the agriculture districts were the biggest areas of non-conformance and would be considered as part of the process.

Mullen-Campbell suggested that the order for review be chapters one, two and three for the October meeting, chapter four for the November meeting and chapters five, six and seven for the December meeting. Throenle agreed that would be a viable approach.

Commission Decision

Rhein moved, Bushong seconded that the review of the Master Plan would proceed for the next meeting starting with chapters one, two and three.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Richard Bohjanen, Township Supervisor

Commented the Commissioners appeared to have made significant headway on the Master Plan process

X. COMMISSIONER'S COMMENTS

Commissioner Mullen-Campbell

Thanked Soucy for input, and thanked Throenle and DeGroot for assistance in learning the Zoom process prior to the meeting

Commissioner Rhein

Commented everything looked good, and expressed that the Commissioners are a great group of people willing to work together and to get things done

Commissioner Milton

Expressed that "cardboard cutout" would work well for him for Zoom meetings (laughter from all)

Commissioner Maynard

Thanked Soucy and Throenle for their patience during the master plan discussion

Commissioner Bushong

Thanked Soucy for his knowledge and leadership

Chair Soucy

Expressed desire for all to stay healthy and well and was looking forward to the next meeting and continued progress

XI. DIRECTOR'S REPORT

Throenle

No additional comments

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board, 08.03.20
- B. Township newsletter – August 2020
- C. Minutes – City of Marquette Planning Commission, 08.11.20
- D. Minutes – Marquette County Planning Commission, 07.01.20
- E. Minutes – Marquette County Planning Commission draft, 8.05.20
- F. Marquette County regional dashboard - Borealis Beach

XIII. ADJOURNMENT

Motion by Bushong and seconded by Rhein, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Soucy adjourned the meeting at 7:19 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on October 22, 2020.

The meeting was cancelled.

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, November 16, 2020 Minutes

Meeting held via teleconference

I. Meeting Called to Order by:

Chairperson Ryan Soucy called the meeting to order at 6:01 PM.

II. Roll Call

Members present:

Ryan Soucy (Chair)
Cory Bushong (Vice Chair)
Donna Mullen-Campbell (Secretary)
Susan Maynard (Vice Secretary)
George Meister (member)
Kendall Milton (member)

Members absent:

Don Rhein (Board)

Staff present:

Richard Bohjanen (Township Supervisor)
Lisa Perry (Administrative Assistant)
Dale Throenle (Planning Director / Zoning Administrator)

III. Additional Agenda Items / Approval of Agenda

Motion by Meister, seconded by Milton, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 Motion carried

IV. Minutes

A. September 21, 2020 Planning Commission meeting minutes

Motion by Maynard and seconded by Mullen-Campbell, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Public Comment

There was no public comment.

Public comment closed at 6:04 PM.

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

None

IX. New Business

A. Proposed 2021 Meeting Dates

Staff Introduction

Throenle explained the proposed meeting dates for the Planning Commission should be reviewed as they will need to go before the Township Board for approval.

Throenle commented that the proposed meeting date of January 18, 2021 is Martin Luther King Day. He stated that the Township offices are not closed but it is a State holiday.

He added that the December 20, 2021 date is very close to Christmas. He reminded the Commissioners that the calendar is for twelve meetings; however, the Commission is only required to hold four meetings a year.

Bushong joined the meeting at 6:10.

Commission Discussion

Soucy waited for Bushong to connect remotely and filled him in as to where the Commissioners were in the meeting.

Soucy commented that the November 2021 meeting was on the 15th and that is the first day of hunting season which may pose some challenges.

Perry interjected and reminded the Commissioners that the February 15, 2021 date is around the time the Planning Commission holds the joint meeting with the Township Board; however, that day is a State holiday and the Township Board does not meet on a holiday.

Throenle reminded the Commissioners that, in the past, the Commission met with the Township Board first and proceeded to hold their scheduled meeting at the conclusion of that meeting. There was an option to move the meeting to date of the Township Board meeting and do the same thing.

Throenle asked Richard Bohjanen, Township Supervisor, what the proposed 2021 dates for the Township Board would be. Bohjanen commented that the Board's meeting dates will be on the December agenda, and he explained that the Board has their meetings scheduled for the second Monday of the month, except for the month of August which would not provide any conflict to the Planning Commission. He felt it would be a benefit to have the joint meeting on the date of the Township Board meeting versus the Planning Commission meeting to avoid the conflict of President's Day. Bohjanen stated the Board will consider a limited agenda for the February joint meeting to allow the Planning Commission meeting to start at 7:00 PM.

Mullen-Campbell asked if the joint meeting would be a Zoom meeting. Throenle commented it possibly would be. Soucy commented that the Governor's executive order would be in effect until December of 2021 and Bohjanen confirmed this. Bohjanen commented that he does not foresee major changes by February regarding the COVID-19 status as it would take time to get the vaccination program going; he felt a ZOOM meeting would be a reasonable possibility. Bohjanen also commented that an in-person meeting would not be possible as a joint meeting would have more people present (Board, Planning Commission, and staff) than would be allowable in the conference room.

The Commission discussed the December meeting date as it was close to Christmas. Milton felt they could change it to December 13, 2021 but Mullen-Campbell thought that would be the same date as the Township Board meeting. Bohjanen suggested that both meetings could be on the same night, one would just follow the other. After discussion, Commissioners agreed on December 13, 2021 at 7:00 PM.

Commission Decision

After discussion, the meeting dates proposed for the 2021 Planning Commission meetings were:

January 18	July 19
February 8 (Joint at 5:30, PC at 7:00)	August 16
March 15	September 20
April 19	October 18
May 17	November 15
June 21	December 13 (7:00 after Board meeting)

Mullen-Campbell moved, Maynard seconded, that the meeting dates proposed for 2021 Planning Commission be accepted as changed per discussion.

Vote: Ayes: 6 Nays: 0 Motion Carried

B. Master Plan Review – Section 7 (Land Use) and Related Appendices

Staff Introduction

Throenle pointed out that at the July meeting Commissioners began the review of character areas and future land uses as outlined in Section 7 and Appendix L of the Township *Master Plan*. Discussion ended at that meeting with a Commissioner-approved recommendation to review the language associated with the first three future land uses in Appendix L. Discussions continued through the September meeting, with a recommendation to accept the future land uses as generally defined.

Staff prepared two documents that refer to the Commissioner's September recommendation. The first document, *2021 Master Plan section 7 - draft*, was a section within the proposed 2021 master plan that details the future land uses as previously discussed. The second document was the related appendices (T and U) showing the growth sector map and future land use maps.

Staff determined that section 7 is critical as the base for the remainder of the master

plan. Throenle stated that all other sections within the plan (other than introductory sections) are dependent on the language crafted in this section.

Commission Discussion

Soucy asked Throenle how many changes were made to Section 7 and if any significant adaptations were made. Throenle answered the only change he made was to put the proposed land uses in alphabetical order to match up with Table 6 in the section, which would allow the reader to navigate easier through the section.

Mullen-Campbell stated that she had read through it and felt it was well written, easier to read, and she also liked the pictures.

Meister commented on the utility infrastructure for the corridor for mixed use; it mentions private sanitary and water systems. He asked if there was a piece done along M-28 with the new forced main and if so, it would be good to encourage residents to connect to the new system. Throenle answered that the mixed use language covered the mixed-use districts primarily in the US 41 South / M-28 corridor, and stated that what Meister is referring to is outside of the mixed use district and was covered further down in the section. Throenle also stated there is also a small section of mixed use on the corner of M-28 and Kawbawgam Road and at US 41 South and County Road 480.

Meister suggested the section referring to solar and wind being a conditional use be modified to state "small scale residential wind systems" so there would be no ambiguity for a large scale wind developer to put an application in for a wind farm. Throenle commented that he could make that change if that is what the Commissioners would like as the intent was not to have a large-scale wind developer.

Meister stated in the agricultural and forestry land section that the Township would like to keep agricultural as a character, but stated it is hard to make living from a small farm, let alone a large one. He felt there should be encouragement for people to make their land more usable. Throenle commented that he would add some language for additional uses and bring it back for Commissioner approval.

Meister discussed the Circulation and Access section that pertained to parking conditions needing repair. He did not agree with this but asked if the conditions should be listed.

Meister asked if there was strong enough enforcement of not allowing storage units in the procedure under the Land Uses and Development Patterns section and asked if storage units should be listed as a non-allowable use. Throenle stated the starting point would be that they are not an allowable use, but if an established business needed storage behind their facility, they could do that, as it would not be a primary use. Throenle also stated that a storage facility that did not use the sewer system would be discouraged or not permitted in the *Zoning Ordinance*. This would be a future item of discussion for the Commission to decide if they did not want that as a conditional use as there are various ways of looking at this going forward. Throenle reminded the Commission that the master plan is primarily recommendations for the e next five years or more; the basis is to use the plan as the guide for zoning.

Soucy commented that his understanding would be to list the districts, as they are listed in the *Master Plan*, as districts in the *Zoning Ordinance* to reflect what is described in the Master Plan.

Throenle stated that the comments were well taken with the intent they would direct the formation of the zoning ordinance.

Soucy stated that he had read through this section and did not find any significant changes. He added that this document was very thoroughly written.

Soucy asked Throenle about the Conservation Cluster Residential section, as he said he has not seen this used anywhere around the state in the communities he has worked with. He asked if there were other tools used to develop subdivisions and clustering. He added that the Commission did talk about tiny homes and eco villages that maximize the use of the land.

Throenle stated no developers have approached the Township regarding these developments but there are some known to be on the horizon. He feels some projects are on hold this year to see what will happen in the future.

Soucy asked if there needs to be anything added in this section for tiny homes or micro units, or would that be a different, more specific section.

Throenle answered that tiny homes are identified in the Village Mixed Use section and that is the only district at this point where those are called out. Throenle told the Commissioners that tiny homes are also listed in a zoning section of the master plan that they will address at a future meeting. Throenle commented that this is a change that needs to be addressed in the master plan as he has had several inquiries regarding tiny homes.

Soucy asked how the tiny home footprint matches up with the building codes at the County level. Throenle answered that the County does not set the standard of the footprint; they are there to make sure the structure meets the code when built. He said the Planning Commission and Board sets the footprint in the zoning ordinance.

Maynard thanked Soucy for inquiring about tiny homes as they needed to be accommodated in the future. Throenle asked the Commissioners if they want to add it to different sections, as this would be the time.

Meister asked how it would work if it was an adjoining structure, like a mother-in-law suite. Throenle answered that there accessory dwelling units already listed in multiple sections. Throenle also stated that the current *Zoning Ordinance* would have to be addressed when it comes to tiny homes because the current ordinance states that an accessory structure cannot exceed the footprint of the current residence. He said these standards would have to be looked at as an overall picture.

Maynard stated that if they modified the *Zoning Ordinance* to accommodate the new direction in tiny housing, they would not want to go back to modify the *Master Plan* as well. She does not feel particulars, such as size, should be in the *Master Plan*, they should be spelled out in the *Zoning Ordinance*.

Throenle agreed and stated the zoning ordinance is basically the “rules” to go along with the “guide” of the master plan. He told the Commissioners what is in the zoning ordinance must be mentioned in the master plan or there would be a conflict.

Maynard felt they should list tiny homes in the other districts in the master plan to allow for it to be addressed in the zoning ordinance.

Throenle asked the Commissioner to do a quick poll, as he would state the district and the Commissioner could comment on what districts should have tiny homes. Maynard asked if there would be districts that would not want tiny homes.

Soucy felt it naturally is related to the mixed-use neighborhood district. Milton felt they should not be in the commercial or industrial district. Maynard felt in all districts other than the commercial district.

Soucy mentioned the implications if it does not fit the character of certain districts; he was not sure of the impact on the neighborhood. He said being connected to public utilities should be considered as well.

Meister felt they should be a structure that fits the character of the neighborhood and not on a trailer; Milton agreed that wheels should be discouraged. Throenle told the Commission he felt the current footprint of 20 feet wide on a side of a structure was the reason this was established, to discourage single-wide trailers being placed in the Township.

Throenle stated that he can find more information regarding tiny homes for the next meeting. Throenle listed the items to clarify or investigate for the next meeting:

1. Change verbiage pertaining for wind systems to state “small scale” wind systems.
2. Look into the Agricultural / Forestry district to incorporate additional concepts to allow residents to use their property for uses not particularly agriculture.
3. Revise the circulation and public section to remove the current conditions.
4. Tiny homes; add more information.

Commission Decision

The Commissioners would like this section returned at a later meeting with the changes discussed.

C. Master Plan Review – Sections 1 through 3 and Related Appendices

Staff Introduction

Throenle asked the Commissioners to review the first three sections of the proposed 2021 master plan to determine if changes are required.

He told the Commissioners at the September meeting they developed a schedule of review for the proposed master plan. Sections one through three were determined to be the first sections to review, and a tentative schedule was developed.

Staff had prepared two documents that referred to the Commissioner’s September recommendation. The first document, *2021 Master Plan sections 1 through 3 - draft* is

a section within the proposed 2021 master plan that details the future land uses as previously discussed. The second document are the related appendices (A through C) that are referenced in sections 1 through 3.

Staff found that Appendix A is an extract of items that were originally written in the *2005 Comprehensive Plan*. The *Master Plan, 2015 Edition* included many of the same items; Throenle told the Commissioners that most items have not been addressed since the adoption of the 2005 plan.

Commission Discussion

Soucy told the Commission he was not able to read through this section in its entirety before the meeting.

Maynard felt the history had not changed. Throenle commented that the charts have not changed due to the 2020 Census data not being released as of the date of the meeting. Throenle told the Commissioners he is not sure when the census data will be released but he can modify the charts at that time.

Soucy noted a couple of changes with the text in this section. Throenle noted the changes and will bring them back for review at a later meeting. Throenle added that when reviewing these sections, he asked the Commissioners not look at the formatting and just review the text.

Richard Bohjanen, Chocolay Township Supervisor, noted a spelling error that changed the meaning of the text in Section 3. Throenle noted it and will make the correction.

Commission Decision

The Commissioners would like this section returned at a later meeting with the changes discussed.

X. Public Comment

There was no public comment.

Public comment closed at 6:58 PM.

XI. Commissioner's Comments

Commissioner Mullen-Campbell

Feels everything looks good and it is nice to work on the project together; feels the Planning Commission is making progress and urged everyone to stay positive. Thanked Bushong for his time on the Planning Commission.

Commissioner Bushong

Announced that this would be his last Planning Commission meeting as he is stepping away due to running a busy business and personal life. He does not feel he has the time to dedicate to be a practicing member of the Planning Commission. He has appreciated the last two years; it has been fun.

Commissioner Maynard

Was struck when reading the master plan at how well written it is. She feels it is like polishing a diamond, kudos to whomever put it together. She thanked Bushong and stated it has been a pleasure to work with him.

Commissioner Milton

Worked with the Census Bureau and was surprised to see how many homes there are down some of the roads. Feels the Planning Commission should do something with the addresses in the Township as many of those did not have addresses.

Commission Meister

Feels the Planning Commission has a great document in the *Master Plan* to start with and they should have a fairly easy time with it and is glad to be part of it. Also apologized for his Internet issues.

Chair Soucy

Thanked Bushong for being part of the team. Told Bushong he was a great asset, he will be missed, and is always welcome back to join in for public comment. He told everyone they were doing a good job, that they will get back to it at the next meeting and requested everyone stay healthy.

XII. Director's Report

Planning / Zoning Administrator Throenle

Thanked the Planning Commission for participating tonight, and also thanked Bushong for his participation. He will put more master plan information together for the next meeting with Soucy's approval.

Stated he and Soucy had a discussion regarding the December meeting and asked Soucy if he would want to address that now. Soucy commented that he felt the December meeting would be a challenge as Throenle would be on vacation and he would feel more comfortable making any changes with Throenle present. Soucy suggested the Planning Commission put off meeting until the new year; Commissioners agreed.

Throenle wished the Commission a happy Thanksgiving and wished them an enjoyable holiday season.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board, 10.12.20
- B. Township newsletter – August 2020
- C. Minutes – City of Marquette Planning Commission, 10.06.20
- D. Minutes – City of Marquette Planning Commission, 10.20.20
- E. Minutes – Marquette County Planning Commission draft, 10.07.20

XIV. Adjournment

Soucy adjourned the meeting at 7:08 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on December 21, 2020.

The meeting was cancelled.

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, January 18, 2021 Minutes

Meeting held via teleconference

I. Meeting Called to Order by:

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

II. Roll Call

Members present at roll call:

Ryan Soucy (Chair)
Donna Mullen-Campbell (Secretary)
Don Rhein (Board)
Eve Lindsey (member)
Rebecca Sloan (member)

Members absent at roll call:

George Meister (member)
Kendall Milton (member)

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

Soucy requested to move New Business items in front of Old Business to accommodate election of Planning Commission officers and the rest of the new business.

Motion by Rhein, seconded by Mullen-Campbell, to approve the agenda as revised.

Vote: Ayes: 5 Nays: 0 Motion carried

IV. New Business

A. Election of Officers

Staff Introduction

Throenle explained the election of officers must take place in January each year according to the Planning Commission By-Laws. He explained that there were four positions (Chair, Vice Chair, Secretary and Vice Secretary). He stated that Rhein was not eligible for a position as he is Board-appointed.

Commission Discussion

Soucy opened the elections with a request for nomination of Planning Commission chair.

Commission Decision

Motion by Rhein, seconded by Mullen-Campbell, to nominate Ryan Soucy as Chair.

Roll Call Vote: Ayes: 5 Nays: 0 Motion carried

Motion by Rhein, seconded by Soucy, to nominate George Meister as Vice Chair.

Roll Call Vote: Ayes: 5 Nays: 0 Motion carried

Motion by Soucy, seconded by Rhein, to nominate Mullen-Campbell as Secretary.

Roll Call Vote: Ayes: 5 Nays: 0 Motion carried

Motion by Rhein, seconded by Mullen-Campbell, to nominate Eve Lindsey as Vice Secretary.

Roll Call Vote: Ayes: 5 Nays: 0 Motion carried

B. Planning Commission Bylaws Review and Revision

Staff Introduction

Throenle explained the Planning Commission bylaws needed to be updated to accommodate the change of procedures for meetings from the State regarding the Open Minutes Act. Suggested presented to the Commissioners language changes were:

“Planning Commission Procedures and Bylaws-Of the Chocolay Township Planning Commission

Section 1. Regular meetings of the Township Planning Commission shall be held monthly at the Town Hall. The Planning Commission shall meet in accordance with the Michigan Open Meetings Act and all other State and local laws. (Amended 1-21)”

Commission Discussion

Commissioners reviewed the bylaws and accepted them with the recommended changes.

Commission Decision

Motion by Rhein, seconded by Lindsey, to accept the bylaws as written.

Roll Call Vote: Ayes: 5 Nays: 0 Motion carried

C. Planning Commission Public Meeting Participation Policy Review and Revision

Staff Introduction

Throenle explained that staff reviewed the Planning Commission Public Meeting Participation Policy as part of the bylaw review to address meeting interruptions and some minor editing changes. Suggested language changes presented to the Commissioners were:

“Public Meeting Participation Policy

I. Right to Speak

1. Any member of the public ~~speaking-recognized to speak~~ during public comment.
2. Any member of the public ~~speaking-recognized to speak~~ during a public hearing.
3. Any member of the public ~~presenting-recognized to present~~ materials during ~~the Presentations-a~~ portion of the meeting.

II. Public Comment

1. Individuals wishing to speak must be recognized by the ~~Chairman~~ Chairperson prior to speaking. Individuals not following this rule are subject to dismissal from the meeting.
3. All speakers will be limited to three ~~(3)~~ minutes per person. No person can grant his or her time to another speaker.
4. The Planning Commission Secretary, or designated representative, will be responsible to keep time on speakers and inform the Chairperson when time limits have expired.
5. At the close of public comment, Planning Commission members may address issues raised by speakers during public comment.

III. Public Hearings

Public hearings are generally scheduled for Planning Commission business for items such as conditional use permits, rezoning applications, and ordinance proposals.

4. Individuals wishing to speak must be recognized by the ~~Chairman~~ Chairperson prior to speaking. Individuals not following this rule are subject to dismissal from the meeting.”

Commission Discussion

Meister joined the meeting at 6:13 PM.

Commissioners reviewed the participation policy. Mullen-Campbell requested a change to sections II.3 and 4 for speaker timer purposed. Throenle suggested that the language be changed in II.3 to “All speakers will be limited to three minutes per person, unless granted a different time by the Chair.”

Commission Decision

Motion by Mullen-Campbell, seconded by Soucy, as to accept the Public Meeting Participation Policy as changed.

Roll Call Vote: Ayes: 6 Nays: 0 Motion carried

D. Planning Commission Annual Report

Staff Introduction

Throenle presented the Planning Commission annual report to the Commissioners. He explained there were three sections in the report:

- 1) *Planning Commission Actions*, which covered the Planning Commission meetings throughout the year.
- 2) *Planning Director Activities*, which covered the Planning Director meetings and training throughout the year.
- 3) *Township Plans and Ordinances*, which covered plans and ordinances the Planning Commission worked on throughout the year.

He stated the annual report would be sent to the Township Board for their review at the joint meeting in February.

Commission Discussion

Commissioners reviewed the report and accepted it without changes.

Commission Decision

Motion by Mullen-Campbell, seconded by Rhein, to forward the 2020 Planning Commission annual report as written to the Township Board for consideration.

Roll Call Vote: Ayes: 6 Nays: 0 Motion carried

E. Planning Commission 2021 – 2022 Priorities

Staff Introduction

Throenle presented the Planning Commission priorities for 2021 through 2022 for review. He explained the priorities were the same as 2020 with one addition that would address changing the language for the sign portion of the zoning ordinance. A status was added to the priorities: open (no action taken), in progress (Planning Commission is working on the item) and closed (the Planning Commission has completed work on the item). Throenle also stated priorities document would be a topic of discussion at the joint meeting in February with the Township Board.

Commission Discussion

Commissioners reviewed the priorities and accepted them without changes.

Commission Decision

Motion by Meister, seconded by Rhein, to forward the 2020 Planning Commission priorities to the to the Township Board for consideration.

Roll Call Vote: Ayes: 6 Nays: 0 Motion carried

After the vote, discussion took place regarding the February meetings. Questions were asked if the meeting would be held in Township facilities or if the meeting would be conducted online. Throenle stated a decision will be made in the near future.

V. Minutes

A. November 16, 2020 Planning Commission meeting minutes

Motion by Mullen-Campbell and seconded by Meister, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

VI. Public Comment

There was no public comment.

Public comment closed at 6:27 PM.

VII. Public Hearings

None

VIII. Presentations

None

IX. Unfinished Business

A. Master Plan Review – Section 7 (Land Use) and Related Maps

Staff Introduction

Throenle indicated this section was updated based on comments from the Commissioners during the November 2020 meeting. Throenle changed a section title from *Primary Working Lands Agriculture / Forestry* to *Agriculture / Forestry* for ease of use in relation to the document and the zoning ordinance. He explained the purpose of section 7 to the new Commissioners.

Commissioner Discussion

Meister asked about agricultural uses. Throenle explained that those would be further defined in section four that will be presented at a future meeting.

Throenle stated he would like to have a discussion with the Commissioners at a later date regarding the size of agricultural parcels to determine if parcel sizes should be reduced. He stated the 2015 plan was designed to protect agriculture lands as much as possible, and he stated he would like a review to determine if that is still the intended direction for the Township.

Soucy requested adding a statement of intent, as the section goes beyond basic descriptions for the plan, especially in the use of recreation. Meister further clarified his ideas concerning the use of the agricultural properties. Rhein agreed with Meister's clarification.

Sloan asked what the differences were between the 2015 master plan and the current document. Throenle indicated that there were two changes: 1) the plan was changed from a landscape to a portrait (book format) presentation, and 2) language was reviewed with the intent to update it for 2021 consideration. Sloan asked if there was a way to see the differences between the two versions. Throenle stated that it would

be difficult to mark the changes as the format change, rearrangement of sections, and other changes are reflected in the new version; he did say he could put a cross-reference together if the Commissioners requested it. Throenle stated he would get paper maps out to Sloan and Lindsey for consideration. He also explained the purpose of the Mixed Use Overlay District, and emphasized the plan must be completed in 2021. Soucy requested a further clarification of the character maps in relation to the land use maps be added to the section.

Commissioner Decision

Commissioners chose to wait on staff updates prior to approving the section.

B. Master Plan Review – Sections 1 through 3 and Related Appendices

Staff Introduction

Throenle indicated this section was updated based on comments from the Commissioners during the November 2020 meeting. He indicated census data would be updated in the sections and the appendices if it became available during the draft writing of the plan.

Commissioner Discussion

Commissioners reviewed sections 1 through 3 and accepted them without changes.

Commissioner Decision

Motion by Soucy and seconded by Rhein, to sections 1 through 3 and related appendices in the 2021 Township master plan be accepted as written.

Vote: Ayes: 6 Nays: 0 Motion carried

X. Public Comment

Supervisor Bohjanen expressed his pleasure to Soucy for Soucy’s speedy recovery from a recent health issue.

Public comment closed at 7:11 PM.

XI. Commissioner’s Comments

Commissioner Mullen-Campbell

She welcomed Sloan and Lindsey to the Planning Commission, and thanked Lindsey for accepting the Vice Secretary position.

Commissioner Rhein

He welcomed Sloan and Linsey to the Planning Commission, and expressed that both would be valuable assets to the Commission.

Commission Lindsey

Expressed her pleasure on being on the Planning Commission.

Commissioner Meister

He welcomed Sloan and Linsey to the Planning Commission, and stated he hoped 2021 would be a better year than 2020 so that more could be accomplished.

Rhein interjected to inform Meister he had been selected as Vice Chair.

Commissioner Sloan

Expressed her thanks for being part of the process and the discussion, and she was looking forward to working with the rest of the Commissioners.

Chair Soucy

Thanked Sloan and Lindsey for being part of the team.

XII. Director's Report

Planning / Zoning Administrator Throenle

He thanked Lindsey and Sloan for joining the team.

He reminded the Commissioners that the next meeting would be the joint meeting with the Board on February 8 at 5:30 PM. He also informed the Commissioners that a rezoning application would be presented at the 7:00 PM meeting. He stated that the format of the meeting (in-house or online or hybrid) would be decided soon and Commissioners would get a meeting notice telling them of the format.

He also stated that printed materials could be delivered, if necessary, to the Commissioners.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board, 12.14.20 draft
- B. Minutes – City of Marquette Planning Commission, 11.10.20
- C. Minutes – City of Marquette Planning Commission, 11.17.20
- D. Minutes – City of Marquette Planning Commission, 12.01.20
- E. Minutes – City of Marquette Planning Commission, 10.06.20
- F. Minutes – Marquette County Planning Commission, 11.04.20
- G. Minutes – Marquette County Planning Commission draft, 12.02.20

XIV. Adjournment

Motion by Sloan and seconded by Lindsey to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:17 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

February 15, 2021

A Joint meeting of the Chocolay Township Board and Chocolay Planning Commission was held on Monday, February 15, 2021 via Zoom. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None

A Joint meeting of the Chocolay Planning Commission was held on Monday, February 15, 2021 via Zoom. Planning Commission Chair Soucy called the meeting to order at 5:35 p.m.

PLANNING COMMISSION.

PRESENT: Ryan Soucy, George Meister, Donna Mullen-Campbell, Kendall Milton, Eve Lindsey, Rebecca Sloan

ABSENT: None

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

APPROVAL OF AGENDA.

White moved, Rhein supported that the agenda be approved as modified (**Addition of Discussion of Police Department hire – between Item XII.E and XII.F**)

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PUBLIC COMMENT – None.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting of January 11, 2021.
- B. Approve Bills Payable, Check Register Reports – January 6, 2021 (2020 Exp) (Check #'s 24453 - 24464, in the amount of \$13,809.78), January 6, 2021 (2021 Exp) (Check #'s 24465 – 24476, in the amount of \$46,185.67), January 13, 2021 (2020 Exp) (Check #'s 24477 – 24482, in the amount of \$5,214.34), January 13, 2021 (2021 Exp) (Check #'s 24483 – 24491, in the amount of \$1,243.27), January 21, 2021 (2020 Exp) (Check #'s 24492 – 24499, in the amount of \$6,621.36), January 21, 2021 (2021 Exp) (Check #'s 24500 – 24507, in the amount of \$4,806.88), January 28, 2021 (2021 Exp) (Check #'s 24508 – 24514, in the amount of \$16,287.33), and January 28, 2021 (2020 Exp) (Check #'s 24515 - 24520, in the amount of \$6,394.61).

- C. Approve Bills Payable – Regular Payroll (Check #'s DD1268 – DD1300 and Check #'s 11026 – 11029, Federal State, and MERS in the amount of \$53,748.73), Special Payroll, January 10, 2020 (Check #'s DD1301 – DD1314 and Check # 11030, Federal, State, and MERS for a total of \$9,350.28), and January 21, 2021 (Check #'s DD1315 – DD1339 and Check #'s 11031 - 11034, Federal, State, and MERS for a total of \$36,081.34).

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

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen indicated that the Governor has extended restriction on meetings until March 29, 2021, so for the March meeting we will need to do a Zoom meeting or a hybrid meeting.

Approximately one-quarter of the people in Marquette County have had the first shot of the COVID-19 vaccination, and one-third of the people who have had their first shot, have had their second shot. Progress is being made, and the numbers in the County have been going down.

CLERK'S REPORT

Clerk Engle spoke about the Risk Limited Audit for the election. It was determined that this was not a valid sample, as not everyone pulled their ballots and gave their tally to BOE.

Reminder on the subscription that we have with Michigan Township Association. These are available to members of MTA (includes staff, Boards and Commissions, etc.). The subscription is available until mid-July 2021. There are many on-line modules to choose from.

TREASURER

PUBLIC HEARING – NONE

PRESENTATIONS – NONE

CONSIDER THE AMERICAN TOWER RENTAL AGREEMENT.

Manager De Groot was contacted by MD7 in an effort to reduce our monthly cell tower rate from American Tower from \$1,375/month to \$958/month and extend the life of the contract or to do a one-time buyout. The money we receive from the lease agreement is primarily used for improvements at the Silver Creek Rec area. De Groot was also contacted by another company, Landmark Dividend.

Trustee Symbal feels this is a waste of time and the Board should disregard. Symbal also indicated that the equipment is aging out, and it is not in our best interest to reduce the cell tower rate at this time. She feels we are somewhat protected by having the lease in place.

Clerk Engle was an employee of AT&T for 32 years and a Local Union President for 25 years. The way that AT&T runs their system is to purchase stocks in controlling amounts and then turn around and charge themselves higher fees to allow them to make more money. AT&T owns their own companies. The AT&T towers are not regulated. Engle thinks the Landmark Dividend option should be explored.

Trustee White is not willing to go forward with any of the options.

Supervisor Bohjanen also indicated that there is also the possibility of taking cash right now and use it in perpetuity for the Rec Area.

Lynch agreed with all comments made and would not adjust the rate per month.

White moved, Rhein supported to postpone this discussion until further information is available.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

CONSIDER THE PURCHASE OF A REPLACEMENT PUMPER FIRE TRUCK.

Supervisor Bohjanen indicated that by having cash on hand, we will be able to save money by paying upfront. Trustee Rhein asked about any other quotes – Supervisor Bohjanen indicated that there were three proposals that went out, but two of them did not make an offer because of distance for servicing.

Engle moved, Zybert supported that the Chocolay Township Board award the request for quote and the purchase of a replacement Fire Engine to Pomasl Fire Equipment in the amount not to exceed a final total of \$650,000.00. By awarding the contract to Pomasl Fire Equipment, the Township will be receiving a Pierce Manufactured Fire Engine to replace Engine #2142.

ROLL CALL VOTE

AYES: Symbal, Lynch, Zybert, Engle, Bohjanen

NAYS: White, Rhein

MOTION CARRIED

CONSIDER THE PURCHASE OF A PUBLIC WORKS TRUCK

Supervisor Bohjanen explained that this is part of the ongoing purchase plan and will also provide a third truck which will enable all DPW to have their own truck, which will help with the social distancing required by COVID-19.

White is concerned about the cost of insurance, repairs, maintenance, etc. De Groot indicated that the insurance would go up minimally, and since it is new, the cost of repairs and maintenance would be covered under warranty. There would also be added productivity, with better utilization of DPW's time. De Groot also stated that staff is working on an Asset Management Plan for all vehicles in the Township.

Engle moved, Lynch supported that the Chocolay Township Board authorizes the purchase of a new Public Works Truck, from Fox Marquette Chevrolet, with a not to exceed total cost of \$42,000.00.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

DISCUSSION ABOUT LINE 5 IMPACTS – UPDATE.

Supervisor Bohjanen indicated that since the last meeting, EGLE has authorized the building of the tunnel. There is also legal action being taken to stop the closure of Line 5. The Board felt that there was no need to go any further with this. Supervisor Bohjanen will continue to monitor and keep the Board informed.

DISCUSSION PRIORITIES WITH THE TOWNSHIP PLANNING COMMISSION.

The consensus of the Board:

1. Completion of a Master Plan – there needs to be significant progress made, and this should be an item on Planning Commission agenda until it is complete.
2. Zoning Ordinances – Sewer Ordinance, Marijuana Ordinance, Nuisance Ordinance, Sign Ordinance, Fence Ordinance. These are all in a stage of having been discussed between Supervisor Bohjanen, Manager De Groot, and PD / ZA Dale Throenle, and are ready for Planning Commission input, and then back to the Board for approval.
3. Budgeting of things from the Recreation Plan. Need to look at what really needs to be done. There needs to be decent playground equipment.

Planning Commission Chair Soucy indicated that there are grants available for septic and clean water – approximately \$290 million available. Supervisor Bohjanen was unsure of who would request those funds. Manager De Groot indicated the existing water study is out of date, so we would not be able to apply for grants. We would need to re-evaluate the studies. At this point we would be seeking the initial administrative studies, and the draw down studies that would go into that. One of the things that could be a Planning Commission discussion later would be an ordinance discussion on abandonment of septic fields, and the dollar amount that our residents may be able to qualify for. This may be an additional addendum to sewer ordinance in the future.

PC Chair Soucy stated that the Planning Commission has touched on some of the other ordinances mentioned – marijuana, fences, sign, and they are prepared to look at those. Education may be in order for the Planning Commission for things like the sewer and nuisances.

Supervisor Bohjanen asked about creating a schedule for looking at the different priorities mentioned to produce a timeline. Along with the Board priorities, there are also the PC priorities of site plan reviews and activity like that.

Commissioner Lindsey indicated that she is very new to the Planning Commission, and there is an overwhelming amount of material to look at. She is in favor of training.

Manager De Groot indicated that he does have the background in Planning with 25 years of experience in this field in Michigan. He also pointed out that Chair Soucy is certified with AICP (American Institute of Certified Planners). Either would be a good resource if there are any questions.

Commissioner Meister feels that a lot can be accomplished this year by the Planning Commission. A schedule would help focus on what needs to be done.

Commissioner Sloan wondered about much time these things take up on the agenda, what the work behind the scenes would entail, and who would be responsible for this. Supervisor Bohjanen indicated that the person responsible for this is Dale Throenle. Throenle indicated the timeline would be dependent on what other types of issues come before the Planning Commission during the summer. Manager De Groot stated that all the priorities that have been talked about have an element of public involvement per State law, which would have to be anticipated. Commissioner Sloan asked about the order. Supervisor Bohjanen felt that the ordinances could also be done simultaneously. Chair Soucy liked the idea of taking on the different areas simultaneously.

Questions were asked about a shared or google drive. Manager De Groot indicated the Planning Commission is covered under the Open Meetings Act, which does not allow for these types of discussions. Trustee Symbal asked about using something like Trello. Manager De Groot indicated that the public needs an equal right to be able to speak.

Chair Soucy shared a screen shot of Trello for the Board. This screen shot will be added as part of the minutes.

Supervisor Bohjanen thanked the Planning Commission for joining the Board for this meeting.

The regular Planning Commission meeting is scheduled for Tuesday, March 2, 2021.

Rhein moved, Milton supported to adjourn the Planning Commission at 6:45 p.m.

MOTION CARRIED

CONSIDER THE HIRING OF AN ADDITIONAL POLICE OFFICER

Supervisor Bohjanen indicated that our part-time officer has been selected into the DNR Conservation Program. Manager De Groot indicated that in this year's budget we had budgeted for an additional part time officer. Since 2010, we have hired and trained 23 officers. At this time, we are looking to fill one full-time position. There has been a change in county structure, and the tribal police are no longer deputized. This will not result in a change in the budget.

Zyburt moved, Lynch supported to authorize the start of the hiring process.

ROLL CALL

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

MOTION CARRIED

MANAGER'S UPDATE ON THE SEWER LIFT STATION PROJECT.

1. Sewer Project – the project is moving forward with the SCADA portion, which is the electronic communication system. We are on target to begin the project in early spring as soon as the weight restrictions are lifted.

BOARD MEMBER COMMENTS

Don Rhein – None.

Ben Zyburt – None.

Judy White – None.

Dave Lynch – None.

Kendra Symbol – None.

Max Engle – None.

Richard Bohjanen – None.

PUBLIC COMMENT – None.

Lynch moved, Zyburt supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:50 pm.

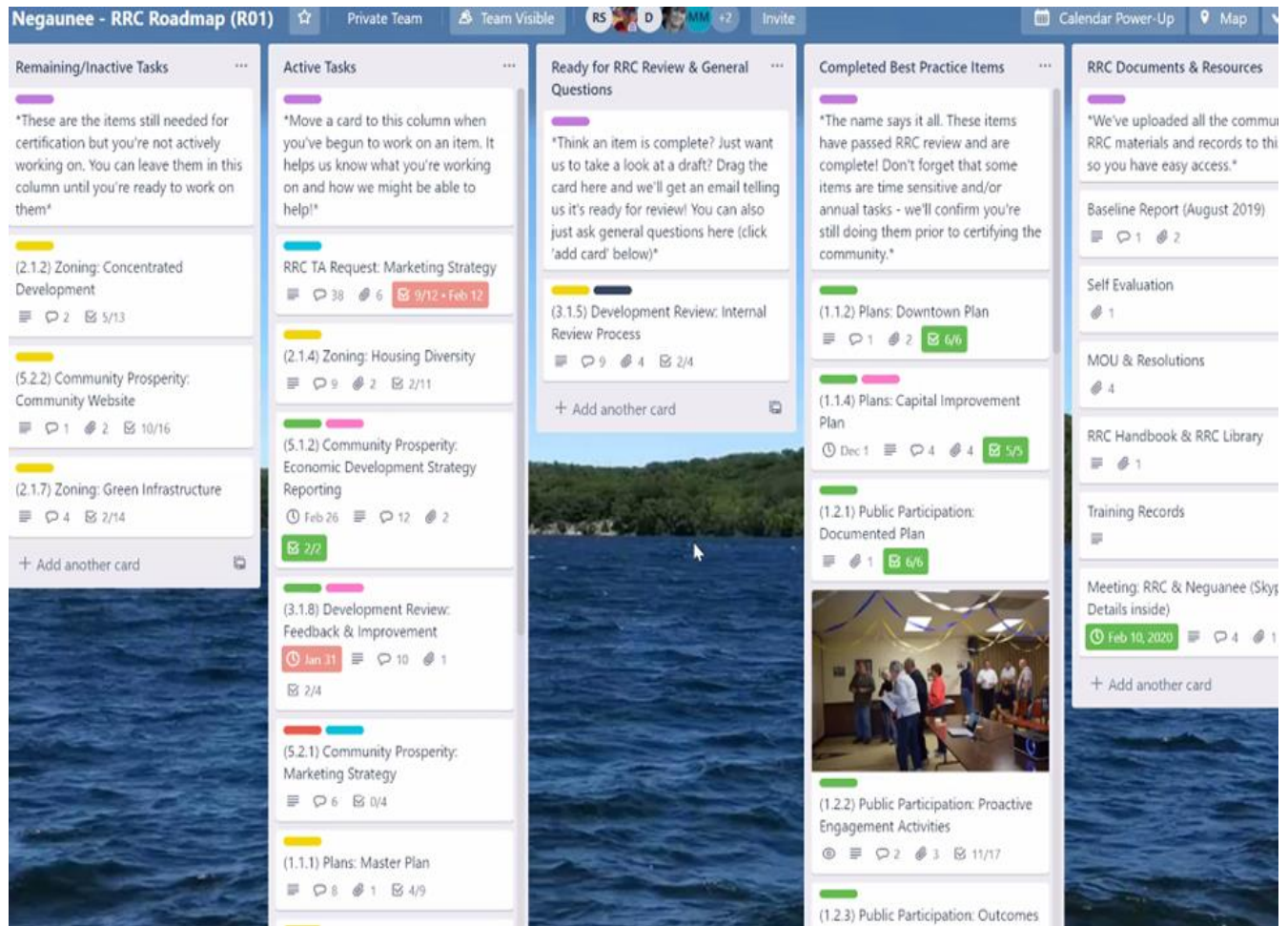
INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Meeting of January 18, 2021, Draft.
- B. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board; Regular Meeting of December 17, 2020, Draft.
- C. Minutes – Marquette County Solid Waste Management Authority; Regular Meeting of December 16, 2020; Draft.
- D. Minutes – Marquette County Solid Waste Management Authority; Regular Meeting of January 20, 2021, Draft.

Max Engle, Clerk

Richard Bohjanen, Supervisor

Screen shot of Trello:



**CHOCOLAY TOWNSHIP
PLANNING COMMISSION
Tuesday, March 2, 2021 Minutes
Meeting held via teleconference**

I. Meeting Called to Order by:

Chairperson Ryan Soucy called the meeting to order at 7:00 PM.

Roll Call

Members present at roll call:

Ryan Soucy (Chair)
Donna Mullen-Campbell (Secretary)
Don Rhein (Board)
Eve Lindsey
George Meister
Rebecca Sloan

Members absent at roll call:

Kendall Milton

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

II. Additional Agenda Items / Approval of Agenda

Soucy requested to add an agenda item before the public hearings to disclose his potential conflict of interest with the rezoning and mixed use items on the agenda.

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

Vote: Ayes: 6 Nays: 0 Motion carried

III. Minutes

Rhein moved, Lindsey seconded, to approve the January 18, 2021 minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

Lindsey moved, Rhein seconded, to approve the February 15, 2021 joint meeting minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Public Comment

None – no public was present

V. Public Hearings

Soucy let the members know that he had a potential conflict of interest with the rezoning application and the mixed use discussion as the applicant in the process was his father.

He asked the Commissioners for their opinion as to whether he should be recused from the discussions and the vote.

Rhein felt that there was no conflict, and that Soucy could make a decision without conflict.

Rhein moved, Linsey seconded, to allow Soucy to participate in the rezoning and mixed use portions of the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Public Hearing for Rezoning Application 34 21-01

Rhein moved, Sloan seconded, to open the public hearing for the rezoning application.

Vote: Ayes: 6 Nays: 0 Motion carried

No public comment – no public present.

Members voted to close the public hearing for the rezoning application.

Vote: Ayes: 6 Nays: 0 Motion carried

Public Hearing for Mixed Use Overlay District for Parcel Addition

Rhein moved, Sloan seconded, to open the public hearing for the mixed use overlay district addition.

Vote: Ayes: 6 Nays: 0 Motion carried

No public comment – no public present.

Meister moved, Rhein seconded, to close the public hearing for the mixed use overlay district addition.

VI. Presentations

None

VII. Unfinished Business

None

VIII. New Business

A. Rezoning Application

Staff Introduction

Throenle explained that the parcel owned by Richard Peura (52-02-107-002-00) for rezoning consideration was located north of the Moyle Center. He summarized the information provided in the packet to the Commissioners, indicating the parcel rezoning was consistent with the Township *Master Plan* as the *Master Plan* indicated the parcel should be rezoned to commercial, and that the applicant, Tim Soucy, was the applicant for the rezoning. No public comment was submitted in relation to the rezoning. Throenle stated staff could not find a reason to deny the rezoning request.

Commission Discussion

Soucy opened the discussion indicating the parcel rezoning was consistent with the *Master Plan* and would fit within the surrounding commercial district.

Rhein stated he felt the rezoning did not cause any issues. He did ask the applicant about access to the property. Applicant Soucy replied he was working with MDOT to gain access to the parcel via the property to the east that was also owned by Peura.

Meister agreed that the rezoning made sense. Sloan asked what the applicant's plans were for the parcel. Throenle interjected that the applicant would bring the preliminary plans to the Planning Commission prior to building on the parcel. Chair Soucy indicated the plans would also be reviewed by the Corridor Access committee.

Commission Decision

Meister moved, Rhein seconded, that parcel 52-02-107-002-00 be changed from residential to commercial and sent to the Township Board for consideration.

Vote: Ayes: 6 Nays: 0 Motion carried

B. Mixed Use Consideration

Staff Introduction

Throenle suggested that since the Commissioners approved the rezoning, they should consider adding the parcel to the mixed use overlay district. He explained this would give the applicant options on the parcel related to both residential and commercial uses. He pointed out that the mixed use designation coincided with the district as it was described in the *Master Plan*.

Commission Discussion

Soucy indicated the decision for mixed use complied with the *Master Plan* and gave the applicant options for the district.

Commission Decision

Rhein moved, Lindsey seconded, to change parcel 52-02-107-002-00 to be added to the mixed use district.

Vote: Ayes: 6 Nays: 0 Motion carried

Milton joined the meeting at 7:19 PM.

Throenle indicated to the applicants that the next steps would be to take the rezoning and mixed use to the Marquette County Planning Commission and the Corridor Committee for consideration prior to the next Board meeting for Board approval.

The applicants were asked for comments. Peura indicated that the property was used as an air strip in the past. He is pleased that applicant Soucy is taking on the project, and Peura was looking forward to the development of the property.

C. 2021 Planning Commission Priorities and Schedule

Staff Introduction

Throenle explained that the Board made recommendations for the Planning Commission for items to be accomplished in 2021. He indicated staff developed a schedule for Commissioner review, and after review, the schedule would be presented to the Board for their consideration. Throenle presented an online tracking software package that would be used for the duration of the projects on the schedule.

Commission Discussion

Soucy asked how the schedule would work with potential applications from the public. Linsey asked if subcommittees would be formed to address some of the work as there appeared to be quite a lot of work on the schedule. Throenle explained that staff put together the documents that would be reviewed; he indicated that the Commissioners did have the option to form committees if they felt that the work was not being completed as quickly as it should. He indicated the Commissioners could change schedule dates as they saw fit in order to complete the schedule on time. He also explained that the items on the schedule gave flexibility to add additional items to the future agendas as necessary.

Commission Decision

Motion by Milton, seconded by Rhein, to forward the priorities to the Board for consideration.

Vote: Ayes: 7 Nays: 0 Motion carried

D. Zoning Ordinance – Section 18 Signs

Staff Introduction

Throenle reviewed the process of developing the proposed sign ordinance language. He stated staff reviewed the existing language, then decided to restructure the section from scratch; the purpose of starting from the beginning was to simplify the language, thus making it easier to read and to enforce. Throenle said the proposed language reduces the current ordinance language from twenty-two pages to approximately fourteen. He also stated the proposed definitions would be put into section two of the *Zoning Ordinance* so that all definitions in the *Zoning Ordinance* will be in the same place.

Commission Discussion

Soucy asked Throenle how many sign ordinances he had reviewed while doing the proposed language. Throenle replied he had looked at quite a few and adopted a format from a small township for the layout of the proposed language.

Lindsey stated she looked at the original ordinance language and found it to all be written with no descriptions. She liked the proposed language with the pictures, as it enhances the language and makes it clearer. Throenle pointed out that during his research, he found that many Townships also handed out a separate document that gave the applicant examples with pictures on how to apply for a sign permit, and these

documents provided the base for developing the proposed language. He pointed out that the proposed language, not including the definitions, went down to about seven pages.

Throenle asked the Commissioners to look at the language to determine if it made sense for the Township for both the present and future signage questions. He also asked them to review the language to determine if there items that should be added or deleted from the language.

Rhein commented he had read the language several different times and stated he could not find issues with the language.

Lindsey commented on an MDOT sign that was advertising the closed Quiznos business. Throenle pointed out that the sign was from the *Pure Michigan* campaign; he stated he had been in contact with MDOT regarding the sign, and that their process was to review each sign in the spring of the year to determine if the signage was still valid according to MDOT and *Pure Michigan* records.

Throenle pointed out that the ordinance language would be directed to enforcing only signs that are under Township control; MDOT and the Road Commission would be responsible for taking care of signs in their respective right-of-way.

Sloan asked if the proposed language addressed the concerns that were expressed by a citizen at a previous meeting during public comment. Throenle responded that the language was written to address the ambiguity and conflict in the current ordinance. He stated the citizen's concerns were a very small portion of the project, as the intent was to review and revise the current twenty two pages of language.

Sloan asked about review of the language, as she understood that the review period was through the next meeting with discussion. She asked what the next step would be. Soucy responded that the Board held the final approval of the language. Throenle stepped through the process with the Commissioners as to how the language would get to the Board, emphasizing that the public hearing would be at a future Planning Commission meeting. He also said the language would go to for a legal review prior to the ordinance going to the Board.

Soucy asked the Commissioners if there were other questions. Meister questioned the difference between the language in section 18.8.c versus section 18.8.E in the proposed language regarding wall signs. Throenle replied that each building would be permitted to have its own sign. He stated that multi-use buildings, such as the Moyle Center, would be permitted to have signage for each business within that building, as is being done today.

Throenle asked the Commissioners to review the highlighted numbers for sign sizes in the document to determine if the numbers should remain as they are or should be changed. He also stated that a section was included to add home occupation signage on their properties, based on the number of home businesses that were established throughout 2020. Soucy stated it was important to look at the home business aspect as part of the changes that happened during the last year.

Meister pointed out that the wall sign language was not in the right area, as it was under ground signs and freestanding signs. Throenle stated he would bring back language for the next meeting to address the conflict.

IX. Public Comment

None – no public was present

X. Commissioner's Comments

No comments were received from the Commissioners.

XI. Director's Report

Planning / Zoning Administrator Throenle

He thanked the Commissioners for reviewing the schedule and the other materials.

He reminded the Commissioners that the next meeting would be on Monday March 15 at 6 PM.

XII. Informational Items and Correspondence

- A. Minutes – Township Board, 01.11.21
- B. Minutes – Township Board 02.08.21
- C. Minutes – City of Marquette Planning Commission, 12.15.20
- D. Minutes – City of Marquette Planning Commission, 01.19.21
- E. Minutes – Marquette County Planning Commission, 01.13.20 draft

XIII. Adjournment

Rhein motioned, Lindsey seconded, to adjourn the meeting.

Vote: Ayes: 7 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:58 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, March 15, 2021 Minutes

Meeting held in person and via teleconference

I. Meeting Called to Order by:

Chairperson Ryan Soucy called the meeting to order at 6:05 PM.

Roll Call

Members present at roll call:

Ryan Soucy (Chair)
Donna Mullen-Campbell (Secretary)
Eve Lindsey
George Meister
Kendall Milton
Rebecca Sloan

Members absent at roll call:

Don Rhein (Board)

Staff present:

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

II. Additional Agenda Items / Approval of Agenda

Milton moved, Meister seconded, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 Motion carried

III. Minutes

Lindsey moved, Milton seconded, to approve the March 2, 2021 minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Public Comment

Stephanie Isip, 50 Ridge Road, Marquette Michigan

She spoke on the advantages of tiny homes and asked the Commissioners to consider language in the master plan to permit tiny homes in the Township.

Don Rhein joined the meeting via teleconference.

V. Public Hearings

None

VI. Presentations

None

VII. Unfinished Business

A. Zoning Ordinance – Section 18 Signs

Staff Introduction

Throenle pointed out that he had modified section 18.8 to incorporate the requested changes from the March 2 meeting. Throenle requested the Commissioners review the language again and look at the numbers for sign sizes to see if the sizes met the Commissioner's desired sizes.

Commission Discussion

Soucy asked Meister if the changes in Section 18.8 were acceptable. Meister stated they were.

Soucy asked about off-site signs. He pointed out that there was a definition for them, but no reference in the language. Commissioners discussed the location, type, and who was responsible for enforcing those signs. After considerable discussion about the signs and the time frame that should be allowed for those signs, the Commissioners recommended to add language in the prohibited signs section for those areas that were covered under Chocolay Township zoning jurisdiction with a requirement that temporary signs would be allowed for on-site construction, landscaping, home improvement or temporary sales (such as a yard sale).

Commissioners discussed the reason for the section on non-conforming signs. Throenle explained there are five billboards that are considered non-conforming in the Township, but they would have to be removed if substantially damaged. No changes were made to the language regarding non-conforming signs.

Commissioners discussed property address signs. There was much discussion on the size of the signs, the number of signs on the end of a private driveway, and if the artwork around the address would be considered part of the sign. Language was left as written.

Commissioners discussed real estate signs. Commissioners decided that a time frame of two years would be a maximum time frame for the display of real estate signs, with an additional clause that would allow the signs to be up longer after discussion with the Zoning Administrator. Commissioners also decided to add language that the signs must be maintained in good condition, especially if the signs were up beyond two years. This language was added to section 18.2 and updated in sections 18.7 and 18.8.

Meister recommended changing the seasonal and community sign maximum to 16 square feet; commissioners concurred with the change. Commissioners agreed that the event language was fine as written.

Soucy suggested adding language for "visible from the road" to 18.2.G; Commissioners agreed with that change.

Much discussion occurred regarding political signs. Sloan recommended changing the time frame to 45 days to accommodate local elections. Commissioners agreed to keep the political sign sizes and changed the placement time from 30 days to 45 days.

Commissioners discussed home occupation signs. Meister suggested the sign should be changed to six square feet; Sloan concurred. Soucy pointed out that the sign would also help from an economic development standpoint as local residents are choosing to work and run businesses from home. Commissioners agreed that the sign size should be changed to six square feet. Soucy recommended that a maximum height be established; Commissioners decided that a maximum of six feet in height should be the limit. Commissioners agreed that one sign per property would be sufficient with no

regulations as to where the sign can be on the property.

Meister asked what a festoon sign was. Throenle explained that it was a sign that had a “festive” or “glitz” feel to it.

Meister asked why the freestanding sign language regarding subdivisions and other developments was only in the agricultural district. Throenle explained that it was there because if the language were included in the General Exceptions section, it would cover all zoning districts, including commercial and industrial. He pointed out the language was also under section 18.7.

Meister also suggested adding the word “where” In 18.5.C to further clarify the language.

Commissioners agreed that sizes were good for the agricultural district.

Much discussion occurred regarding the length of time signs could be kept in place for new developments. Commissioners decided that two years was a good time frame, but additional provisions should be added that gives the Zoning Administrator the authority to require any sign remaining after the two years must be kept in good repair.

Commissioners discussed ground signs and kept the language as written.

Commissioners moved on to business centers. There was extensive discussion on this section, with Commissioners deciding to change the language to allow a maximum of 20 square feet per business unit up to a sign maximum of 100 square feet on the freestanding sign.

The commissioners also decided that if a second freestanding sign was available for properties that had over 300 feet that the combination of both of the freestanding signs cannot exceed the maximum area of 20 square feet per business unit.

Wall signs were discussed. Meister was concerned that 50 percent of the wall space was too much; he suggested the size should be 20 percent. Milton asked if the letters were spread out, would that be considered a separate sign. Throenle responded that that would be considered as one size and would be considered that way for measurement purposes. Commissioners discussed the size and changed the size to 25 percent of the wall space.

Sandwich and portable signs were discussed with no recommended changes.

Commissioners moved on to 18.10.C, where extensive discussion occurred regarding the language. After discussion, Commissioners recommended removing “unsafe” and “insecure” from the language.

Commissioners discussed item 18.10.D; no changes were recommended.

Soucy ended the discussion on the sign language with a recommendation to bring the language back for review at the next meeting. Throenle suggested that the Commissioners consider doing the public hearing at the next meeting, as they had already thoroughly reviewed the language. Rhein agreed with the recommendation.

Commission Decision

Meister moved, Sloan seconded, that the proposed language for Section 18 Signs in the Township Zoning Ordinance be presented for public hearing as changed at the April 2021 Planning Commission meeting.

Language Changes in the Document

18.2 General Exceptions

- D) On-site real estate signs advertising or direction to a non-commercial property for sale, rent, or lease.
 - a. The sign shall not exceed 32 square feet in area or ten feet in height.
 - b. Such signs shall be allowed on a temporary basis for a period not to exceed two years. However, the Zoning Administrator shall have the authority to grant authorizations to continue such a sign for a reasonable period beyond the two years, providing that a number of lots, buildings, or units remain vacant.
 - c. The Zoning Administrator shall have the authority to require a sign be kept in good repair for any sign that exceeds the two year period.
- E) On-site real estate signs in commercial and industrial areas
 - a. The sign shall not exceed 32 square feet in area or ten feet in height.
 - b. Such signs shall be allowed on a temporary basis for a period not to exceed two years. However, the Zoning Administrator shall have the authority to grant authorizations to continue such a sign for a reasonable period beyond the two years, providing that a number of lots, buildings, or units remain vacant.
 - c. The Zoning Administrator shall have the authority to require a sign be kept in good repair for any sign that exceeds the two year period.
- F) Seasonal decorations and community event signs which advertise public entertainment or events of public interest that occur either in the Township or in surrounding communities.
 - a. These signs cannot exceed 16 square feet in area.
- G) On-site directional signs visible from the road that do not exceed two square feet each.
- I) Political signs:
 - b. These signs cannot be placed more than 45 days before an election and must be removed within ten days of the election for which they were placed.
- K) Home occupation sign:
 - b. The sign shall not exceed six square feet in area or exceed six feet in height.
(will require a revision of Section 6.9 of the Township Zoning Ordinance)

18.4 Prohibited Signs

- M) Off-site signs within the zoning jurisdiction of Chocolay Township that do not advertise on-site construction, on-site home improvement, on-site landscaping, or temporary on-site events (such as a yard sale).

18.5 General Provisions

- C) Where conditional uses are permitted any number of freestanding or wall signs not to exceed a total combined area of sixty square feet, and not to exceed a height of 12 feet.
- D) Temporary signs are allowed in any district with approval from the Zoning Administrator.

18.6 Agriculture / Forestry (AF) District

- B) One temporary sign for a new residential development, advertising the sale or lease of lots, buildings, or units within the development.
 - b. Such signs shall be allowed on a temporary basis for a period not to exceed two years. However, the Zoning Administrator shall have authority to grant authorizations to continue such a sign for a reasonable period beyond the two years, providing that a substantial number of lots, buildings, or units remain vacant.
 - c. The Zoning Administrator shall have the authority to require a sign to be kept in good repair for any sign that exceeds the two year period.

18.7 Residential (R-1), High-Density Residential (R-2), Multi-Family Residential (MFR), Planned Unit Development (PUD), and Waterfront Residential (WFR) Districts

- B) One temporary sign for a new residential development, advertising the sale or lease of lots, buildings, or units within the development.
 - b. Such signs shall be allowed on a temporary basis for a period not to exceed two years. However, the Zoning Administrator shall have authority to grant authorizations to continue such a sign for a reasonable period beyond the two years, providing that a substantial number of lots, buildings, or units remain vacant.
 - c. The Zoning Administrator shall have the authority to require a sign to be kept in good repair for any sign that exceeds the two year period.

18.8 Commercial (C), Industrial (I), and Mixed Use Overlay Districts

- A) Ground signs:
 - a. Ground signs shall not be more than eight feet in height. Such signs may be multifaced but shall not exceed 60 square feet in surface display area per face.
- B) Freestanding signs:
 - a. A business center shall be permitted one on-premises freestanding sign, which may be directly or indirectly illuminated. Such sign shall not exceed 30 feet in height. A maximum of 20 square feet per business unit in the center is permitted up to a sign maximum of 100 square feet.
 - b. One on-premises freestanding sign, directly or indirectly illuminated, shall be permitted for each zoning lot, and the sign shall have a maximum area of 20 square feet and a maximum height of 30 feet.
 - c. The aggregate size of both signs cannot exceed the maximum area of 20 square feet per business unit.
- D) For each lot having a frontage of 300 feet or more, one additional free-standing sign shall be permitted provided that such signs are at least 200 feet apart.
- E) Wall signs:
 - b. The sign shall be limited to an area equal to not more than 25 percent of the area of the wall of the establishment upon which the sign is placed.

18.10 Administration and Enforcement

- C) Should any sign be found improperly constructed, or not in accordance with the requirements of this ordinance, the owner shall be required to make the sign safe, secure, and otherwise in compliance with the requirements of this ordinance within 30 calendar days of notice from the Township.

Commissioners recessed for five minutes.

VIII. New Business

A. Master Plan – Section 7 Land Use Plan

Staff Introduction

Throenle explained that he reviewed section 7 section from the last meeting and looked at the character area descriptions in *Appendix L* of the *Master Plan, 2015 Edition*. He said that after reading through those character area descriptions, he reformatted section 7 to incorporate the character area language into the future land use language. He stated he also added a section related to broadband to each future land use, as there were areas within the Township that did not have sufficient broadband coverage. Throenle stated he added additional language related to tiny homes and garcabins. He emphasized that section 7 was the driver for the new master plan.

Commission Discussion

Sloan asked if section 7 related to the future land use maps from *Appendix T* and *Appendix U* from the *Master Plan, 2015 Edition*. Throenle replied it did and walked through the maps with the Commissioners.

Soucy asked about the zoning plan, as he did not see the plan in section 7. Throenle responded that section 8 would be discussed at a future meeting that will cover the zoning plan in detail.

Soucy reported on his meeting with Lake Superior Community Partnership in regard to vacant business properties in the Township. He said that properties such as the Varvil Center were expected to turn over rather quickly. Throenle added that Lake State Industries was closing the Marquette location at the end of the month.

Soucy stated that discussion on section 7 will pick up at the next meeting. He also gave an overview on the properties and potential development for the former Quizno site and the red house on the corner of Corning and US 41 South.

Sloan asked if there were tracked changes on section 7. Throenle stated the entire section was reformatted, so providing a cross-reference to the former document would have been difficult. Sloan asked if the future land use maps were part of the concentrated effort; Throenle replied that they do, but not to look at the maps as zoning maps.

IX. Public Comment

None – no public was present

X. Commissioner's Comments

Milton – no comment

Mullen-Campbell

Asked if the Commission was going to discuss the marijuana ordinance in the future.

Rhein responded that the Board may be looking at it over the next couple of meetings.

Meister – no comment

Sloan – no comment

Lindsey – no comment

Stated the meeting was a real work session, and she appreciated being a part of it.

Soucy – no comment

Rhein – no comment

Stated he appreciated the effort in getting through the sign ordinance.

XI. Director's Report

Planning / Zoning Administrator Throenle

Stated that a project schedule would be part of the packet each month so that Commissioners and the Board could keep up with the Planning Commission's progress. He thanked the Commissioners for their efforts in regard to the sign ordinance language.

XII. Informational Items and Correspondence

- A. Planning Commission priorities – March 15, 2021
- B. Minutes – Township Board 02.15.21 joint meeting
- C. Township Newsletter – February & March 2021
- D. Correspondence – Isip #1
- E. Correspondence – Isip #2

XIII. Adjournment

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

Vote: Ayes: 7 Nays: 0 Motion carried

Soucy adjourned the meeting at 9:58 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION
Monday, April 19, 2021 Minutes
Meeting held via teleconference**

I. Meeting Called to Order by:

Secretary Donna Mullen-Campbell called the meeting to order at 6:06 PM.

Roll Call

Members present at roll call:

Donna Mullen-Campbell (Secretary)
Don Rhein (Board)
Eve Lindsey
Kendall Milton
Rebecca Sloan

Members absent at roll call:

Ryan Soucy (Chair)
George Meister (Vice Chair)

Staff present:

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

II. Additional Agenda Items / Approval of Agenda

Rhein moved, Sloan seconded, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 Motion carried

III. Minutes

Rhein moved, Lindsey seconded, to approve the March 15, 2021 minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

IV. Public Comment

Stephanie Isip, 1921 Meidhunt, Marquette Michigan

She spoke on the advantages of tiny homes and asked the Commissioners to consider language in the master plan to permit tiny homes in the Township.

V. Public Hearings

A. Zoning Ordinance – Section 18 Signs

Mullen-Campbell opened the hearing for public comment.

No public comment was received.

Mullen-Campbell closed the public hearing.

VI. Presentations

None

VII. Unfinished Business

A. Zoning Ordinance – Section 18 Signs

Commission Discussion

Mullen-Campbell requested comments from the Commissioners regarding the language for signs. No comments were presented.

Mullen- Campbell requested a motion from the Commissioners.

Commission Decision

Rhein moved, Milton seconded, that the proposed language for Section 18 Signs in the Township Zoning Ordinance be sent to the Board for approval.

Vote: Ayes: 5 Nays: 0 Motion carried

B. Master Plan Review – Section 7 Land Use Plan

Staff Introduction

Throenle asked Commissioners to approve the section as a draft, with the understanding that anything highlighted in the document would be updated as soon as the census and other related data was available. Throenle indicated the Commissioners would get another review opportunity when the entire plan is presented later in the year.

Commission Discussion

Mullen-Campbell indicated that she read through the section twice and was satisfied with the language. Sloan indicated no issues. Lindsey indicated the section was good as presented. Rhein did not find anything major that was missing from the language; his only concern was size of the housing.

Milton asked a question about Table 11 regarding the Conservation Recreation Area item. Throenle explained that the Conservation Recreation Area designation was for areas that would not be built as these are considered unbuildable areas that could be used for conservation and recreation.

Commission Decision

Lindsey moved, Mullen-Campbell seconded, that the language proposed for section 7 of the 2021 master plan be accepted as written.

Vote: Ayes: 5 Nays: 0 Motion carried

VIII. New Business

A. Preliminary Site Plan Review – Contractor Business

Staff Introduction

Throenle introduced Tim Soucy as the applicant that wishes to develop the parcel that is located north of the Moyle Center. Throenle indicated that Soucy has submitted a preliminary plan and is looking for review from the Commissioners prior to submitting a

formal plan. Throenle reminded the Commissioners that this was the time for Commissioners to present questions regarding the plan.

Commission Discussion

Soucy indicated the location for his driveway would be as far east as possible after conversation with MDOT. He indicated that road would be an easement across the neighboring property. He is looking at developing the property into six one-acre lots, with a road down the middle of the lots (three lots to the north, three to the south). One of the lots would be for his electrical business.

Rhein asked which lot Soucy was going to use for his business. Soucy indicated the lot would be the farthest one east on the north side of the proposed road (lot 3). Milton asked if there was going to be a large amount of fill required for the project. Soucy indicated there will be a logger coming in to clear the lot but did not expect to need much fill to complete the project.

Rhein asked where the drainage would be, as he did not want to see the houses on M-28 being affected. Soucy stated he would have his engineers look into it. Sloan pointed out that the submitted plans showed drainage staying within the project and draining to the northwest toward lot 1.

Sloan asked if there would be State involvement for drainage and stormwater runoff. Throenle responded that both the Township and Michigan EGLE (Environment, Great Lakes & Energy) would be involved in the process. He also stated Marquette County would be involved with the proposed road.

Sloan asked about a catchment basin. Soucy stated he would refer that to his engineers to answer as to where the location would be. Sloan also asked about runoff requirements. Throenle stated the Township does not have requirements regarding runoff, but that County officials would be involved in the decision process.

Sloan asked about the road connecting to M-28 and the proximity to the house at the east edge of the project. Soucy stated the road was at least 300 feet from that property's driveway.

Soucy also indicated that MDOT was concerned with the turning lane. Throenle pointed out that MDOT provided information that was included in the Commissioner packet.

Rhein told Soucy that he thought the plan was a good start. Rhein said he was looking forward to seeing the project go forward. Mullen-Campbell and Milton concurred with Rhein's comments.

B. 2021 Master Plan – Section 4 Community Systems

Staff Introduction

Throenle stated that he would do the introduction for sections 4, 5 and 6 together so that each section would not have to be done individually. He stated each section was extracted from the master plan and was redesigned and rewritten for the new master plan. He pointed out that there were three subsections under each heading: 1) Profile, which defined the Township as it is today, 2) Risk, which are existing or potential risks

related to the section, and 3) Opportunities, which are possible projects or other items that would reduce the risks and provide for enhancements. He also stated that this was first presentation for each of the sections and that they were in draft form. He indicated the green highlighted sections were for Commissioner review, and the yellow highlights were for additional staff research.

Commission Discussion

Mullen-Campbell asked for Commissioner discussion. Rhein suggested a page by page discussion, with the intent to cover the items in green. Throenle did a screen share to provide an electronic copy for Commissioner review.

Commissioners decided to keep the language related to an annual asset management plan in the *Transportation* section as a way to provide checks and balances between the Planning Commission and the Board.

Commissioners reviewed the language related to road millages in the *Transportation* section and decided to keep the language. Rhein gave an overview of what roads were being addressed as a part of the milage process. Sloan wanted clarification that the millage was for everyone in the Township. Bohjanen gave additional information as to how roads were chosen for priority for repairs and replacement.

Commissioners discussed fire numbers and decided to keep the language. Mullen-Campbell pointed out that not only are the numbers good for fire protection, they are also good for package deliveries and other access to the address. Milton expressed that not having fire numbers in the Township gave the census workers a difficult time in the Township when attempting to find addresses.

Commissioners discussed the benefits of a water system for the Township described in the *Water System* section. Bohjanen provided an overview of the history related to water in the Township. Commissioners were satisfied with the language in the document.

Throenle pointed out that there are items in the *Waste Management* section being addressed with the current sewer system upgrades.

Commissioners decided to keep the language related to energy systems in the *Public Energy* section. They decided to keep the language related to solar arrays, solar access ordinances, and incentives for property owners to implement renewable energy measures in the same section. Rhein indicated that the direction should be for solar, and that wind power is a noise issue. Lindsey concurred with Rhein's comments.

Lindsey excused herself from the meeting at this point.

Commissioners did not provide changes to the *Food Systems* and *Public Safety and Emergency* sections. Throenle pointed out the fire number language was added to the section.

Commissioners recommended keeping the language for a livability committee in the *Public Health* section.

Extensive discussion took place regarding recycling and waste management in the *Recycling and Solid Waste Management* section. Commissioners changed the language:

“The Township should pursue options ~~a requirement~~ for Township residents and businesses to contract with their choice of waste management and recycling firms for waste and recycling pick up.”

Commissioners extensively discussed the 20-acre minimum for agriculture forestry lands in the *Managed Development and Growth* section. Rhein suggested the minimum should be 10 acres, but he preferred looking at a site plan to determine what is best by individual parcels. Throenle reviewed the history of the non-conforming lot sizes in the AF zoning district and how those non-conformances happened. He stated the intent of the 2008 zoning ordinance and the 2015 master plan was to preserve the agriculture / forestry land. After much discussion, Commissioners requested a rewording of the section for review at another meeting.

Commissioners decided to keep language related to PUD development in the AF districts and to keep the language related to resisting development of vacant land if there were existing development areas available.

Throenle pointed out that there was language in the *Managed Economy* section related to restarting the Chocolay Area Business Association (CABA). He talked about language related to a geocaching project, which the Commissioners decided to keep. Commissioners also kept the language regarding community gathering spaces and the four season community center.

Mullen-Campbell suggested tabling the decision on this section until the next meeting so that questions regarding the waste management option and the AF acreage issue could be resolved. Commissioners agreed.

C. 2021 Master Plan – Section 5 Private Systems

Staff Introduction

Throenle indicated this section is related to both private and business systems. He stated the statistics would be updated as soon as the 2020 census data was available.

Commission Discussion

Commissioners removed the following language in the *Private Transportation* section:

“It is important to revise the zoning ordinance to accommodate mixed-use options such as apartments above commercial or accessory dwelling units.”

Throenle told Commissioners this language was already in the Township *Zoning Ordinance*.

Commissioners removed the following language in the *Private Transportation* section:

“To facilitate car-sharing opportunities, the Township can permit designated car-share vehicle parking stalls throughout the Township at multiple locations on public or private property. The Township could also work with the City of Marquette to ensure that car-share or bike rental options are available to facilitate

travel to diverse and multiple destinations. The Township can provide examples of car-share agreements to help residents organize their own initiative.”

The Commissioners replaced the language with

“The Township should assist in providing locations for vehicle recharging stations in the Township.”

Commissioners changed the following language in the *Private Transportation* section:

“Arranging flexible work options can help reduce transportation costs, such as telecommuting and four-day work weeks. These options should be explored as alternatives for both Township employees ~~and private citizens.~~”

Commissioners discussed tiny homes in the *Housing Resilience* section. Rhein suggested that the tiny homes should be limited in where they are located, such as a mobile home park. Mullen-Campbell disagreed with Rhein’s comments, as she believed that tiny homes would be acceptable in other districts. Throenle suggested leaving the language in the document, as both of their comments could be addressed as part of the zoning ordinance discussion. The Commissioners decided to keep the language.

Commission Decision

Rhein moved, Mullen-Campbell seconded, that the language proposed for Section 5 Private Systems be accepted as changed.

Vote: Ayes: 4 Nays: 0 Motion carried

D. 2021 Master Plan – Section 6 Natural Systems

Staff Introduction

Throenle indicated this section is related to any system that occurs naturally, such as the forest lands and waters throughout the Township.

Commission Discussion

Commissioners decided to keep the language related to larger minimum parcel size, conversion of productive farmlands, residential development sizes, PDR ordinances, conservation easements, and alternative uses for agriculture properties in the *Farmlands, Forests, and other Productive Lands* section.

Throenle stated the Choccolay River watershed extended across multiple jurisdictions, and that language in the plan was extracted from the 1999 watershed plan. He pointed out a need to get the plan rewritten, as well as adding a document covering the Sand River watershed.

The Commissioners decided to change the Township wetlands language in the *Wetlands, Dunes, and other Areas of Particular Concern* section to:

~~“The Township should encourage the establishment of buffer zones. Zoning standards could extend wetland protection to small depressional wetlands under 5 acres and encourage the establishment of buffer zones~~ or the preservation of native vegetation or mature trees around existing jurisdictional wetlands.”

Throenle indicated the need for the natural features overlay district is related to the erosion occurring along Lake Superior; the Commissioners decided to keep the language regarding the natural features overlay district. The Commissioners also kept the requirement for Township fire numbers found in the same section.

Commission Decision

Rhein moved, Sloan seconded, that the language proposed for Section 6 Natural Systems be accepted as changed.

Vote: Ayes: 4 Nays: 0 Motion carried

E. Ordinance 69 Nuisance

Staff Introduction

Throenle stated the purpose of *Ordinance 69* was to combine and simplify language from Township ordinances 37A (*Regulation of Nuisance*), 55 (*Vehicle and Trailer Parking and Storage*), and 66 (*Noise*) into one ordinance.

Commission Discussion

Mullen-Campbell suggested Commissioners review the language with the intent of presenting the language for a public hearing at the May meeting. Sloan, Rhein, and Milton had no problems with the language as written and requested moving the ordinance on to a public hearing.

Commission Decision

Sloan moved, Rhein seconded, that the proposed language for Ordinance 69 Nuisance be presented for public hearing as presented at the May 2021 Planning Commission meeting.

Vote: Ayes: 4 Nays: 0 Motion carried

IX. Public Comment

None – no public was present

X. Commissioner's Comments

Rhein

Asked Throenle about the development that was going on near the NMU golf course. Throenle responded that a project was being designed but a formal plan had not been submitted to the Township for the project. He indicated that the two homes being built are being built independent of the proposed project.

Milton

no comment

Sloan

Stated it was a good night and was satisfied with the process.

Mullen-Campbell

no comment

XI. Director's Report

Planning / Zoning Administrator Throenle

Throenle requested feedback from the Commissioners related to the efficient use of the Commissioner's tablets. He suggested an alternative to return to paper packets. Commissioners preferred to keep the tablets for meeting use with the intent of seeing the documents and easily moving through the documents. Commissioners preferred a bigger tablet, with the delivery of printed large maps and site plans. Bohjanen stated it was good to have the document shared as it was during the meeting, as it made it easier to follow through the materials.

Throenle reminded the Commissioners that the May meeting would be a public hearing for the nuisance ordinance. He also thanked the Commissioners for taking the time to review the documents as they did during the meeting.

XII. Informational Items and Correspondence

- A. Planning Commission priorities – 04.19.21
- B. Minutes – Township Board 03.08.21
- C. Township Newsletter –March 2021
- D. Marquette County Planning Commission minutes 03.09.21 draft
- E. Correspondence – Isip #2

XIII. Adjournment

Rhein motioned, Milton seconded, to adjourn the meeting.

Vote: Ayes: 4 Nays: 0 Motion carried

Mullen-Campbell adjourned the meeting at 8:48 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, May 17, 2021 Minutes

Meeting held at the Township Hall and via teleconference

I. Meeting Called to Order by:

Vice Chair George Meister called the meeting to order at 6:00 PM.

Roll Call

Members present at roll call:

George Meister (Vice Chair)
Donna Mullen-Campbell (Secretary)
Don Rhein (Board)
Eve Lindsey
Kendall Milton

Members absent at roll call:

Ryan Soucy (Chair)
Rebecca Sloan

Staff present:

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

II. Additional Agenda Items / Approval of Agenda

Rhein moved, Milton seconded, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 Motion carried

III. Minutes

Rhein moved, Lindsey seconded, to approve the April 19, 2021 minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

IV. Public Comment

Deborah Mulcahey, 633 Lakewood Lane, Marquette Michigan
She spoke on concerns about light as a nuisance and junk cars.

V. Public Hearings

None

VI. Presentations

None

VII. Unfinished Business

A. Master Plan Review – Section 4 Community Systems

Staff Introduction

Throenle stated the section was reviewed at the previous meeting and was tabled with the intent to discuss the items at this meeting. Throenle pointed out that the Commissioners accepted the language in the section except for those items highlighted in the section for Commissioner review. He reminded Commissioners that some highlighted items were indicated that way for staff review.

Commission Discussion

Meister indicated that the assessment studies for water systems statement should be retained; Commissioners concurred.

Throenle pointed out the change in the language found in the Recycling and Waste Management section regarding options for citizens regarding waste management and recycling was based on changes the Commissioners requested in the April meeting. Commissioners agreed to keep the changed language.

Sloan joined the meeting at 6:10 PM.

Extensive discussion took place regarding the minimum lot size in the Agriculture Forestry (AF) Zoning district. Commissioners decided the lot size in AF should remain at 20 acres; however, they decided that there should be a consideration for zoning districts to accommodate those AF lots that were under the 20-acre minimum. Commissioners changed the language to:

“The Township should review the non-conforming lot size and zoning situation in the Agriculture Forestry district (AF). The Township ~~should consider revising the minimum lot size in this district and~~ should consider adding additional zoning districts to accommodate the smaller lots. During the review, the Township should establish the type of uses permitted in the newly-established districts as compared to those in the existing AF district. Smaller lot sizes should be encouraged to allow for the establishment of hobby or small family farms.”

Commission Decision

Sloan moved, Rhein seconded, that the language proposed for section 4 of the 2021 master plan be accepted as changed.

Vote: Ayes: 6 Nays: 0 Motion carried

VIII. New Business

A. 2021 Master Plan – Section 8 Zoning Plan

Staff Introduction

Throenle stated this section is intended to address items found in the Township *Zoning Ordinance* that conflict with the master plan. Throenle pointed out that there were items highlighted in the *Zoning Plan* section for Commissioner review.

Commission Discussion

Commissioners covered the section page by page. Throenle pointed out that the item highlighted for notifications to property owners was currently done via the newspaper and letters sent to property owners within 500 feet of the property owner that was scheduled for the hearing. He stated that staff was looking a digital notification system as part of the Township website update. Commissioners accepted the language as written.

Commissioners decided to keep the language regarding minimum lot sizes.

Commissioners talked about the size of lots to accommodate tiny homes and where the tiny homes could be located. Throenle pointed out that the zoning ordinance would determine the districts where tiny homes could be located, and that discussion would occur when the zoning ordinance was revised. Commissioners decided to keep the language as written.

Commissioners decided to keep the language related to simplified site plan review.

Commission Decision

Sloan moved, Rhein seconded, that the language proposed for section 8 Zoning Plan be accepted as presented.

Vote: Ayes: 6 Nays: 0 Motion carried

IX. Public Comment

None

X. Commissioner’s Comments

Milton

No comment

Rhein

No comment

Lindsey

Good discussion tonight.

Mullen-Campbell

No comment

Sloan

No comment

XI. Director’s Report

Planning / Zoning Administrator Throenle

Throenle pointed out that an informational document came in prior to the meeting that announced the Marquette County master plan was available for public review. He stated the review timeframe was 63 days.

Throenle apologized to the Commissioners for not having the public hearing for the nuisance ordinance on the agenda. He stated he missed the deadline for publishing the hearing the Mining Journal. Throenle told the Commissioners that the June meeting would be a public hearing for the nuisance ordinance.

He told the Commissioners that the master plan review was on schedule. He thanked the Commissioners for the work they had completed, and stated that the next meeting would start the discussion related to the master plan strategies.

XII. Informational Items and Correspondence

- A. Planning Commission priorities – 04.19.21
- B. Minutes – Township Board 03.08.21
- C. Township Newsletter –March 2021
- D. Marquette County Planning Commission minutes 03.09.21 draft
- E. Correspondence – Isip #2

XIII. Adjournment

Rhein motioned, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Meister adjourned the meeting at 7:12 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, June 21, 2021 Minutes

Meeting held at the Township Hall and via teleconference

I. Meeting Called to Order by:

Vice Chair George Meister called the meeting to order at 6:00 PM.

Roll Call

Members present at roll call:

George Meister (Vice Chair)
Donna Mullen-Campbell (Secretary)
Don Rhein (Board)
Eve Lindsey
Kendall Milton
Rebecca Sloan

Members absent at roll call:

Ryan Soucy (Chair)

Staff present:

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

II. Additional Agenda Items / Approval of Agenda

Rhein moved, Milton seconded, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 Motion carried

III. Minutes

Rhein moved, Lindsey seconded, to approve the May 17, 2021 minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Public Comment

Scott Emerson, 119 Lakewood Lane, Marquette Michigan

He spoke about the master plan strategies and enforcement emphasis for zoning changes because of the strategies.

V. Public Hearings

A. Ordinance 69 Nuisance

Throenle introduced the ordinance as a combination of existing ordinance 37A (Regulation of Nuisance), ordinance 55 (Vehicle and Trailer Parking and Storage) and ordinance 66 (Noise). He stated the intent was to consolidate the language from the three

ordinances into one ordinance for consistency.

He stated two public comments were included in the packet.

Meister opened the public hearing for comment at 7:04 PM.

Scott Emerson, 119 Lakewood Lane, Marquette Michigan

He spoke about section 4.E of the proposed ordinance regarding exhaust noise and measurement of noise levels.

Stephanie Gencheff, 597 Lakewood Lane, Marquette Michigan

She spoke regarding the suggested time for construction. She would like to see the time frame changed as 10 PM seemed too late.

Meister closed the public hearing at 7:12 PM.

VI. Presentations

None

VII. Unfinished Business

A. Ordinance 69 Nuisance

Staff Introduction

Throenle stated that the issue sent in regarding light as part of the ordinance did not pertain to the proposed ordinance as light is covered under the Zoning Ordinance. He said that staff was not certified to measure light or sound.

Commission Discussion

Throenle requested the Commissioners address the number of inoperable vehicles in Section 5.O. Rhein suggested changing the number to two. Meister concurred with the change.

After Commissioner discussion, the Commissioners decided that the number should be set to two, and changed the section to read:

- (O) No more than two inoperable vehicles with or without all main component parts attached may be stored outside provided all other requirements of this section are met, and:
 1. The vehicles are stored only within the side or rear yard of the property.
 2. No discernable leakage of fluids can be seen.

Meister pointed out that the motor vehicle portion of the ordinance is still an enforcement issue under the vehicle code, and it should go to the Board to direct the police department for enforcement.

After discussion, Commissioners modified section 4.E to read:

(E) Exhaust Noise

The discharge into the open air of the exhaust of any stationary or mobile internal combustion engine without a muffler or other device which will effectively prevent or reduce loud or explosive noises from the engine as defined in Michigan state law.

Meister brought up the time frame for the end of construction time. After considerable discussion, Commissioners modified sections 4.F, 4.G and 4.H to read:

(F) Landscaping with Motorized Equipment

Except in the event of an emergency, landscaping with motorized equipment of any property other than between the hours of 7 AM and 9 PM, where the activity results in the creation of unusually loud noise or noise which injures or endangers the health or safety of others.

(G) Construction or Repairing of Buildings

Except in the event of an emergency, the demolition, excavation, alteration, construction or repair of any building or structure other than between the hours of 7 AM and 9 PM, where such activity results in the creation of unusually loud noise or noise which injures or endangers the health or safety of others.

(H) Construction or Repairing of Roads

Except in the event of an emergency, construction or repairing of roads which has the following condition is prohibited:

In any zoning district, except in the event of an emergency, the demolition, excavation, alteration, construction or repair of any road other than between the hours of 7 AM and 9 PM, where such activity results in the creation of unusually loud noise or noise which injures or endangers the health or safety of others.

Commission Decision

Mullen-Campbell moved, Rhein seconded, that after considering comment presented during a public hearing and Commissioner discussion, the proposed language for Ordinance 69 Nuisance be sent to the Township Board for consideration as changed.

Vote: Ayes: 6 Nays: 0 Motion carried

VIII. New Business

A. 2021 Master Plan – Section 9 Strategies

Staff Introduction

Throenle said this section is intended to address items found in sections 1 through 8 in the proposed master plan. He stated the concept is to identify the idea with the tasks to develop the idea. He stated there are three categories – administrative, capital, and regulatory – within the strategies. He indicated there were five sections highlighted in green for Commissioner decision purposes.

Commission Discussion

Lindsey stated that the strategies should make it as easy as possible for new business to locate in the Township.

Commissioners covered the section page by page. Meister asked where the strategies would be tracked. Throenle stated the Board would review the strategies and determine the priorities each year for the Planning Commission to consider.

Under the Economic Development section Commissioners decided to remove the language regarding four-season resort found in strategy ED-3.

Under the Future Land Use and Development section Commissioners decided to remove strategy FL-4 regarding negotiating with the state for agriculture easements.

Under the Natural Systems section Commissioners decided to remove Superior Watershed Partnership and replace it with non-profit in both occurrences in strategy NS-1:

“Collaborate with **non-profit organizations**, County Planning, Great Lakes stakeholder groups, and other regional partners, or attend targeted training sessions, to stay informed of research and data that will help anticipate climate change impacts.”

“Collaborate with **non-profit organizations**, County Planning, Great Lakes stakeholder groups, and other regional partners to plan and identify mitigation and adaptation strategies for anticipated climate impacts.”

Under the Public Safety, Emergency, and Health Services section Commissioners decided to change the language regarding community watch in strategy PS-7 to

“**Consider** neighborhood watch groups to passively assist in public safety and enforcement tasks by notifying appropriate officials.”

Under the Transportation – Community section Commissioners decided to change the language regarding a four-season transit station in strategy TC-5 to

“Work with ALTRAN and MarqTran to seek funding to construct a four-season transit station in the Township.

The project may involve a property purchase or easement.”

Under the Transportation – Community section Commissioners decided to remove the language for passenger rail found in strategy TC-5.

Commission Decision

Mullen-Campbell moved, Rhein seconded, that the language proposed for section 9 Strategies be accepted as changed.

Vote: Ayes: 6 Nays: 0 Motion carried

IX. Public Comment

Stephanie Gencheff, 597 Lakewood Lane, Marquette Michigan

She spoke against a public water system. She also mentioned an online site as an alternative to the neighborhood watch. She emphasized she is not against do-it-yourself projects that are not commercial in nature.

X. Commissioner’s Comments

Rhein

No comment

Sloan

No comment

Milton

No comment

Mullen-Campbell

No comment

Lindsey

Asked about the status of the marijuana ordinance. Bohjanen commented that the ordinance, if passed by the Board, would permit two commercial establishments, three testing / extracting facilities, and two micro-businesses.

Meister

No comment

XI. Director's Report

Planning / Zoning Administrator Throenle

He told the Commissioners they are one month ahead on the task list for the master plan; he stated the Commissioners may see additional work on the July agenda.

He told the Commissioners that the sign ordinance language was being reviewed with the Township attorney and would be presented at a future Board meeting for consideration.

He announced that the July 19 meeting would be in-house only; no electronic participation would be set up for the meeting.

XII. Informational Items and Correspondence

A. Planning Commission priorities – 06.21.21

B. Minutes – Township Board 05.10.21

C. Township Newsletter – May 2021

D. Marquette County Planning Commission minutes 06.02.21 draft

E. City of Marquette Planning Commission minutes 05.04.21

XIII. Adjournment

Rhein motioned, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Meister adjourned the meeting at 8:45 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION
Monday, July 19, 2021 Minutes
Meeting held at the Township Hall.**

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)
Eve Lindsey
Kendall Milton

Members absent at roll call:

Rebecca Sloan

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 written.

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Minutes

Milton moved, Rhein seconded, to approve the June 21, 2021 minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

V. Public Comment

None

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

None

IX. New Business

A. Preliminary Site Plan Review – Parker Heights

Derek Parker, owner of the property, introduced himself and the project to the Commissioners.

Staff Introduction

Throenle pointed out to the Commissioners that the discussion would not require a decision on the part of the Commissioners. He told the Commissioners that the purpose was to discuss the project with the applicant and provide feedback on the project.

Throenle stated the applicant had two variations to the project as presented: the project would either be connected to the Township sewer system or have individual septic systems on each lot. The final decision would be based on a Township sewer system capacity study that was underway; determining connection to the sewer system for the project would depend on available capacity.

Throenle indicated there was site plan review checklist in the packet that checked against the plan that was submitted.

Commission Discussion

Soucy questioned the east portion of the property near the dog kennel. Savolainen, one of the project engineers, pointed out that the potential lots and the kennel were for future development. Parker indicated the portion of the property was sold to a private owner prior to developing the plans and was not part of the project.

Linsey asked about access to the kennel. Savolainen indicated the access was from US 41 South via a private road.

Soucy indicated it would be nice to have a non-motorized access to Ortman Road.

Meister said the development made sense, especially with where it was located; Rhein concurred, and said it was good especially with the sewer system located near the project.

Milton questioned the use of the kennel parcel. Parker indicated that he had not decided yet as to what to do with the kennel. He did state that if the project was approved, he probably would seek rezoning on the kennel portion to make it residential.

Linsey asked if the project was designed for condominiums or homes. Parker replied the project is designed for future homes.

Savolainen pointed out that the northwest portion of the property would be open space with an easement established for sewer access. He also indicated that MDOT would be contacted for permits for the project.

Milton asked about the difference between a site condominium plan and a proprietor's plat. Mileski, another project consultant, explained the differences to the Commissioners.

Rhein expressed his pleasure with the plan. Soucy pointed out the plan addresses the need for housing in the area.

Mullen-Campbell asked about site lighting. Savolainen asked the Commissioners for recommendations. Meister asked Throenle about ordinance specifications; Throenle responded that the basic requirement was downcast lighting, with the intent of providing lighting for safety. Throenle recommended consideration for entry / exit lighting to the project from US 41 South.

Meister requested aligning the entrance to the project with the private road across the highway. He asked about the road in the project; Savolainen responded the road will be built to Road Commission standards.

Soucy asked about signage at the entrance. Parker responded that it was still under discussion. Soucy asked Throenle if the sign should be included in the project; Throenle indicated that it should so that the Commissioners could see signage as part of the formal site plan review.

Parker stated that he would like to keep the two billboard signs that exist on the property. Throenle indicated they are allowed as long as no changes other than the messages were made. Throenle pointed out that the signs could not be moved or changed in dimensions; if they were, they would have to be removed.

Rhein asked about project deadlines. Parker indicated that he would like to begin selling lots before the end of the year.

Soucy asked about broadband access. Savolainen indicated that a decision was not made yet; however, it is a primary item for the development.

Discussion took place about deadlines for presenting the final plan to the Commissioners. Throenle indicated that there was a 21 day requirement for submitting the plan. The developers indicated they anticipated presenting the plan for the September meeting. Throenle pointed out that MDOT and County health department approvals would be required as well.

Commissioners concurred that the project was located in a good spot, and that it would be a good project for the Township.

B. 2021 Master Plan Review – Appendices Review

Staff Introduction

Throenle pointed out that the Commissioners were on track to get the plan out for September review.

He indicated the appendices were the final portion for Commissioner approval in the draft master plan. He provided a cross-reference to the main document for links to the appendices. He also stated that he would like to have an additional discussion on the agricultural forestry zoning district at the August meeting.

Commission Discussion

Soucy asked how many pages were in the appendices. Throenle indicated the total is 73 pages without adding the final section of public comment.

Soucy requested that the summary page from the Marquette County master plan update be included in the Appendices. Throenle indicated the page could be added as

Appendix F.

Meister suggested that when the site plan is reviewed for the proposed M-28 project above the Moyle Center that the developer might want to consider the possibility of providing access above his project to incorporate the routes indicated on the proposed access change maps in Appendix E. Additional discussion involved the extension of the route to the north and to the south.

Mullen-Campbell indicated that page 46 of the appendices (Township Roads) had Riverdale Court instead of Riverdale Road.

Throenle pointed out that a new page with County road names was added as a cross-reference to Township roads. He stated many of the government entities use the County road name instead of the Township road name.

Throenle pointed out that the remainder of data in both the master plan and the appendices is waiting on the release of the 2020 census data.

Commission Decision

Mullen-Campbell moved, Rhein seconded, that the master plan appendices be accepted as changed and be reviewed at the August meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

X. Public Comment

Stephanie Gencheff, 597 Lakewood Lane, Marquette Michigan

Asked how expensive a new survey would be to conduct for Township input. Her interests were related to population and job changes.

She clarified her statement that she was not against public water; she preferred her well water over public-provided water.

Soucy responded that statistics could be pulled regarding Gencheff's questions. Meister suggested a new online survey with the same questions to determine if there were changes since the last survey. Commissioners discussed the potential of doing a new survey. Bohjanen stated it would be a good thought for the future.

XI. Commissioner's Comments

Rhein

Good discussion during the meeting.

Milton

Echoed Rhein's comments.

Mullen-Campbell

Good work session.

Lindsey

Pointed out articles found in the newspaper regarding projects occurring in the area. She mentioned specifically the recycled glass found in the garden areas that the Girl

Scouts maintain in the Township. She also mentioned a town hall meeting with State representative Sarah Cambensy at the library on July 28.

Meister

Suggested that the Board set aside monies for grant matches so that applications could be considered for grant-funded projects.

Soucy

Concurred with Meister's suggestion.

XII. Director's Report

Planning / Zoning Administrator Throenle

He asked the Commissioners to consider changing the August meeting from 6 PM to 7 PM. He stated the Board is scheduled to meet at 5 PM and changing the meeting to 7 PM would give Rhein the ability to attend. Commissioners agreed to change the meeting to 7 PM.

He indicated that there would be a site plan review at the August meeting.

He reported that Lindsey had dropped off information in the office. He indicated he was particularly interested in the Releaf program regarding trees along the corridor.

He also informed the Commissioners about upcoming Township technology and web site changes.

XIII. Informational Items and Correspondence

- A. Planning Commission priorities – 07.19.21
- B. Minutes – Township Board 06.14.21
- C. Township Newsletter – June 2021
- D. Marquette County Planning Commission minutes 06.02.21
- E. City of Marquette Planning Commission minutes 06.01.21

XIV. Adjournment

Rhein motioned, Meister seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:46 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, August 16, 2021 Minutes

I. Meeting Call to Order

Chair Ryan Soucy called the meeting to order at 7:00 PM.

The time was changed to accommodate the Board meeting held earlier in the evening.

II. Roll Call

Members present at roll call:

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

Members absent at roll call:

Kendall Milton

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

III. Additional Agenda Items / Approval of Agenda

Mullen-Campbell requested to do new business first to allow the site plan review to occur first. Soucy requested to add an item to discuss his potential conflict of interest with the site plan review.

Rhein stated Soucy should be allowed to participate in the site plan review discussion and decision as Rhein saw no reason for Soucy to be excluded; Sloan concurred.

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

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Minutes

Rhein moved, Mullen-Campbell seconded, to approve the July 19, 2021 minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

V. Public Comment

Kendra Symbal, 100 Aspen Drive

She stated she believed Soucy should recuse himself from the discussion related to the site plan review because of a potential conflict of interest.

Commissioners briefly discussed Symbal's comments.

Soucy moved, Meister seconded, to add an agenda item under New Business to discuss Soucy's potential conflict of interest.

Vote: Ayes: 6 Nays: 0 Motion carried

VI. Public Hearings

None

VII. Presentations

None

VIII. New Business

A. Soucy Conflict of Interest

Soucy outlined his credentials and his relationship to Tim Soucy, the site plan applicant. He stated he was not receiving a financial consideration from the project. Commissioners discussed the issue; all had positive comments related to Soucy's lack of conflict.

Rhein moved, Meister seconded, to allow Soucy to participate in the site plan review discussion.

Vote: Ayes: 6 Nays: 0 Motion carried

B. Site Plan Review – Soucy Electric

Staff Introduction

Throenle introduced the project being proposed by Tim Soucy, the owner of Soucy Electric. Throenle pointed out the location of the project would be north of the Moyle Center on M-28 in the commercial district. He indicated the site would be a developed site with Soucy planning to locate his business on lot 3 of the project. He presented aerial pictures of the site to show the location.

Sloan asked for clarification as to where the wetlands are. Throenle indicated that the lot under consideration was not under wetland consideration. Throenle also explained the process that EGLE and the Township Zoning department follows when requested to review wetlands.

Throenle indicated there was site plan review checklist in the packet that checked against the plan that was submitted. He stated that outdoor storage was not on the submitted plans. He added that the topography map was added prior to the meeting as was distributed to the Commissioners for consideration. He added that snow removal was not shown on the plan.

Commission Discussion

Meister asked about the use of the building. Soucy stated he would have a bathroom, and would eventually add an office, but the primary use of the building was to be a warehouse.

Meister asked about the well location; Rhein followed with a question concerning the septic location.

Meister questioned the drainage from the property. Throenle showed on the map where

the water would flow toward the north toward Silver Creek and the adjoining wetlands. Meister suggested a conditional approval for the site plan with a well location and storm water flow and retention.

Sloan asked about site lighting. Soucy stated he would be installing a minimum set of lights on the building for site security.

Chair Soucy asked that a snow removal location be added to the site plan.

Commission Decision

Meister moved, Sloan seconded, that the site plan for Soucy Electric be approved with the following conditions:

The well location be shown on the site plan, that storm water retention and flow for location for lot 3 be added, and the snow storage be added, with staff approval when conditions are met.

Vote: Ayes: 6 Nays: 0 Motion carried

A. 2021 Master Plan – Agriculture / Forestry (AF) Zoning District Considerations

Staff Introduction

Throenle gave Commissioners a background on how parcels in the Agriculture / Forestry (AF) district became non-conforming. He also presented a section of the 2005 master plan that presented a provision for divisions of AF acreage. He added this should have been addressed in the 2008 ordinance but was not.

He stated the proposed change would only apply to parcels larger than 10 acres, allowing those owners to split off five acre parcels for up to four five acre parcels for those that had 40 acres.

He also added that language should be added to the master plan draft to support wildlife corridors and recreation in the AF district.

Commission Discussion

Considerable discussion took place regarding the AF acreage split provisions. Most of the discussion was centered on the intended perception of what the AF district represented.

Meister stated that the split provision should not be included, as the intent for the AF district was to keep open space and the perceived rural character that went with that; Sloan concurred. Rhein felt that there was not really an issue in doing the splits according to the table.

Commissioners suggested that another survey be completed prior to the start of the zoning ordinance to determine what the public decision should be on these parcels. Commissioners also wanted to see the zoning maps that existed prior to the 2008 ordinance to determine what parcels were involved and the impact that would have on the zoning ordinance and the AF district.

After much discussion, the Commissioners drafted the following language changes to the *Agriculture and Forestry (AF)* subsection in the *Land Use Descriptions* section.

Under *Intent*:

“The intent of this land use category is to preserve tracts of lands for forestry or agriculture activity, **to promote open space for wildlife corridors**, to increase food security, provide for wood products and fuel, protect wildlife habitat, reduce risk of wildfire, preserve rural character, and **to provide outdoor recreation opportunities.**”

Under *Future Land Uses and Development Patterns*:

“These areas include lands that should not be divided into smaller parcels because of river corridors, wetlands and the preservation of scenic rural character. However, lot division requirements for these parcels should be reduced to a minimum of ten acres, **with the potential of considering further minimum splits in the AF district in the Township Zoning Ordinance.**”

Commission Decision

Sloan moved, Rhein seconded, that the language proposed for the Agriculture and Forestry (AF) portion in the Future Land Use Plan section of the proposed 2021 master plan be accepted as changed during the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

IX. Unfinished Business

B. Master Plan – Appendices Review

Staff Introduction

Throenle pointed out the changes in the appendices that were added from the last meeting’s discussion.

Commission Discussion

Soucy stated the changes looked good as presented.

Commission Decision

Mullen-Campbell moved, Rhein seconded, that the language proposed for the master plan appendices be accepted as presented.

X. Public Comment

Kendra Symbal, 100 Aspen Drive

Stated she appreciated the work the Planning Commission was doing, and the effort put into the work.

Stephanie Gencheff, 597 Lakewood Lane, Marquette Michigan

Stated she felt that five acres in the agriculture / forestry district was too small.

XI. Commissioner's Comments

Sloan

Felt a lot was accomplished.

Rhein

Great discussion during the meeting. He felt there was a good compromise on the AF district discussion.

No other Commissioner comments were received.

XII. Director's Report

Planning / Zoning Administrator Throenle

He updated the Commissioners on the schedule for the master plan. He requested four-season pictures to complete the master plan.

XIII. Informational Items and Correspondence

- A. Planning Commission priorities – 08.16.21
- B. Minutes – Township Board 07.12.21
- C. Township Newsletter – July 2021
- D. Marquette County Planning Commission minutes 07.06.21
- E. City of Marquette Planning Commission minutes 07.06.21

XIV. Adjournment

Rhein motioned, Meister seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Soucy adjourned the meeting at 9:45 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, September 20, 2021 Minutes

I. Meeting Call to Order

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

The time was changed to accommodate the Board meeting held earlier in the evening.

II. Roll Call

Members present at roll call:

Ryan Soucy (Chair)

Don Rhein (Board)

Eve Lindsey

Kendall Milton

Rebecca Sloan

Members absent at roll call:

Donna Mullen-Campbell (Secretary)

George Meister (Vice Chair)

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

Rhein moved, Lindsey seconded, to approve the agenda as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

IV. Minutes

Rhein moved, Sloan seconded, to approve the August 16, 2021 minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Public Comment

Deborah Mulcahey, 633 Lakewood Lane

Spoke on conflict of interest, public input for the master plan, and meeting times.

Soucy responded to the comments with a suggestion of developing a code of conduct, with training provided through Michigan State Extension.

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

None

IX. New Business

A. Site Plan Review – Parker Estates

Staff Introduction

Throenle introduced the formal site plan review for the project being proposed by Derek Parker, the owner of Parker Estates on US 41 South. He indicated the plan was presented previously as a preliminary site plan review, and he returned the discussion to the Commissioners for their conversation with the applicant.

Commission Discussion

Parker informed the Commissioners that he had drawn up a formal master deed for the project, that the MDOT permit was received, that adjustments were made to the internal road for the project, and connections to the Township sewer system were added to the plans as a result of the suggestions from the preliminary site plan review.

Savolainen, one of the project engineers, indicated the sewer connection was changed on the new plans to avoid the wetland at the northeast corner of the property. He stated EGLE (Michigan Department of Environment, Great Lakes & Energy) was reviewing the drawings for approval. He also addressed the MDOT (Michigan Department of Transportation) approval for the entrance to the project. He indicated that each property owner would be requested to install a six-foot dusk-to-dawn light at the end of the property driveway for safety purposes along the proposed road, and that a request would be submitted to Marquette Board of Light and Power to install a light at the entrance from US 41 South.

Soucy asked about the development possibilities for the wetland area. Savolainen responded that the area would be established as a common area for the development and would serve as part of the path for the sanitary sewer system.

Sloan asked if all the property run off would go into the wetland area. Savolainen responded that it would not; he said much of the water would run into a storm water retention basin with an overflow into the wetland if necessary.

Sloan asked about a sidewalk along the highway. Throenle pointed out that the corridor in that area does not have either a sidewalk or bicycle lane.

Throenle told the Commissioners that Township staff had completed a sewer study for the Township. He stated that based on the study, the project was eligible for connection to the system.

Sloan asked about the quality of the water. Parker indicated that the water quality was good, as he was using the same aquifer for the kennel located near the project.

Soucy introduced comments that were received prior to the meeting regarding the sanitary sewer system. Savolainen responded that the system was designed to run along the right-of-way on US 41 South. Manhole access for cleaning the system would be accessible to vehicles and personnel for cleaning and maintenance purposes. He

indicated that nothing can or will be built above the sanitary system.

Soucy asked what conditions the retention basin was designed for. Savolainen responded that it is designed to accommodate a 100-year occurrence of rain.

Milton asked if the sewer flow was gravity from the project to the lift station. Savolainen responded that was the proposed design due to contours on the project.

Sloan asked if there was a maintenance plan as part of the development. Savolainen responded that the master deed covered the maintenance for the common areas.

Savolainen indicated that the septic portion of the plan (sheet C-6) was an optional plan that would have been used if the Township did not approve connection to the sewer system.

Soucy read a question requesting how water and sewer would be provided to the two eastern lots. Savolainen responded that those lots were outside of the proposed project, but they could be added to the sewer system if necessary.

Milton asked about the kennel near the project. Throenle indicated the parcel was carved out in the past as an Agriculture / Forestry (AF) parcel to accommodate the kennel. He stated that Parker would be required to request a rezoning on the parcel in the future if Parker wanted to develop the parcel for residential use.

Commission Decision

After Commissioner review, Sloan moved, Rhein seconded, that Site Plan Review Application SR 21-64 be approved as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

B. 2021 Master Plan Review

Staff Introduction

Throenle presented the final draft of the master plan to the Commissioners for language review. He stated his intent for this review was to address 39 highlighted sections in the document and have the Commissioners comment on those sections. He indicated that pictures would be added and formatting redone prior to the plan being sent to the Board. He also stated that the plan would be submitted for public review, and that Commissioners could provide comment during the 63-day public review if they chose. He indicated that the public review would include both the plan and the related appendices.

Commission Discussion

Throenle presented the items for review. He stated the change and asked Commissioner comment.

Throenle suggested that the language for the first paragraph in the *Wastewater Management Risk Assessment* section be removed and replaced with new text to reflect the development of the sewer system.

Text removed was:

“Five of the Township’s major pump stations have now been operating with the original components for 44 years. In addition to bringing their future reliability into question, this also means that the stations are operating on technology that is now generations old and far from energy efficient. Additionally, the piping is not of approved design to allow less than 50 lineal feet of isolation between the sewer line and residential wellheads, leading to complications in the well permitting process and limitations to well placement on the site. Approved forms of sewer pipe would allow a ten foot lineal isolation distance to the wellhead. The issue could also be addressed with a municipal water system.”

The replacement text was:

“All five of the Township’s pump stations have been updated or will be replaced in 2021, financed through a twenty year bond issued in 2020. Risk is low for failures at each of the new stations.”

Sloan asked questions regarding the millennial versus boomer statistics in regard to population. Throenle stated that he took all statistics regarding the population from the census data so as to not confuse the statistic sources.

Sloan asked what would need to happen to recruit a younger population to the area; Rhein responded that jobs would be the biggest factor to draw others to the area. Rhein also indicated that housing prices would determine who moves in and who stays in the area. He stated too that the Chocolate Area Business Association (CABA) is coming back online to assist in promoting economic development for the Township.

Sloan recommended an edit change for the text in the *Private Transportation Profile* section. The text stated “Most workers commute in the Township commute to their jobs.” Throenle changed the to “Most workers in the Township commute to their jobs.”

Throenle stated the percentage of 23.78% should be changed to 76.22% in the *Housing Resilience Profile* section as the number was taken from the wrong column in the supporting data.

Commission Decision

Sloan moved, Lindsey seconded, that the language proposed for the 2021 Chocolate Township master plan and appendices be accepted as changed and forwarded to the Board for consideration for public review.

Vote: Ayes: 5 Nays: 0 Motion carried

X. Public Comment

None

XI. Commissioner’s Comments

Rhein

Appreciated the comments and discussion throughout the master plan process from the other Commissioners and staff and commended all for a great job.

Milton

Pointed out that he would pay attention to the amount of trash he was contributing to the landfill.

Sloan

Asked what should be done with written public comment. Soucy responded that she could address the comments if she chose.

Both Sloan and Rhein stated that the conflict of interest discussion did not affect the decision that was made in the Soucy decision. Bohjanen added that a financial conflict must be considered as part of the discussion.

Throenle pointed out that the Commissioners followed the language found in the Michigan *Planning Enabling Act*. He read the language to the Commissioners, showing them that they followed the process as it was written.

Sloan asked about the meeting dates and agenda publication. Throenle stated that there was a possibility of improving delivery to the public in 2022.

Sloan asked about the survey. Rhein stated the Board looked at possibly doing a survey in January related to the zoning ordinance.

Sloan asked about the signs along the beachfront near the Welcome Center. Throenle stated that the signs are posted on private property.

Rhein stated that the second turnout now had access to the beach. Bohjanen indicated that the paths were open due to the efforts of Jeff Glass, Bohjanen, and Township Manager Bill DeGroot.

Throenle pointed out that there was language in the master plan addressing public access to the beach.

Soucy indicated that a code of conduct would be another method of addressing the conflict of interest issue. Throenle recommended addressing the issue during the review of the Planning Commission bylaws in 2022.

Lindsey

Appreciated the discussion regarding public comment. She also appreciated the work that went into developing the master plan from both the Commissioners and staff.

XII. Director's Report

Planning / Zoning Administrator Throenle

He commended the Commissioners on their participation in the Master Plan process. He thanked the Commissioners for their comments as he learned a great deal during the process.

XIII. Informational Items and Correspondence

A. Planning Commission priorities – 09.20.21

B. Minutes – Township Board 07.12.21 draft

C. Township Newsletter – August 2021

D. Marquette County Planning Commission minutes 09.01.21 draft

XIV. Adjournment

Rhein motioned, Linsey seconded, to adjourn the meeting.

Vote: Ayes: 5 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:56 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on October 28, 2021.

The meeting was cancelled.



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on November 15, 2021.

The meeting was cancelled.



Planning Commission
Charter Township of Chocolay

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

There are no minutes for the meeting on December 13, 2021.

The meeting was cancelled.

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, January 17, 2022 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)
Don Rhein (Board)
Kendall Milton
Rebecca Sloan

Members absent at roll call:

Donna Mullen-Campbell (Secretary)
Eve Lindsey (arrived at 6:30 PM)
George Meister (Vice Chair)

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

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

Vote: Ayes: 4 Nays: 0 Motion carried

IV. Minutes

Rhein moved, Sloan seconded, to approve the September 20, 2021 minutes as written.

Vote: Ayes: 4 Nays: 0 Motion carried

V. Public Comment

None

VI. Public Hearings

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

Vote: Ayes: 4 Nays: 0 Motion carried

Michael Dayton, 114 Chocolay River Trail

Requested review of the overlay district map in the proposed new roadways plan for East Main Street for connection to Chocolay River Trail.

Jeff Conklin, 120 Chocolay River Trail

Agreed with the concerns from Dayton. He also requested review of the overlay district map in the proposed master plan to consider keeping the parcel west of his property zoned for residential use.

Soucy asked if additional comments were received. Throenle replied that two were received and were included in the packet.

Conklin asked if a letter sent by his neighborhood association had been received at the Township. Throenle stated that no letter or phone call had been received; he stated that the communications found in the packet were the only comments that came in during the sixty-three day public comment review.

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

Vote: Ayes: 4 Nays: 0 Motion carried

VII. Presentations

None

VIII. Unfinished Business

A. 2021 Master Plan and Related Appendices

Soucy pointed out there was an option to continue with the discussion of the master plan adoption or to move the discussion to the joint meeting in February. He asked Throenle to give staff introduction.

Throenle presented a brief introduction to the plan and added that he had included a document in the packet that gave the staff edits that were performed on the plan. He stated that one section, Village Mixed Use, was inadvertently removed in April of 2021, and that it was added back.

Sloan asked if the section was added back to the document that went out for public review; Throenle stated that it was. He stated that the language was discussed and approved by the Commissioners in the April timeframe.

Throenle stated the Commissioners could proceed with one of three options: 1) accept the document as written; 2) add additional changes to the document; or 3) table the discussion of the plan to the February meeting. He suggested that the Commissioners table the discussion as three Commissioners were not present at the meeting.

Rhein moved, Soucy seconded, to postpone the discussion of the master plan until the February meeting.

Vote: Ayes: 4 Nays: 0 Motion carried

IX. New Business

A. Planning Commission Training Session – What is Planning?

Staff Introduction

DeGroot asked the Commissioners if they wished to change the training session to March based on the previous motion related to the master plan. He gave a brief

overview of what the training would encompass and the purpose for the trainer.

Commission Discussion

Soucy stated that it would be more beneficial for the Commissioners to move the training; Sloan agreed.

DeGroot requested that the Commissioners look through the documents prior to the training in March.

Commission Decision

Sloan moved, Rhein seconded, to postpone the Commissioner training until the March meeting.

Vote: Ayes: 4 Nays: 0 Motion carried

B. Election of Officers

Staff Introduction

Throenle stated that election of officers was an annual responsibility of the Commission. He pointed out that the Commissioners that were absent were eligible to be elected and that Rhein was not eligible as the Board appointed him to the Commission.

Commission Decision

Rhein moved, Milton seconded, to elect Soucy as Chair.

Vote: Ayes: 4 Nays: 0 Motion carried

Milton moved, Rhein seconded, to elect Meister as Vice Chair.

Vote: Ayes: 4 Nays: 0 Motion carried

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

Vote: Ayes: 4 Nays: 0 Motion carried

Lindsey joined the meeting prior to the next vote.

Rhein moved, Sloan seconded, to elect Lindsey as Vice Secretary.

Vote: Ayes: 5 Nays: 0 Motion carried

C. 2022 Meeting Dates

Staff Introduction

Throenle presented the proposed meeting dates for the 2022 calendar. He stated the joint meeting with the Board was on February 14, followed by the Planning Commission meeting. He pointed out that all meetings started at 6 PM except for the joint meeting that started at 5:30 PM followed by the Planning Commission meeting at 7 PM.

Commission Decision

Rhein moved, Sloan seconded, to accept the Planning Commission meeting dates as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

D. 2021 Planning Commission Annual Report

Staff Introduction

Throenle presented the staff-prepared Planning Commission annual report to the Commissioners. He stated that the plan would be submitted to the Board for their review after approval from the Commissioners.

Commission Discussion

Soucy asked Throenle if the report would be discussed at the joint meeting with the Board. Throenle the report would be delivered to the Board, but it would be up to the Board if they wanted to discuss the report.

Soucy pointed out there were many accomplishments, even though the pandemic kept activities to a minimum.

Commission Decision

Rhein moved, Linsey seconded, to send the report to the Board for the February meeting.

Vote: Ayes: 5 Nays: 0 Motion carried

X. Public Comment

None

XI. Commissioner's Comments

Soucy

Told the Commissioners about a webinar training coming up the following week regarding woodlands preservation. He felt the training would be beneficial for the Commissioners, especially related to the Township's rural character. Rhein asked Soucy to forward a link to the webinar. Throenle asked Soucy to forward the link to him so that he could forward it to the Board as well.

Sloan

Asked if the master plan would have to be modified in response to the public comment received earlier in the meeting. She asked if a public hearing would be required as well if changes were made. Throenle stated that would be determined by the intensity of the change; in this case, the answer would be yes, as language and related maps would be changed, as it would change the character of the plan.

Rhein asked which road was in question. Throenle stated it was the proposed road that went from Main Street to M-28 East. He added that the request concerning the overlay district could be handled in the upcoming zoning ordinance discussion.

Throenle displayed the proposed map showing the proposed overlay district. Throenle pointed out that the owner of the parcel closest the neighborhood was leaning toward keeping the parcel as residential. He showed the Commissioners where the parcel was in reference to Chocoy River Trail. He further indicated that a portion of the property was wetland and would not be able to be developed. He added that the proposed mixed use district was also in the 2015 master plan, and that property owners in that proposed

district were in favor of changing to mixed use.

Throenle stated that the property in question would have to be rezoned and added to the mixed use district as part of the process. He stated that even if it is in the plan, the requested change may never go through the rezoning process; it was up to the property owner to initiate the process.

Throenle displayed the wetland map for the area to show more detail about the parcel in question. Lindsey asked about the proposed roads in the master plan and if anything had changed.

Linsey

Apologized for late arrival to the meeting. She questioned property sales and development (Lakestate Industries / Free Store, Quiznos, Subway, and new houses on Brewer Road). Throenle provided an update on each property. She also asked about the proposed water project; Rhein stated the Board is looking to bring in someone to do a viable water study for areas in the Township. She gave a brief report about attending a NCLL (Northern Center for Lifelong Learning) program. While there, she got a copy of the County master plan and statistics from around the County.

Rhein

Stated he enjoyed working with the rest of the Commissioners and was looking forward to working with them again during the year.

XII. Director's Report

Planning / Zoning Administrator Throenle

He reminded the Commissioners that the joint meeting starts at 5:30 on February 14. Sloan stated she would not be at the meeting as she would be traveling.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 12.13.21
- B. Township Newsletter – November 2021
- C. Marquette County Planning Commission minutes 12.02.21 draft
- D. City of Marquette Planning Commission minutes 11.09.21
- E. City of Marquette Planning Commission minutes 11.16.21
- F. Public hearing correspondence – Marquette County Planning Division
- G. Public hearing correspondence – Mulcahey

XIV. Adjournment

Rhein motioned, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 5 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:00 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

February 14, 2022

A Joint Meeting of the Chocolay Township Board and Planning Commission was held on Monday, February 14, 2022, in the Chocolay Township Meeting Room. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None

PLANNING COMMISSION

PRESENT: Ryan Soucy, Don Rhein, Eve Lindsey

ABSENT: Donna Mullen-Campbell, Rebecca Sloan, George Meister, Kendell Milton

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

APPROVAL OF AGENDA.

White moved, Symbal supported to approve the agenda as modified (***addition of Purchase Replacement of Police car under New Business, Item B.***)

MOTION CARRIED

PUBLIC COMMENT

Ruth Ziel, 734 Lakewood Lane – stated that she is a member of the League of Women Voters and a precinct pollworker. She is here to show support for the League of Women Voters and is in support of the resolution.

Karen Alholm, 1145 M-28 East – stated she is in attendance to show support for the League of Women Voters resolution.

Stephanie Gencheff, 587 Lakewood Lane – stated her views on voting and the requirements to receive a ballot.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting of January 10, 2022.
- B. Approve Revenue and Expenditure Reports – January 2022.
- C. Approve Bills Payable, Check Register Reports – January 4, 2022 (2021 Check #'s 25152 – 25165, in the amount of \$5,372.35), January 20, 2022 (2021 Check #'s 25166 – 25178, in the amount of \$12,471.95), January 27, 2022 (2021 Check #'s 25195 – 25200, in the amount of \$19,836.39), January 4, 2022 (2022 Check #'s 25137 – 25151, in the amount of \$45,330.97),

January 20, 2022 (2022 Check #'s 25179 – 25194, in the amount of \$26,128.64), and January 27, 2022 (2022 Check #'s 25201 - 25214, in the amount of \$4,482.74).

- D. Approve Bills Payable – Regular Payrolls of January 6, 2022 (Check #'s DD2133 – DD2165 and Check #'s 11156 – 11160, Federal, State, and MERS in the amount of \$43,083.56), and January 20, 2022 (Check #'s DD2166 – DD2192 and Check #'s 11161 – 11165, Federal State, and MERS in the amount of \$44,192.75).

Zyburt moved, Rhein supported to approve the Consent Agenda as presented.

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen has a few statistics on COVID – during the week ending February 7, the average number of cases reported was 18 per day, this week it is less than 10 per day. 67.9% of people in Marquette County are vaccinated. Bohjanen also stated that he is frustrated by the fact that the statistical information is not complete. He has received information on a program called Flash Poll. Not sure of the price, but if the Board is interested, staff will research further. It was stated that there are many platforms out there that may be worth exploring.

CLERK'S REPORT

Clerk Engle stated that we will be having a May election – Marquette Public Schools millage proposal.

PUBLIC HEARING – PROPOSED ORDINANCE 69; NUISANCE, NOISE, AND VEHICLES

- a. Written Comments Received – D. Mulcahey, 633 Lakewood Lane
- b. Written Comments Received – J. Wilson, 1987 M-28 East

Supervisor Bohjanen indicated that there has been some input received and changes made and reviewed by our Township attorney.

Pam Basal, 200 South Big Creek Road – stated that staff has done an excellent job in drafting this proposed ordinance. She has a couple areas that she would like to offer for consideration: (1) Section 5(F) – Landscaping with Motorized Equipment. Would like to see the hours of operation extended a bit during the summer in the Agricultural Zoned areas. (2) Section 6(F) – Properly licensed vehicles shall not be parked or stored in the front facing yard unless in a driveway. She would like consideration given to situational events that only happen once in a while (garage sales, etc.).

Supervisor Bohjanen also brought to the Board's attention that there had been written comments received from D. Mulcahey, 633 Lakewood Lane and J. Wilson, 1987 M-28 East, which have been included in the packet.

Bohjanen asked for Board input on any of the comments received.

White indicated that she agrees that there should be an addition to Section 5(F) indicating summer hours.

Symbal commented on the driveway information and parking violations. If no one complains, is it a violation? Bohjanen stated we choose not to “nit-pick” the definition of a driveway. Bohjanen also pointed out J. Wilson’s suggested language on parking on other’s property.

Symbal moved, Zyburt supported to amend language to read **“No person shall park, store, maintain or place, or permit to be parked, stored, maintained, or placed, a vehicle or vehicle parts upon another’s property primarily zoned for residential occupancy without consent of the property owner or tenant.”**

MOTION CARRIED

Rhein moved, Engle supported that Ordinance 69: Nuisance, Noise, and Vehicles be accepted with modifications during the 1st reading and be brought forward for a 2nd reading at the March meeting of the Township Board.

MOTION CARRIED

PRESENTATION – LEAGUE OF WOMEN VOTERS

Jo Foley, 308 Corning Street – Executive Vice President to the Marquette County League of Women Voters. Foley gave a presentation on the mission of the LWV and briefly reviewed the resolution template. The resolution lays out three goals: to protect democracy, to promote policies that protect access to ballots for voters and build on the progress of the 2020 elections. The LWV is asking that Chocolay Township Board support this resolution.

CONSIDER ZONING BOARD OF APPEALS APPOINTMENTS

White moved, Rhein supported that the Chocolay Township Board appoint Dave Lynch to the Zoning Board of Appeals.

MOTION CARRIED

CONSIDER PURCHASE REPLACEMENT OF POLICE CAR.

Township Manager De Groot explained that our 2018 Dodge Charger has some very costly repairs that will have to be made (drive shaft, trans axle, CV joint, cracked transmission) at an estimated cost of \$7,000 plus downtime of at least one month after the replacement funds are received. In our budget, we are scheduled to buy a new police vehicle later this year. Currently, there is a 2022 Charger that is in Lansing that would fit our needs – it is equipped properly and our components would fit. There is an extended warranty available for purchase. To order a new vehicle, it would be 2023 before we could get on the list, with a 30-week wait time. We have \$40,000 budgeted under our capital account for a new vehicle. We are able to use ARPA funds for the purchase as this was a budgeted item. We would be able to get this vehicle for 2021 pricing. We would plan on selling the 2018 as surplus “as is”.

Lynch moved, Zyburt supported that the Chocolay Township Board enter into a contract with LaFontaine CDJR – Lansing for the emergency purchase of a 2022 Dodge Charger Police Vehicle.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

JOINT MEETING DISCUSSION WITH PLANNING COMMISSION

At 6:12 pm, Ryan Soucy called the Planning Commission to order, with the purpose of the joint meeting being to enter into a work session with the Township Board.

Roll Call: Ryan Soucy, Don Rhein, Eve Lindsey

Public Comment for Planning Commission: None

Dale Throenle, Planning Director / Zoning Administrator, provided an annual report to the Township Board on undertakings / accomplishments for 2021. The bulk of the year was focused on the Master Plan. The Planning Commission also covered some mixed-use considerations, sign ordinance, site plan reviews, housing project on US 41, original draft of Ordinance 69. Throenle also went over the various activities that he has attended.

White asked why meetings were not held in October, November, and December. Throenle indicated there was nothing outstanding. Soucy commented that the Planning Commission has been efficient with items that they have been handling.

CONSIDER MASTER PLAN SUPPORT

Supervisor Bohjanen indicated that he felt this was a well written document that contains ambitious goals, put together by Staff and the Planning Commission. White agreed that the Planning Commission had done a good job.

Manager De Groot thanked the Planning Commission for diving into the process of planning for the next 25 years. There have been some questions about the connection of Chocolay River Trail and Main Street. This somehow made it into the Master Plan in 2005 and has carried forward from that point. Staff is recommending the elimination of this connection. De Groot thanked the residents of Chocolay River Trail and Main Street for speaking out on this subject. It is recommended that Appendix E be reflective of this change and the end of this topic going forward.

Manager De Groot also indicated there is a Wetland Complex in that area – in the 1908 plat map this was showing as a park. In the master deed, this would be the open space for Chocolay River Trail. Current zoning on this wetland complex requires a 100' setback from Silver Creek.

In 2010 the Planning Enabling Act enable the Master Plan to be a Board document. Chocolay Township has chosen to delegate the responsibility of developing the document to the Planning Commission and present to the Township Board for approval.

Symbal stated that the was happy for the number of people that showed up at the meeting, along the number of letters received in response.

Soucy commented that he was happy to see the community support – it’s vitally important in putting together a Master Plan. The Master Plan is a collective vision for growth in the township, so it is important. Soucy thanked staff for doing their due diligence in putting together this document.

Manager De Groot stated that being involved in the process is what is needed as the Planning Commission moves forward with the Zoning Ordinance rewrite. Urged residents to stay informed. This will not be a quick process.

Public Comment:

Brian ??? 123 Chocolay River Trail – thanked everyone for the work that they put into this. Wants to go on record that he is opposed to any zoning changes.

Sam Elder, 125 East Main – expressed his appreciation to the Board and the staff for their work – he chose to live on a dead end road and he lives in Chocolay Township for a reason.

Jackie Calcaterra, 170 East Main – thanked the Board for their work. Also indicated that people choose to live on dead end streets for a reason.

Mike Dayton, 114 Chocolay River Trail – planning documents are not something you just spit out overnight, and he appreciates the Board and Planning Commission listening to their concerns on the extension of the road. Also thanked them for digging into the issue of the wetland parcel.

Lynch moved, Rhein supported that the Chocolay Township Board postpone action on the resolution until the Planning Commission has a chance to bring it back at the March meeting.

MOTION CARRIED

CONSIDER WATER SYSTEM FEASIBILITY STUDY PROPOSAL OHM

Manager De Groot indicated that at the January meeting the Board reviewed the scope of work that would be provided. The funding would come out of the 1st allocation of the ARPA funds that were received in 2021. This aligns with a 9 month workplan, and if we are interested in moving forward, we may be eligible for other opportunities for grant funding.

Engle moved, Zyburt supported that the Chocolay Township Board authorize the Township Supervisor and Clerk to enter into a contract with OHM to complete a Water System Feasibility Study.

MOTION CARRIED

CONSIDER RESOLUTION FROM LEAGUE OF WOMEN VOTERS

Clerk Engle wanted to clarify that ballots are not automatically sent to voters – they are sent an application which must be returned. We then verify signatures before actually issuing a ballot.

White indicated that she has a couple issues regarding the request to make Election Day a State holiday, and also believes that we have not been denying anyone to vote.

Engle suggested that this may happen in larger cities.

Rhein asked that the section on Election Day being a holiday be omitted. If people want to vote, they will find a way to vote. Engle also indicated that there are a number of ways to vote – if not able to vote on the actual day of the election, they are able to obtain an absentee ballot.

RESOLUTION *supporting the cause of protecting democracy, promoting policies that protect access to the ballot for voters and building on the progress of the 2020 elections.*

Engle moved, Symbal supported that:

WHEREAS, *access to voting and participation in free, fair and secure elections is fundamental to our system of governance; and*

WHEREAS, *Michigan’s election security protocols are among the strongest in the nation. Robust voter-ID laws prevent or intercept fraudulent attempts to impersonate voters. Multiple security checks bolster our absentee voting process. And gold-standard paper balloting ensures all our election outcomes can be verified; and*

WHEREAS, *in 2018, Michigan voters overwhelmingly supported amending the constitution to expand voting rights, make it easier to register and easier to vote, by the following percentages of votes cast on Proposition 3: 67% support among 3,064 Township voters, 68% in Marquette County, and 67% Statewide; and*

WHEREAS, *restricting voting rights and undermining the fair, nonpartisan administration of elections is harmful to all communities, but disproportionately impacts (already marginalized) voters of color, lower-income communities, the elderly, as well as disabled voters; and*

WHEREAS, *in recent months, state legislatures, including Michigan’s, have introduced dozens of bills that essentially restrict access to voting, make election administration and oversight less equitable and efficient, and undermine existing laws that maintain election security and ensure nonpartisan counting and certification of votes; and*

WHEREAS, *elections in Michigan have been conducted safely and securely and without any*

significant fraud, up to and including the 2020 election, as the Senate Oversight Committee Report concluded; and

WHEREAS, *in 2021, the Secretary of State unveiled a legislative agenda that would improve access to voting whether early, absentee, or in-person; expedite absentee ballot processing; and make voting more convenient, demanding that every valid vote is counted and accurate election outcomes upheld;*

Now, therefore, be it RESOLVED *that the Chocolay Township Board on this 14th day of February, 2022 strongly supports policies that **expand and protect equitable access to voting and that strengthen and sustain a robust election infrastructure**, including both material and human resources:*

- *Allow overseas service members and spouses to return their ballots electronically;*
- *Earmark sufficient funding for elections to recruit, train and retain needed election workers, to add sufficient election equipment such as secure drop boxes and tabulators, and to support voters with disabilities;*
- *Allow the processing of Absentee Ballots and establish Early In-Person voting the weekend prior to Election Day; Any rule governing the mailing of absentee ballot applications to registered voters by state or local election administrators should apply equally to all other organizations, including nonpartisan voter engagement groups and political parties;*
- *Mandate the same training standards for election workers and election challengers.*

The Board urges the Michigan House, Senate and Governor Whitmer to take immediate and long-term action to support the goal of preserving democracy, ensuring access to voting, and continuing to promote the integrity, security, and fairness of all elections throughout the State of Michigan; and be it further

RESOLVED, *that the Chocolay Township Board strongly opposes all legislation or other efforts that would restrict access to the ballot, undermine the nonpartisan, fair and efficient administration of elections; and restrict voting rights; and be it further*

RESOLVED, *that a copy of this Resolution be forwarded to the Office of the Secretary of State, the Governor's Offices in Lansing and Northern Michigan, and the members of the Upper Peninsula delegation to the Michigan State Legislature.*

ROLL CALL VOTE

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

NAYS: *None*

RESOLUTION APPROVED

CONSIDER AUDIT ENGAGEMENT LETTER

Zyburt moved, Lynch supported that the Chocolay Township Board support entering into an annual audit conducted by Anderson, Tackman & Company, PLC.

MOTION CARRIED

MANAGER UPDATE – SEWER AND BUDGET

Budget – State revenues are coming across higher than anticipated on the constitutional side (Chocolay Township). At this time, we are working on separating out a true capital fund and generating the opportunity of having a table showing five-year projections. We are also working on developing an Asset Management Plan for the Township. This used to be part of the regular project on what was seen as projects. There are some regulations in Capital Improvement Planning which is generated by the Planning Commission. We will be receiving our second payment of the ARPA funds of approximately \$310,000 in July. The allocation has been allocated to Premium Pay, OHM Water Study, and Redistributing in the form of small local business grants. All funds must be under contract by 2024, with completion of expenditures by 2026.

Sewer – we are still in a holding phase, as we are not at 80% completion due to supply chain issues. Wiring casing in the pump stations, conduit that goes to the pit, SCADA system is not yet fine tuned – we are still getting “ghost alarms”. Hopefully this will be resolved in the next few weeks. Staff still needs to be completely trained on the system.

Rhein asked if anyone else uses this system, and if so if they have the same problems. De Groot explained that there is a balance of power that BLP needed to fine tune, and then we needed to play with flow rates. Unfortunately, those living close to the station have had audible alarms going off. He appreciates the public’s understanding and patience as we work through this. We have not yet finalized the last billing with Oberstar.

BOARD MEMBER COMMENTS

Kendra Symbal – None

Don Rhein - None

Judy White – None

Dave Lynch – None

Ben Zyburt – None

Max Engle – None

Richard Bohjanen - None

PUBLIC COMMENT

Stephanie Gencheff, 587 Lakewood Lane – Urged everyone to dig a little deeper into the bills that were passed by the House / Senate and the language that is in those bills.

Janet Dossler – she and her husband were born and raised in Bessemer and moved to Saginaw 30 years ago. It is completely different there, and not always easy to obtain a ballot.

Karen Schmitt, 280 Shot Point – has been an election worker for the last two elections. She complimented Max Engle (Clerk) and Lisa Perry (Election Clerk) for being excellent trainers. Feels that the challengers need to be trained also. She stated that the elections are very well run and security is a major component.

Zybert moved, Rhein supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 7:25 p.m.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of January 17, 2022, Draft.
- B. Minutes – Chocolay Township Zoning Board of Appeals, Regular Meeting of December 16, 2021, Draft.
- C. Minutes – Marquette County Solid Waste Management Authority; Regular Meeting of January 19, 2022, Draft.
- D. Minutes – Marquette Area Wastewater Advisory Board; Regular Meeting of December 16, 2021, Draft.
- E. Minutes – Marquette Area Wastewater Advisory Board; Regular Meeting of January 20, 2022, Draft.
- F. Information – Chocolay Township Newsletter – December 2021.
- G. Information – Chocolay Township Newsletter – January 2022.
- H. Correspondence – D. Mulcahey, 633 Lakewood Lane.
- I. Correspondence – M. McGovern, 109 East Chocolay River Trail
- J. Correspondence – D. Rautio, 112 Chocolay River Trail
- K. Correspondence – J. Sorenson, 115 Chocolay River Trail
- L. Correspondence – M. Gephart, Chocolay River Trail
- M. Correspondence – J. Conklin, 120 Chocolay River Trail
- N. Correspondence – D. Texter, 127 Chocolay River Trail

Max Engle, Clerk

Richard Bohjanen, Supervisor

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, February 14, 2022 Minutes

I. Meeting Call to Order

Chair Ryan Soucy called the meeting to order at 7:00 PM.

II. Roll Call

Members present at roll call:

Ryan Soucy (Chair)
Don Rhein (Board)
Eve Lindsey

Members absent at roll call:

George Meister (Vice Chair)
Donna Mullen-Campbell (Secretary)
Kendall Milton
Rebecca Sloan

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

No action taken. Quorum not present.

IV. Minutes

No action taken. Quorum not present.

V. Public Comment

None

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

A. 2021 Master Plan and Related Appendices

No action taken. Quorum not present.

IX. New Business

A. Joint Meeting Discussion

No action taken. Quorum not present.

X. Public Comment

None

XI. Commissioner's Comments

Rhein

Expressed that the discussion during the Board meeting was good, and he was looking forward to getting additional things completed.

Soucy agreed, adding that he was pleased to hear the public comment expressed during the meeting.

Linsey

Stated she learned a lot during the Board meeting, and that it was interesting that there was a large attendance from the public.

XII. Director's Report

Planning / Zoning Administrator Throenle

He reminded the Commissioners that the next meeting was on March 21, and that the meeting time would be 6:00 PM.

XIII. Informational Items and Correspondence

A. Marquette County Planning Commission minutes 01.18.22

XIV. Adjournment

Soucy adjourned the meeting at 7:03 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, March 21, 2022 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)
Donna Mullen-Campbell (Secretary)
Don Rhein (Board)
Rebecca Sloan

Members absent at roll call:

George Meister (Vice Chair)
Eve Lindsey
Kendall Milton

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

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

Vote: Ayes: 4 Nays: 0 Motion carried

Commissioner Milton joined the meeting at 6:03 PM.

IV. Minutes

Rhein moved, Sloan seconded, to approve the January 17, 2022, February 14, 2022 (joint meeting) and February 14, 2022 (regular meeting) minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Public Comment

Bonnie Badour, 1417 Garfield Avenue, Marquette MI

Asked the Planning Commissioners to consider tiny homes and a smaller Township footprint requirement than the 800 square foot minimum that exists in the zoning ordinance. She provided materials for the Commissioners to review.

VI. Public Hearings

None

VII. Presentations

None

Throenle requested that new business be addressed first to accommodate the site plan review.

Rhein moved, Sloan seconded, to move the site plan review up on the agenda.

Vote: Ayes: 5 Nays: 0 Motion carried

VIII. New Business

A. Site Plan Review – 6448 US 41 South

Staff Introduction

Throenle introduced the site plan proposed for the Grove 'R Daycare and Preschool. He stated the applicant, Sue Ridolphi is proposing an addition to her current structure at the site. Throenle gave an overview of the staff review of the application to the Commissioners.

Commissioner / Applicant Discussion

Dave Ridolphi was in attendance as the contractor for the project.

Soucy asked where the water wells were located on the property. D. Ridolphi identified the location on the plans.

Rhein questioned the septic. D. Ridolphi indicated that there are three septic tanks on the property that were placed while the restaurant was on the property.

Sloan asked where the addition was going to be placed, and if the addition was going to be added to the existing structure. D. Ridolphi stated that it was.

Sloan asked if there were trees between the property and the neighboring apartments. D. Ridolphi stated there were.

Rhein stated that he did not find any issues with the floor plan.

Soucy asked about handicap parking. D. Ridolphi stated there would be an additional space added for the addition.

Mullen-Campbell asked about snow storage. D. Ridolphi stated there was sufficient room on the property for the snow storage.

Commissioner Decision

Soucy moved, Milton seconded, to approve site plan review SP-07.

Vote: Ayes: 5 Nays: 0 Motion carried

B. Planning Commission Training Session – What is Planning?

Township Manager Bill DeGroot presented a session to the Commissioners regarding the basics of planning and the responsibilities of the Commissioners in regard to planning. He focused on three main points during the presentation: 1) why plan?; 2) planning and zoning laws; and 3) Planning Commissioner responsibilities.

Commissioner Milton asked how planning is affected by the *Right to Farm Act*. DeGroot explained the exemptions for the *Right to Farm Act* and added that, depending on the

circumstances, the exemptions might have to be addressed under the Michigan Department of Agriculture.

Soucy asked about the bipartisan infrastructure act funding. DeGroot explained the process and projects affected by the process. He added that the Planning Commission will be working with a capital improvement plan in the future.

Sloan asked about the *Build Back Better* program. DeGroot outlined the program and what could be done on a regional basis in regard to the money.

Mullen-Campbell asked about resulting funds and how much of that would come into the Township budget for water projects. DeGroot explained that it would depend on the programs and the partners involved. He indicated that a water system feasibility study was underway, and that questions would be answered as the water system study continued.

Sloan asked again if the water feasibility study was underway. DeGroot answered that it was, and it was being funded with American Rescue Plan Act funds.

Milton asked about the company doing the study and where they were located. DeGroot answered that the company, OHM, had offices around the state and were managing the project from the Houghton office.

Rhein asked if everyone received a questionnaire regarding the water study. DeGroot stated that the questionnaires were mailed out with the property notices. He pointed out there was a link on the Township web site for the survey.

Sloan asked about the scope of the study. DeGroot outlined the phases of the study to get information from each area of the Township to determine need, and the water study will be used to determine if there is a need for a water system in the Township.

Soucy asked how the Township could become more engaged with regional partners such as NMU and KBIC. DeGroot explained that conversations can be had at any time, but those should be coordinated in order to understand how they would affect decisions related to the master plan.

C. Joint Meeting Discussion

Throenle pointed out that this discussion was for the Commissioners to discuss anything related to the joint meeting in February, particularly related to the rewrite of the Township zoning ordinance.

Soucy stated that one other item discussed during the meeting was the concerns related to the extension of Main Street as they were incorporated into the master plan. He stated that it would be corrected in the plan.

IX. Unfinished Business

A. 2021 Master Plan and Related Appendices

Staff Introduction

Throenle stated that the master plan presented was the latest version of the plan. He pointed out that the *Existing and Proposed Multi-use Paths and Trail* map was updated

to remove the proposed connection road between West Main Street and Chocolay River Trail. He stated staff found documents from 1993 that the connection was to be blocked with a six foot berm when the Chocolay River Trails subdivision was created. He also stated that a bullet from the proposed appendices was removed that indicated the connection should be proposed. He stated that a portion of the maps that were included in the plan appendices were updated to a new format and that no data on those maps was changed. He asked for two motions: one to accept the changes, and a resolution to accept the plan.

Commissioner Decisions

Soucy moved, Rhein seconded, that after conducting a public hearing and reviewing the proposed Charter Township of Chocolay Master Plan, 2021 Edition and related appendices, the documents be accepted as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

Sloan read, and Rhein seconded, the following resolution:

(Meister joined the meeting prior to the completion of the resolution at 7:10 PM).

RESOLUTION OF ADOPTION

CHARTER TOWNSHIP OF CHOCOLAY MASTER PLAN 2021 EDITION

- WHEREAS** the Michigan Planning Enabling Act, Act 33 of 2008, as amended, authorizes the Planning Commission to prepare a master plan for the use, development, and preservation of all lands in the Township; and
- WHEREAS** the Charter Township of Chocolay Planning Commission has supervised an update to the *Charter Township of Chocolay Master Plan, 2015 Edition*, adopted on May 18, 2015, to be called the *Charter Township of Chocolay Master Plan 2021 Edition*; and
- WHEREAS** citizens were given the opportunity to provide input for the development of the Plan via public meetings held throughout the Plan development process; and
- WHEREAS** the Charter Township of Chocolay Planning Commission has duly reviewed the draft plan consisting of eleven sections: *Introduction, Community Values, Community History and Demographics, Community Systems, Private Systems, Natural Systems, Future Land Use Plan, Zoning Plan, Strategies, Photo and Image Credits, References*, and related appendices containing maps and reference materials; and accepts this plan as a guide for development of the Township pursuant to the authority of the Michigan *Planning Enabling Act*; and
- WHEREAS** the Charter Township of Chocolay Planning Commission has reviewed the draft master plan over the course of many meetings and provided comments for its refinement which have been incorporated into the Plan; and
- WHEREAS** on October 11, 2021, the Charter Township of Chocolay Board of Trustees approved the distribution of the plan to the notice group entities identified

in the Michigan *Planning Enabling Act* for review, and a 63 day public comment period was duly noticed and completed; and

WHEREAS all the required notifications and draft documents were distributed per the requirements of the Michigan *Planning Enabling Act*; and

WHEREAS the Charter Township of Chocolay Planning Commission conducted a duly advertised public hearing on January 17, 2022, to receive public comment on this plan; and

WHEREAS a set of Plan amendments were presented at the hearing as a result of public comment; and

WHEREAS Pursuant to MCL125.3843 the Township Board has not asserted by resolution its right to approve or reject the proposed Master Plan and therefore the approval granted herein is the final step for adoption of the plan as provided in MCL 125.3843;

NOW THEREFORE BE IT RESOLVED that the Charter Township of Chocolay Planning Commission does hereby adopt on the date listed below the *Charter Township of Chocolay Master Plan 2021 Edition*, along with the amendments attached to the minutes of the January 17, 2022 public hearing, and does direct the Secretary of the Township Planning Commission to deliver a copy of the adopted Plan to the Township Board and to the County Planning Commission and other notice group entities identified in the Michigan *Planning Enabling Act* along with this Resolution as certification of the adoption of the Plan;

BE IT ALSO RESOLVED that this Resolution be published inside the back cover of each copy of the *Charter Township of Chocolay Master Plan 2021 Edition* to certify that all maps, charts and descriptive and explanatory matter therein are a part of the Plan as so signified by the signature of the Chairperson of the Charter Township of Chocolay Planning Commission on this Resolution.

The Master Plan shall be effective as of the date of adoption of this resolution.

Roll Call Vote: Ayes: 6 Nays: 0 Motion carried

X. Public Comment

Bonnie Badour, 1417 Garfield Avenue, Marquette MI

Asked the Planning Commissioners to review the 800 square footprint requirement and consider a smaller footprint.

XI. Commissioner's Comments

Soucy

No comments.

Sloan

No comments.

Rhein

No comments.

Soucy

No comments.

Mullen-Campbell

Thanked Badour for her presentation.

Meister

No comments.

XII. Director's Report

Planning / Zoning Administrator Throenle

Thanked the Commissioners for their efforts in putting together and approving the master plan.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 12.13.21
- B. Township Newsletter – February 2022
- C. Marquette County Planning Commission minutes 02.02.22
- D. Marquette County Planning Commission minutes 03.02.22 draft
- E. City of Marquette Planning Commission minutes 01.18.22
- F. City of Marquette Planning Commission minutes 02.01.22
- G. Correspondence - Badour

XIV. Adjournment

Rhein motioned, Meister seconded, to adjourn the meeting.

Vote: Ayes: 5 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:15 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION
Monday, April 18, 2022 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)
Eve Lindsey (Vice Secretary)
Don Rhein (Board)
Kendall Milton
Rebecca Sloan

Members absent at roll call:

None

Staff present:

Bill DeGroot (Township Manager), 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: 7 Nays: 0 Motion carried

IV. Minutes

Rhein moved, Sloan seconded, to approve the March 21, 2022 minutes as written.

Vote: Ayes: 7 Nays: 0 Motion carried

V. Public Comment

None

VI. Public Hearings

None

VII. Presentations

None

VIII. New Business

A. Planning Commission Training Session – Zoning Ordinance Rewrite

Township Manager Bill DeGroot presented a session to the Commissioners regarding the project for the Township zoning ordinance. He stressed that the ordinance would be a

complete rewrite, not an update to the current ordinance.

DeGroot showed the Zoning Board of Appeals appeal references to identify what non-conforming conditions should be considered as part of the new ordinance.

He reminded the Commissioners that the ordinance would follow the previously approved master plan.

He showed a flow chart of the process for the development and delivery of the new ordinance.

Sloan asked if the process would be similar to the master plan process. DeGroot stated it would not. He stated that the language had to be developed first, starting with the definitions. He added that a cross reference of land use would be added to lay the groundwork for the document. He stressed that there is not a definite timeline for this project.

Milton asked if the Zoning Board of Appeals would have input. DeGroot stated they would be able to review the new ordinance similar to the public, but the workload belonged to the Planning Commission.

Soucy stated he felt that the Commissioners would become “experts” on the ordinance since they were developing the ordinance from the ground up. DeGroot suggested that it would be a desired outcome of the project.

DeGroot stated the Board was looking for a survey-type software that would be able to quickly poll the residents as one method of getting information for the ordinance project. Mullen-Campbell stated the current water survey was a good example.

Mullen-Campbell asked about legal review. DeGroot stated the Township attorney would be reviewing the document to ensure that the ordinance would endure legal challenges.

Meister asked what the best format for the ordinance would be. DeGroot responded that many different forms were available, but that the custom form that would be a combination of land use based and form based would probably be the outcome of this project. He emphasized that State acts such as the *Right to Farm Act* would play a large part in the development process.

DeGroot stated again that the ordinance would be a rewrite and that the schedule would be flexible to accommodate the best development of the ordinance and to accommodate the public vision.

Rhein asked if the sign portion of the ordinance would be revisited. DeGroot stated it may be revisited, but other issues such as the AF district and overlay district would also be part of that discussion.

Mullen-Campbell asked if the water issues would be part of the discussion. DeGroot stated that it was more a policy issue than a zoning ordinance issue.

Soucy asked about the format of the document, such as graphic descriptions. DeGroot stated it would depend on what was trying to be represented to detail the explanation of the text as to the format of the final document.

B. Housing Discussion

Soucy indicated that there was an inter-governmental group from the area that is discussing common housing issues in the area and gave an overview of the purpose of the group.

Meister pointed out there was media information out about tiny homes and asked if there was community information or studies related to how tiny homes are received in various communities, including governmental issues. Rhein also mentioned that disposal of waste should be considered in that research.

Sloan asked if there was a need for a tiny home solution in the Township. Discussion ensued regarding housing costs and number of people possibly living in the units.

Throenle stated that staff has received an increase in the number of calls from potential home builders looking to start with a smaller footprint than what is currently permitted. He indicated that the callers were from various income levels, and many were looking for a smaller footprint for retirement. He added that there have also been calls looking to build accessory structures for the parents to live on the same property as their children. Discussion ensued regarding how to accommodate accessory structures in the Township. Rhein added that well and septic systems need to be considered in the discussion too.

Throenle added that multi-family units such as apartments and duplexes should also be considered, and public safety issues should be addressed, especially in relation to fire

Meister added that PUD (Planned Unit Development) could address some of the housing concerns.

C. May Meeting

Soucy stated that on the night for the May 16 meeting, there would be a training session regarding planning for solar energy related zoning. He said he would be attending the session and would not be available for the meeting.

Other Commissioners expressed an interest in attending the training. Throenle stated he would not be available that evening either, as he would be attending a conference.

Commissioners discussed moving the meeting to a different night or cancelling the meeting.

Commissioner Decision

Meister motioned, Rhein seconded, to cancel the May 16 meeting to allow Commissioners to attend the training session.

Vote: Ayes: 7 Nays: 0 Motion carried

IX. Unfinished Business

None

X. Public Comment

None

XI. Commissioner's Comments

Milton

Asked Throenle when the new computers for the Commissioners would be available.

Throenle stated they had not be ordered yet, but would be soon.

Sloan

No comments.

Rhein

No comments.

Soucy

No comments.

Lindsey

Stated there was a lot to learn, and she was pleased with the discussion that took place.

Meister

Agreed with Lindsey, especially regarding the topics related to housing and solar energy.

Mullen-Campbell

Stated it was nice to have a project to work on again.

XII. Director's Report

Planning / Zoning Administrator Throenle

Told the Commissioners the next meeting would be in June.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 03.14.22
- B. Township Newsletter – March 2022
- C. City of Marquette Planning Commission minutes 03.01.22
- D. Information – American Planning Association QUICKNOTES
- E. Information – MSUE-Planning and Zoning for Solar Energy Systems

XIV. Adjournment

Rhein motioned, Meister seconded, to adjourn the meeting.

Vote: Ayes: 7 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:08 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, June 20, 2022 Minutes

I. Meeting Call to Order

Vice Chair George Meister called the meeting to order at 6:00 PM.

II. Roll Call

Members present at roll call:

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

Members absent at roll call:

Ryan Soucy (Chair)
Eve Lindsey (Vice Secretary)

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

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

Vote: Ayes: 5 Nays: 0 Motion carried

IV. Minutes

Rhein moved, Sloan seconded, to approve the April 18, 2022 minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Public Comment

Don Schnell, Associate Broker with Select Realty

Representing a Township resident in regard to splitting a non-conforming parcel (17.2 acres) zoned as Agriculture / Forestry (AF). He asked Commissioners to review the size of agricultural parcels to accommodate splits on the properties to accommodate family inheritances.

Meister recommended the property owners keep track of the meetings in the future as the Commissioners will be working on the rewrite of the zoning ordinance.

VI. Public Hearings

None

VII. Presentations

None

VIII. New Business

A. Planning Commission By-Laws and Procedures

Throenle introduced the proposed rewrites of the by-laws to the Commissioners for consideration. He outlined where the changes were in the document and the intended purpose of the changes.

Meister stated he had questions regarding the Capital Improvement Program in section VII, item 2. He wanted to know how that process would work.

Throenle stated the process was to develop a plan each year, with the intent that it would be presented to the Board in time for Board budget considerations.

Sloan asked about the documents and who would prepare them. Throenle responded that staff would generate the documents and present them in a timely fashion to the Commissioners so that they would have time to work through the details.

Sloan asked how the documents would be presented to the Board. Bohjanen stated the intent would be to present the document at a joint meeting in August so that items that were approved could be placed in the budget for consideration before the end of the year.

Throenle pointed out there will be detailed training available for the process.

Meister had questions regarding article 4, section 7 regarding missing meetings. He felt that the Township Supervisor should have more discretion regarding this section.

Throenle changed the language to incorporate the proposed discretion phrase.

Meister had questions regarding the newly-added section on conflict of interest. Commissioners discussed what conflict of interest actually means. Throenle pointed out that the sub items in the section get more explicit on what is considered a conflict.

Sloan had a question regarding article X, section 2 regarding training. Commissioners discussed if this was a requirement to stay as a Commissioner. After considering the language, the section was revised, and sections 2 and 3 were removed.

Throenle directed the Commissioners to article XII. There was an extended discussion regarding the notice of changing the bylaws. The section was shortened to allow for changes at any regular or special Planning Commission meeting.

Commissioner Decision

Rhein motioned, Sloan seconded, to change the bylaws as discussed.

Vote: Ayes: 5 Nays: 0 Motion carried

Throenle stated that the participation policy had been updated to add Township staff to the policy with a right to speak. He went over the additional minor changes that were in the policy. The Commissioners had no comments on the changes.

Commissioner Decision

Sloan motioned, Rhein seconded, that the language proposed for the Planning Commission Public Meeting Participation Policy be accepted as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

B. Township Zoning Ordinance Current Definitions and Current Land Uses

Throenle stated the sections presented were an extract from the current zoning ordinance for consideration for the new ordinance. He stated that the Commissioners should look at the definitions with the intent of determining whether the definition fits the practices that are in place or should be in place in the future.

Throenle showed a diagram that showed the way staff measured height to show an example of conflict between definition between and staff practice.

Rhein stated that definitions should be changed to the practice in place so that the language can be supported.

Throenle stated the Commissioner's task was to review the definitions to determine if the definition was still needed, and if so, determine if the definition made sense.

Commissioners discussed the best approach for working on the definitions. Rhein suggested that the definitions be spread across a three month period so that they could be covered more thoroughly.

Throenle also presented the land use categories in the zoning ordinance with the intent that the Commissioners would review those in the future.

Commissioners decided that the review would occur of both over the next three meetings. Meister requested that any definitions in the Township master plan be included for discussion.

C. Planning and Zoning for Solar Energy Systems Training

Throenle reviewed the documents that were presented at the training. He pointed out that there was no language in the zoning ordinance that related to solar energy systems.

Rhein stated the training was very informative and stated that the training provided resources that would help in the development of the language in the zoning ordinance.

Mullen-Campbell asked if the new motel owner received a grant to cover the installation of the panels on the roof. Throenle stated he did not know.

Meister stated that consideration for farms had to be considered, especially when developing large solar arrays.

Rhein stated that part of the process should include the cost of cleanup when the project mechanical reaches the life expectancy. He also stressed that the training emphasized not rushing into the project.

IX. Unfinished Business

None

X. Public Comment

None

XI. Commissioner's Comments

No comments were presented.

XII. Director's Report

Planning / Zoning Administrator Throenle

Told the Commissioners that Eve Lindsey had resigned from the Planning Commission.

Sloan asked Bohjanen if there were applicants for the position. He stated that there were three, and he asked the Commissioners to let him know if there were others.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 05.09.22 draft
- B. Township Newsletter – May 2022
- C. City of Marquette Planning Commission minutes 04.12.22
- D. City of Marquette Planning Commission minutes 04.19.22

XIV. Adjournment

Meister adjourned the meeting at 7:30 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION
Monday, July 18, 2022 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)
Don Rhein (Board)
Kendall Milton
Rebecca Sloan

Members absent at roll call:

Donna Mullen-Campbell (Secretary)

Staff present:

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: 5 Nays: 0 Motion carried

IV. Minutes

Rhein moved, Milton seconded, to approve the June 20, 2022 minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Public Comment

Deborah Mulcahey, 633 Lakewood Lane

Spoke on concerns about conflict of interest affecting Commission discussions, identified errors in the supporting maps for the proposed zoning map, and gave comments regarding the discussions relating to the non-conforming AF district parcels. She also requested that the draft meeting agenda be published a week prior to the due date for public comment so that the public could provide feedback on agenda items.

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

A. Planning Commission Bylaws and Procedures

Commissioners expressed that the proposed bylaws document reflected the desired changes from the previous meeting. Throenle indicated the items highlighted in yellow were specifically discussed in the previous meeting.

Commissioner Decision

Meister motioned, Rhein seconded, that the language proposed for the Planning Commission Bylaws and Procedures be accepted as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

Throenle asked for Commissioner consideration on the public policy procedures. Commissioners agreed that the changes indicated were sufficient.

Commissioner Decision

Meister motioned, Rhein seconded, that the language proposed for the Planning Commission Public Meeting Participation Policy be accepted as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

IX. New Business

A. Township Zoning District Maps

Throenle stated the purpose of the first map in the packet was to have an official zoning map that reflected the zoning districts within the Township, and that the map was a requirement of the Michigan Zoning Enabling Act. He stated the last map was published in October of 2017, and that the new map reflected all zoning changes that were approved since that time. He added that the map also reflected the recent change of KBIC-owned parcels into a Federal trust status.

Sloan asked what the process for the maps should be, and who approves them. Throenle stated that the maps are discussed and approved at the Commission level, with the intent of a public hearing and final approval at the Board level.

Meister asked if the four additional maps were part of that process. Throenle stated the four additional maps were intended to provide a close-up view of the total zoning map by dividing the map into four quadrants. He stated the additional maps were not considered official.

Sloan asked what changes were reflected on the maps. Throenle stated the changes were reflective of zoning changes and any parcel changes that may have occurred since the last maps were published. He showed the Commissioners the example of changes in zoning from R-1 to WFR along the river, and changes in zoning from WFR to R-1 along Kawbawgam Road. He added that the changes in those zoning districts was completed through a process that included notification to all affected residents, a public hearing and final approval from the Board.

Commissioner Decision

Rhein motioned, Sloan seconded, that the proposed zoning maps be sent to the Township Board for public hearing and consideration as presented.

B. Township Zoning Ordinance Definitions A through H

Throenle stated the zoning ordinance definition discussion was based on the decision in the June meeting to discuss the definitions over a three month period. He stated he split the definitions into three groups, with the intent of getting through A through H during the meeting. He stated the document that was provided in the packet was set up with five columns; the first three were the definition language extracted from the zoning ordinance, column four was the sections in the ordinance where the definition was applied, and column five was the pages in the ordinance where the definition was referenced.

Meister indicated that he was looking at the definitions with the intent of determining if there was a need for each definition. He stated he preferred to look at each definition to determine if it was still needed, and if so, that the language be looked at to determine if it should be updated. He stated that he wanted to make the definitions easier to read for the public and to reduce issues where several definitions were stating the same thing.

Commissioners decided to review each definition with Meister's suggestion and spent a considerable amount of time reviewing each definition. Their review consisted of four possibilities: 1) keep the definition as is, 2) modify the language, 3) cite language within a definition that appeared to be more legislative than definition to be moved to the body of the new ordinance or 4) delete the definition.

The Commissioners added a definition for agritourism that did not exist.

Commissioners reviewed 64 definitions in sections A through F. The definitions were recorded as:

- 2 required an addition of ordinance text
- 16 required changes
- 25 were deleted
- 16 were kept as is
- 5 required further staff research

Commissioners tabled sections G and H until the next Planning Commission meeting.

C. Agriculture / Forestry Zoning District (AF) Non-Conforming Parcels

Throenle stated the Board wished to discuss non-conforming parcels at the joint meeting in August, with a particular look at the parcels in the Agriculture Forestry (AF) zoning district. Throenle stated the purpose of the Commissioner discussion was to prepare for the joint meeting discussion.

Throenle gave a brief history on the non-conforming parcels in the Township and related how the parcels in the RR-1 and RR-2 from the 1977 zoning ordinance were all combined into the 2008 ordinance as Agriculture Forestry (AF), which required a new minimum of

20 acres to be conforming to the district.

Using an electronic version of the maps, Throenle presented the non-conforming districts map, then overlaid those districts with the zoning map that existed prior to 2008. He then added the current zoning map that gave a perspective to the Commissioners as to where the primary non-conformances were.

Sloan asked what the major impact of the non-conformance was. Throenle stated that the parcel owner could still build on a non-conforming property if the setbacks of 30 feet were met, but that owner could not divide the property if the owner did not have at least 40 acres as a parcel size. He reminded the Commissioners of the public comments made at the June meeting that expressed the desires of a family to divide their parcel of 18 acres that could not be done because the acreage did not meet the minimum of the district.

Sloan asked what the Zoning Board of Appeals process was for this. Throenle stated that for setbacks, the Zoning Board of Appeals could grant a variance if the owner could prove that the conditions were not self-created.

Meister asked if an owner could take a land split to the Zoning Board of Appeals. Throenle stated he would have to research that question as he did not have an answer.

Meister indicated that the non-conformances should be considered with a look at the parcel size and to keep the character of the AF district. He suggested a new zoning district, naming it RR1, to accommodate parcels of a smaller size.

Commissioners discussed this option and concluded that option would be a good starting point for the discussion.

Meister took a copy of the non-conforming parcel map and drew in suggested areas that could be combined into the new district. He showed the Commissioners his suggested combinations and gave the map to Throenle for staff to research other possibilities. Primary areas were located along US 41 South and M-28.

X. Unfinished Business

None

XI. Public Comment

None

XII. Commissioner's Comments

Soucy

Reminded the Commissioners that the joint meeting was set for 5:30 PM on August 15. He stated that it was to be determined if there would be a regular Planning Commission meeting scheduled after the joint meeting.

XIII. Director's Report

Planning / Zoning Administrator Throenle

Reminded the Commissioners again to mark their calendars for 5:30 PM for the joint

meeting on August 15.

XIV. Informational Items and Correspondence

- A. Minutes – Township Board 06.13.22
- B. Township Newsletter – June 2022
- C. City of Marquette Planning Commission minutes 05.10.22
- D. City of Marquette Planning Commission minutes 05.17.22

XV. Adjournment

Soucy adjourned the meeting at 9:00 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, August 15, 2022 Minutes

I. Meeting Call to Order

Chair Ryan Soucy called the meeting to order at 7:43 PM.

II. Roll Call

Members present at roll call:

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

Members absent at roll call:

Don Rhein (Board)
Kendall Milton

Staff present:

Dale Throenle (Planning Director / Zoning Administrator), Kendra Symbal, Board Representative

III. Additional Agenda Items / Approval of Agenda

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

Vote: Ayes: 4 Nays: 0 Motion carried

IV. Minutes

Sloan moved, Mullen-Campbell seconded, to approve the July 18, 2022 minutes as written.

Vote: Ayes: 4 Nays: 0 Motion carried

V. Public Comment

None

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

None

IX. New Business

A. Board Joint Meeting with the Planning Commission Discussion

Commissioner Discussion

Soucy requested input from the rest of the Commissioners regarding the joint meeting that was held prior to the meeting.

Mullen-Campbell responded that she learned a great deal from the meeting and was glad to be part of it.

Meister stated that he felt that the AF district was the primary issue. He also stated that he would like to see issues that affected residents addressed as soon as possible, rather than wait until the ordinance was completed. He asked Throenle if that were possible.

Throenle clarified that the primary issue with the AF district was the ability for residents to split their properties, as the current requirement is a minimum of 40 acres before a split could occur. He stated that a structure could be built on a non-conforming lot as long as setbacks could be met.

Sloan asked if the current ordinance could be modified, and what would the process be. Throenle responded that the current ordinance could be updated via a zoning ordinance amendment process that was already in place.

Meister expressed that his primary concern was preserving an open space vista throughout the Township, while at the same time addressing the smaller acreage possibilities. Sloan expressed a similar opinion.

After reviewing a map showing the zoning districts from 1977, Meister expressed that the RR-1 district from that map should be reconsidered. Sloan stated that the Commissioners should review the map that Meister designed at a previous meeting to see if that would be a good starting point.

Both Commissioners Meister and Sloan expressed a disbelief that the 2008 map showed the combining of the 1977 zoning districts into the 2008 zoning districts as they are today. Sloan stated that she did not realize that the affect was as bad as it is.

Throenle stated the current trend is to look more toward a rural acreage size that is manageable. He indicated that conversations with real estate agents showed that new owners were not necessarily interested in farming, but they were interested in having chickens, horses, and doing small agricultural-type activities such as hoop houses.

Meister stated that he was seeing a change from the desire to have chickens and growing from home as a result of coming out of the pandemic. Throenle followed that with a general direction of people moving from other areas to the upper Midwest as an exodus from other parts of the country.

Throenle pointed out if there is a change in the lay of the land, the question has to be asked what the other changes in infrastructure and public safety that may occur as the land changes go into effect.

Further discussion occurred regarding the size of the parcels, and how to accommodate

a future split. Throenle pointed out that the maps in the master plan could serve as the starting point for discussions on the different characters.

Meister asked about land uses within a character based system. Throenle pointed out that the descriptions for the character areas had those recommendations already outlined.

Meister asked if staff would provide documents for future meetings for discussion. Throenle stated that providing documents would be part of the process.

Sloan asked what the future land uses were and how they were defined. Soucy replied that the future land use was designed to show what projected uses were for an area, and that zoning would be a set of regulations for that area and projected uses. Meister further explained that the future land use is what potential infill might be. He explained that the 70 acres on Cherry Creek Road would be an example of that infill as a residential project in the AF district.

Meister asked if the issue was truly the ability to build on a parcel. Throenle stated that the real issue is that the ability to split a smaller parcel was removed with the 2008 ordinance.

Commissioners decided that character area maps and zoning maps should be used as the starting point for the process. Throenle indicated that the future design should include input from the police department, fire department, and public works as part of the discussion.

B. Marquette County Citizen Planner Classroom Program

Commissioner Discussion

Throenle stated the Citizen Planner program was designed for both Commissioners and the public, and an opportunity to participate is coming to Marquette.

Soucy stated he had reached out to MSU Extension to determine if select classes could be attended, as the class requires a six-week commitment. He stated the reply was no option was available to attend selected sessions.

Commissioners in general did not see how it would be possible to attend all the classes. Soucy indicated the training was a special package of classes offered to those that attend in Marquette.

Throenle pointed out that the Commissioners could attend at no cost to them. Symbal asked if Commissioners could be paid if they attended the class. Throenle stated that would have to be addressed with the Township Manager and Township Supervisor.

Soucy asked Throenle to view the Zoom options to determine if they were the same as the in-person classes. Throenle confirmed that they were.

Sloan stated she would look into attending the classes in person.

X. Public Comment

Kendra Symbal, 100 Aspen Drive

Wanted to know what was available for residents regarding the environmental options in

the area when considering climate change.

Soucy indicated that he and Throenle had attended a local training for solar training.

Symbal asked about charging stations and potential locations within the Township. Meister asked how a government agency could charge for the electricity for the charging stations, and what type of infrastructure would be required to do the process. Soucy also pointed out that there would be an increase in demand on the grid. Throenle added that the Township would not be involved in relation to the demands on Township staff. He further added that the Township was looking at private locations within the Township.

XI. Commissioner's Comments

None

XII. Director's Report

Planning / Zoning Administrator Throenle

Told the Commissioner that the target for the next meeting would be definitions and character-based discussion.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 07.11.22 draft
- B. Township Newsletter – July 2022
- C. Marquette County Planning Commission minutes 07.06.22 draft
- D. City of Marquette Planning Commission minutes 06.21.22
- E. City of Marquette Planning Commission minutes 07.19.22

XIV. Adjournment

Soucy adjourned the meeting at 9:40 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, September 19, 2022 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)
Kendall Milton

Members absent at roll call:

Rebecca Sloan

Staff present:

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: 5 Nays: 0 Motion carried

IV. Minutes

Rhein moved, Meister seconded, to approve the August joint meeting minutes and the August regular meeting minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Public Comment

David Denise, 3090 M-28 East

Requested that the Commissioners consider changing the parcels in his neighborhood on the east side of the Township to a zoning similar to residential that would change setbacks to allow for more build space on smaller parcels.

Deborah Mulcahey, 633 Lakewood Lane

Opposed to considering reducing the acreage size in the agricultural zoning district to any size less than 20 acres. She spoke on the size of lots in waterfront, and rural character, suggesting that no changes should be made to parcel sizes in the Township. She stated she did not understand the documents that were included in the packet regarding the parcel non-conformances.

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

A. Township Zoning Ordinance Definitions

Staff Introduction

Throenle stated there were two parts to the discussion about the definitions. He said the first part was to review the definitions that had already been discussed to determine if there were additional changes, and the second part was to begin a review on additional definitions.

Commissioner Discussion

For part 1, Commissioners reviewed the revised definitions for letters A through E and made minor changes. Throenle added that the definition for woodlot was added as it was part of the exclusions in the Agriculture definition.

For part 2, Commissioners addressed definitions beginning with the letter F and continued through the letter M. Throenle stated he would split the Lighting Related definition into individual definitions for review at the next meeting. Soucy requested that relevant definitions from Upper Peninsula Food Exchange (UPFE) be added as well.

Meister left the meeting for a personal emergency at 6:44 PM. Commissioners continued and completed the review of the definitions through the end of the document.

IX. New Business

A. Zoning Districts and Related Non-Conformances Discussion

Staff Introduction

Throenle asked Commissioners to consider tabling this item until the next meeting, as he felt this was one of the most critical sections to be discussed for the project. He added that more Commissioner input would be more valuable to the process.

Commissioner Discussion

Rhein moved, Mullen-Campbell seconded, to table the discussion until the next meeting.

Vote: Ayes: 4 Nays: 0 Motion carried

X. Public Comment

Deborah Mulcahey, 633 Lakewood Lane

Asked Commissioners to look more closely at the definition for laundry and laundromat.

XI. Commissioner's Comments

Rhein

Recommended that the Planning Commission meeting be moved to the Township Fire Hall for the next meeting. Throenle stated that accommodations could be made as the facility supported the use of the TV and noise would be limited. He said he would check with the Fire Chief to determine if the room was available.

Rhein moved, Mullen-Campbell seconded, to move the Planning Commission meetings to the Fire Hall.

Vote: Ayes: 4 Nays: 0 Motion carried

Soucy

Brought up that there were issues with the FCC awards for the broadband auctions in the Township. Starlink, one of the bidders, was no longer eligible to retain their portions of the bid, which has opened some of the areas in the Township to new potential bidders. He mentioned that he would be looking at this at the MTA conference, as it was one of the conference topics. Milton added that TDS, a company from Alger County, had fiber installed on Green Garden Road. Soucy stated that Connect Michigan was starting a program to map the fiber network throughout the Upper Peninsula.

Mullen-Campbell

Stated progress was good, and she hoped to see an ordinance by the end of the year.

XII. Director's Report

Planning / Zoning Administrator Throenle

Reminded the Commissioners that the next meeting will be October 17. He told the Commissioners that Mullen-Campbell would not be at the next meeting as she would be attending training. He added that the Board approved a new Commissioner, who should be at the next meeting.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 08.15.22 draft
- B. Township Newsletter – August 2022
- C. City of Marquette Planning Commission minutes 08.16.22
- D. Correspondence - Denise

XIV. Adjournment

Soucy adjourned the meeting at 8:13 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, October 17, 2022 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)
Don Rhein (Board)
Kendall Milton
Rebecca Sloan

Members absent at roll call:

Donna Mullen-Campbell (Secretary)

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

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

Vote: Ayes: 5 Nays: 0 Motion carried

IV. Minutes

A. September 19, 2022 Meeting

Rhein moved, Meister seconded, to approve the September meeting minutes as written.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Public Comment

Phillip Toutant, 722 Pine Street, Marquette Michigan

Spoke on behalf of Nancy Richards, who inherited a property at 495 County Road 480. Requested that the Commissioners consider changing the size in the Agriculture / Forestry (AF) district to a smaller parcel size. He explained that Richards wanted to divide the 17-acre property among her siblings but could not because of the 20 acre minimum acreage requirement in the AF district.

Deborah Mulcahey, 633 Lakewood Lane

She stated she did not understand the documents that were included in the packet regarding the parcel non-conformances. She requested that a definition be included for laundromat and requested changes for other definitions that were being reviewed.

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

A. Zoning Districts and Related Non-Conformances Discussion

Staff Introduction

Prior to the introduction, Throenle stated Mr. Beach would not be part of the Planning Commission due to a job change that will take him out of the area for several months. He added that Commissioner Mullen-Campbell was not in attendance as she was participating in the Citizen Planner training.

Throenle stated that the zoning district discussion was tabled at the last meeting due to a small number of Commissioners being present for the meeting. He asked the Commissioners to begin the discussion of the issue by looking at the document in the packet that outline proposed changes to sections 6.1 and 6.2 of the Township Zoning Ordinance.

He stated the proposed changes include a rewrite of existing language, removal of footnotes under the table in section 6.1, and a table with the proposed changes in zoning district names, lot sizes and setbacks. He stated that the proposed changes included the renaming of the Agriculture / Forestry (AF) zoning district to Resource Production (RP), the renaming of the Waterfront Residential (WFR) zoning district to Shoreline Residential (SR), and would incorporated a new zoning district called Rural Residential (RR) that would have a minimum lot size of two acres. He added that there is a proposed change from 125 feet to 100 feet for minimum lot width in the RP, RR and SR zoning districts.

Throenle then used the remaining documents and maps in the packets to show how the decisions were made regarding the proposed changes.

Commissioner Discussion

Sloan asked if there was a map layout of what was proposed. Throenle responded that the map was not designed yet, as he was waiting on the outcome of the discussion before developing the map.

Meister proposed that AF parcels in the triangle above County Road 480 and west of US 41 South should be included in the R1 zoning district to resolve the non-conformances. He further proposed that changing lot sizes down to two acres and establishing them as rural residential in the areas south of County Road 480 to address the non-conformances that exist in those areas. He added that the AF uses would be the same for those rural residential properties.

Sloan asked what the new districts would be. Throenle stated the districts would be R1 (residential), R2 (high density residential), AF would be changed to RP (resource production), and a new district RR (rural residential) would be added with a two acre minimum for the district.

Meister added that not all non-conformances would be addressed, as some parcels would still be below the two-acre minimum. He stated he liked the idea of bringing back the rural residential district, especially for the smaller AF parcels.

Throenle stated that the rural residential district would incorporate the AF feel, and land uses could further define what could be done in that district. Rhein added that it would eliminate many of the issues that exist in the AF district today.

Sloan asked about the non-conformances along Lakewood Lane. Throenle stated the primary purpose for reducing the non-conformances along the shoreline was to change the lot size to 100 feet as the primary issue was lot width, not lot size. He pointed out that the land uses would not change. He also stated that the footnote in the zoning ordinance for placement of anything up to 720 square feet would be removed in the new language.

Throenle asked the Commissioners to consider a setback requirement for any structure under 100 square feet. He stated that based on the current zoning ordinance, anything under 100 square feet could be placed anywhere on a property, including on the lot line. Milton questioned the purpose of a setback if this placement was acceptable. Meister asked if there were complaints regarding sheds on the lot line; Throenle responded there were not. Milton added that there was a 15 foot fire separation requirement between structures.

Rhein asked what would happen to existing sheds if this was changed; Throenle stated those sheds would be permitted to remain where they were. Meister added that his understanding was that the 15 foot fire separation requirement was between occupied structures.

Throenle reviewed the proposed replacement table with the Commissioners that showed the proposed districts, acreage sizes, and lot width. Rhein stated that he did not have issues with how the table was defined; Meister agreed with Rhein.

Throenle added that the steps remaining would be to look at the table, define where those districts would be, and what the uses would be for the districts. Milton stated that he liked the four to one ratios; Throenle added that the Township was required to follow that for land splits.

Soucy asked how many of the sample communities included in the packet had a two acre minimum. Throenle walked through each and provide the size for each; two were at five and one was at two. Rhein added that the two-acre minimum and the 20 acre resource production was a good compromise; Meister agreed.

Sloan stated she wanted to make sure that the rural character was preserved as part of the process. She stated that the sizes were good, but she was concerned as to how this would be mapped out. Meister responded that the fit will be determined for what makes sense for residential and rural residential.

Meister suggested that the proposed table be used going forward, and that the next step be to being mapping the solution; Rhein supported the suggestion.

Sloan asked Throenle to provide maps for the next meeting that showed the separation in acreage sizes between the acreage sizes. Throenle stated that staff would provide maps for the two, five, ten, and twenty acres mapped out for the next meeting. Milton asked that under two acre parcels be represented too.

Throenle added that land use discussion would be part of the process for the next meeting.

Soucy asked if an open house could be set up for the public to review the potential changes. Throenle responded that it would be a good idea, but that it might have to wait until March or April so that the residents that are out of the area for the winter could be included. Meister asked if that could be set up as a virtual session; Throenle said that it could.

Bohjanen was asked for his input to the discussion. He stated that the Township will be using a multi-media product called Flash Vote to gain additional opinions from the community. He added that he would like to see a consideration for a sliding scale in property sizes, and to add a RPR (resource production residential) to allow for contiguous properties around one of the RR zones (five acres or less) to do farming related activities. Meister agreed that another layer of five acres may be a good idea. Throenle added that the requested change could also be added to the table.

B. Township *Zoning Ordinance* Current Definition Review

Staff Introduction

Throenle reminded Commissioners that definitions beginning with A through E had already been reviewed. Throenle stated the Commissioners should start with the list of definitions provided in the packet for second review.

Commissioner Discussion

Commissioners reviewed the revised definitions for letters F through a portion of L and made minor changes. Commissioners stopped at the definition of Lodging; they will resume the review at the next meeting.

IX. New Business

None

X. Public Comment

None

XI. Commissioner's Comments

Rhein

No comments.

Milton

No comments.

Sloan

No comments.

Meister

No comments.

Soucy

No comments.

XII. Director's Report

Planning / Zoning Administrator Throenle

Reminded the Commissioners that the next meeting will be November 21. Commissioners decided to keep the meeting as scheduled.

Throenle thanked the Commissioners for the effort and discussion during the meeting.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 09.07.22 special
- B. Minutes – Township Board 09.12.22
- C. Township Newsletter – September 2022
- D. Marquette County Planning Commission minutes 09.19.22 draft
- E. City of Marquette Planning Commission minutes 09.06.22
- F. City of Marquette Planning Commission minutes 09.20.22
- G. Correspondence - Denise

XIV. Adjournment

Rhein moved, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 5 Nays: 0 Motion carried

Soucy adjourned the meeting at 8:10 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, November 21, 2022 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)
Donna Mullen-Campbell (Secretary)
Don Rhein (Board)
Kendall Milton
Rebecca Sloan

Members absent at roll call:

George Meister (Vice Chair)

Staff present:

Richard Bohjanen (Township Supervisor), Joe Neumann (GIS Planning), 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. October 17, 2022 Meeting

Throenle stated there were minor changes required for the minutes. He stated the Mullen-Campbell absence was duplicated, and that Neumann was not added to the staff in attendance.

Rhein moved, Sloan seconded, to approve the October meeting minutes as amended.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Public Comment

None

Meister arrived at 6:03 PM.

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

A. Zoning Districts and Related Non-Conformances Discussion

Staff Introduction

Throenle stated that staff was directed at the last meeting to develop a map of parcel sizes of less than two acres through acreage over twenty throughout the Township. He introduced the map and related findings.

He also included a map that Meister provided through email earlier in the day.

He stated staff was recommending a parcel size for the AF district of five acres. He added that language could be specified in the ordinance language regarding what could be done based on acreage sizes.

Commissioner Discussion

Sloan asked about Meister's map legend. Meister stated he was sketching in different zoning areas in an attempt to group by parcel size. Throenle pointed out that the discussion for the meeting was not to decide where the parcels were to be located, but acreage size. He emphasized that Meister's map was for information only.

Throenle added that if AF was changed to R-1, it would severely limit what residents could do in that new zoning, and Sloan added that the firearms ordinance would be another consideration.

Sloan asked about the staff map. Throenle pointed out that there were large acreages throughout the Township, and stated staff recommended acreage size be the starting point while looking at the language would come later. He walked through the percentages of non-conformances that would be achieved based on acreage size, and added that regardless of minimum size there would be parcels that would remain non-conforming.

Rhein stated he had no problem with the minimum acreage size, as that would be a good move to remove the non-conforming parcels. Soucy added he would be comfortable setting the acreage to five, as two acres would seem to change the overall character of the district.

Meister stated that the Commissioners should look at planning for the future and not for removal of non-conformances. He stated that five acres was small and should be either ten or fifteen acres. He added that parcels above County Road 480 should be included in a residential setting.

Throenle stated that adding individual zoning districts would convolute the process of removing the non-conformances from the AF district, as it would add more zoning districts that would further split up the AF district. He stated staff reviewed the non-conformances with the future in mind.

Meister stated that five acres would not provide the open fields and vistas that larger acreages would. Sloan added that the process would reduce the non-conformities while addressing the future.

Rhein stated that regardless of size, putting a house in the middle of the acreage does not solve the view problem. He stated that the objective could still be met with property

efficiency with a five acre minimum. Meister stated he wanted the residential feel along the corridors while preserving the larger acreages. Throenle added that could be controlled through the zoning ordinance language; he showed the language from the current ordinance that outlined acreage minimums.

Rhein added that larger acreage splits would be more difficult to access because of the cost of building roads into the larger acreage.

Sloan asked for an example what would happen with an acreage split. Throenle stated that houses can be built on any size parcel in the Township as long as setbacks could be met. He added that a house could be built right on the road regardless of the size of the parcel; he added that this negates the vista protection as houses built on the road do not give a clear view of the property behind it.

Meister asked for opinions from the Commissioners regarding lot size. Mullen-Campbell asked if language could be written to permit smaller lot sizes to be split; Rhein stated that it could not, as that would not be allowed in the language.

Meister stated the issue is not the split size, but the size of the acreage. He emphasized that lots above County Road 480 should be considered residential and not AF.

Soucy asked if a variable could be added where boundaries could be established as areas were developed. He asked if this could be added with an overlay.

Meister added that he wanted to see several zoning districts established across the AF district to accommodate the smaller acreages. He stated a concern that once a large parcel of 40 acres was split, then the land would be lost for future farming. Sloan disagreed. Throenle added that a family in the area had just done that reversal in the North Big Creek area.

Sloan asked Meister about the properties along the lakeshore. Meister stated that those properties would probably be zoned as residential or rural residential.

Soucy asked Bohjanen for his opinion. Bohjanen stated that an overlay district would be one solution. He added that the entire area could not be rezoned, that the citizens would have to petition to rezone the property. Soucy interjected that spot zoning could not be introduced to fix the problem.

Meister asked about the concept of spot zoning. Soucy stated the future land use map would help in that decision. Bohjanen stated that spot zoning in itself was not necessarily illegal, and that ordinance language could be established that would cover the issue. Throenle pointed out that the future land use map approved in the Township master plan designated all those areas as AF.

Commissioners discussed the 1977 zoning maps versus the 2008 zoning ordinance. Milton asked what Sands Township was doing with development. Throenle responded that Sands Township was concentrating its development around the crossroads area.

Commissioners agreed that the 1977 map seemed a good starting point for the solution to the problem. Throenle added that the master plan did have language in it to get the problem resolved. He added that documentation could not be found to determine how the 2008 decision was made to make everything AF.

Throenle asked the Commissioners if staff should take the issue back to determine how

to move the parcels back to what they were in 1977. Rhein stated that would make better sense as to get the solution in place. Throenle added that simply reducing a parcel to five acres would not necessarily allow for building, especially if wetlands and bodies of water existed on the parcel.

Meister added that his preference is to keep development where it is and maintain the large open areas as open areas.

Sloan asked Throenle about the proposal regarding the acreage sizes. Throenle stated that the future land use map in the master plan was the governing factor for the decisions that will be made for zoning. He added that the question was what to do with all of the parcels within the AF zoning districts that were changed and how to accommodate the fixes needed to correct the situation.

Throenle requested that staff be given an opportunity to go back and review the process, and to provide the best options for the problem.

Sloan asked Bohjanen about rezoning a property. Bohjanen stated that in 2008 the zoning was changed, and that staff has asked for legal assistance from Township legal council to get the direction for getting the issue resolved.

Commissioners asked staff to revisit the issue and to bring back recommendations for consideration. Throenle stated that would take some time, and the earliest the Commissioners could expect to see something would be at the January meeting, especially with the holiday schedule coming up. Soucy asked that sliding scale be included in the considerations.

B. Township Zoning Ordinance Current Definition Review

Staff Introduction

Throenle reminded Commissioners that they stopped at the definition of lodging, and that section of definitions from the previous meeting would need to be completed. In addition, He added that Commissioners should review definitions beginning with N through Z to complete the definitions.

Commissioner Discussion

Commissioners reviewed the revised definitions from lodging through the letter M, and made minor revisions. Commissioners continued the review starting with the letter N, and requested a review of the definitions for nonconforming building, nonconforming lot, nonconforming structure, and nonconforming use. Commissioners requested the State definition for nursing home and requested a rewrite of the definitions for rural character and setback. Commissioners made minor changes to several other definitions. Milton requested a definition for riparian rights.

IX. New Business

A. Land Use Discussion

Commissioner Discussion

Commissioners tabled the discussion on this item to a future meeting.

X. Public Comment

None

XI. Commissioner's Comments

Mullen-Campbell

Gave an update on her Citizen Planner training and was very impressed with what was made available. She recommended that others consider taking the class.

Rhein

No comments.

Sloan

No comments.

Milton

No comments.

Soucy

Offered a happy Thanksgiving to everyone.

Meister

No comments.

XII. Director's Report

Planning / Zoning Administrator Throenle

Reminded the Commissioners that the next meeting will be December 19, and that the meeting will be in the Fire Hall. He also wished a happy Thanksgiving to everyone.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 10.10.22
- B. Township Newsletter – October 2022
- C. City of Marquette Planning Commission minutes 10.04.22
- D. City of Marquette Planning Commission minutes 10.18.22
- E. City of Marquette Planning Commission minutes 11.01.22

XIV. Adjournment

Rhein moved, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Soucy adjourned the meeting at 8:18 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, December 19, 2022 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)
Kendall Milton
Stephanie Gencheff

Members absent at roll call:

Rebecca Sloan

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

Soucy moved, Rhein seconded, to move new business in front of old business.

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Minutes

A. November 21, 2022 Meeting

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

Vote: Ayes: 6 Nays: 0 Motion carried

V. Public Comment

Jennifer Baldwin, 6565 US 41 South

Stated her concerns about the ability to sell her home that is currently located in the Industrial zoning district. She asked the Commissioners to consider a solution to her dilemma.

Beth Johnson, 313 Lakewood Lane

Stated comments related to an attempt to purchase the property located at 6565 US 41 South. She requested the Commissioners review the zoning ordinance for potential changes that would allow her to both purchase and rent the property after purchase as a residential use.

VI. Public Hearings

None

VII. Presentations

None

VIII. New Business

A. Preliminary Site Plan Review – M-28 East

Staff Introduction

Throenle stated that the applicants are planning to build an education center on M-28 East between Nagelkirk and the America's Best Value Hotel. He added that the applicants have met with Township staff several times to go over the plan, and that staff recommended the applicant do a preliminary site plan review with the Planning Commissioners prior to a formal site plan review application. He stated that the project is designed as a low use, low traffic project.

Commissioner Discussion

Peter Dupuis, project manager for Gundlach Champion, indicated that Gundlach Champion has been chosen as the design builder for the project for Iron Workers Local 8.

He spoke about the engineered drawings and indicated that a driveway application had been filed with MDOT.

He explained that during the year, there would be two employees at the site, with additional use of the building from March through October for training purposes. He added that the estimated maximum number of people training at the site at one time would be approximately ten people. He added that the front of building would be used for offices and classrooms. He indicated that the building would be 100 feet wide by 160 feet long and thirty feet tall, and that an area in the rear of the building would possibly be built down to accommodate the training cranes that would be installed.

He stated that the Ironworkers Local 8 own the property. He stated some of the trees on the property would be removed, but the intent is to keep the remainder as buffer between neighboring properties. He added that the waste collection would be an on-site septic field and that soil borings still had to be completed, and the well would be in the front of the building. He indicated that the intent is to run three-phase power to the property, and lighting would be minimal.

He stated they would not build a fence unless required, as they intend to use the trees as a natural fence. The building would be a prefabricated metal building, with interior design still to be determined. He covered the diagrams and plans shown on page two and three of the submitted plans.

Dupuis stated the bike path would be considered as part of the project, especially for vehicle traffic. He stated that the project, if everything was in place, would be completed by the end of 2023, and added the proposed schedule for the project.

Soucy asked Throenle what the driveway spacing was according to the access management plan. Throenle stated that this project was outside that management plan and added that the management plan stops approximately 300 feet from the intersection of US 41 South and M-28 East. Dupuis added that he hoped there would not be a traffic study as there would be a small amount of traffic accessing or leaving the property.

Meister asked if the driveway could be moved to the east side of the property; Dupuis said that he would consider that change.

At 6:24 PM Commissioner Sloan joined the meeting.

Meister requested that the storm water flow be considered; Dupuis stated that a stormwater basin would be considered.

Milton asked about deliveries and if there would be an overhead door; Dupuis responded that the location would be added to the final site plan.

Gencheff asked if all activities would be indoors; Dupuis stated that would be the case. Gencheff was concerned with noise affecting the wedding venue located next door, especially during the training months.

Gencheff asked if the site would be clear cut; Dupuis stated that the cutting would be kept to a minimum while providing access for the septic field in the rear and the placement of the building.

Meister asked Throenle if there was a required buffer for the project; Throenle stated there was none for the commercial properties and that the only area of concern would be the residential properties at the rear of the project. Throenle added that the buffer from the residential properties could be a fence.

Meister stated the project made sense for the location and was looking forward to seeing the final plans. Soucy added that workforce development and training is good for the region.

Sloan asked about the access to the rear of the property; Dupuis stated that the final plans will show the access from the front and the rear.

Soucy reminded Dupuis to use the site plan checklist for the final site plan presentation.

Sloan asked about noise impact; Throenle stated that the operation of the site would be primarily during daylight hours and would not be a concern for night time noise.

Dupuis asked about submission dates for the final site plan review. Throenle stated the submission date is twenty-one days prior to the meeting that the applicant wished

to be on the agenda. Soucy added that the meeting in February would be on February 13, 2023.

B. 2023 Meeting Dates

Staff Introduction

Throenle stated the dates in the packet are proposed dates for the Planning Commission meetings in 2023. He added that the Board had already approved the dates. He said that the two meetings with the Board could not be changed.

Commissioner Discussion

Soucy asked the Commissioners if the dates were good; Commissioners agreed that they were.

Meister moved, Rhein seconded, that the meeting dates for 2023 be accepted as presented.

Vote: Ayes: 7 Nays: 0 Motion carried

C. Industrial Zoning District Conditional Use Discussion

Staff Introduction

Throenle stated that a situation existed at 6565 US 41 South regarding a residential use in the Industrial zoning district. He added that public comment regarding that situation had been heard earlier in the meeting. He showed an electronic map with the location of the parcel.

Throenle outlined the situation, stating that if the residence was destroyed for whatever reason, it could not be rebuilt as a residence since that was not an available use in the Industrial zoning district.

Throenle stated that staff is recommending that the Commissioners consider adding a residential conditional use to the Industrial zoning categories in the *Zoning Ordinance*. He stated that Commissioners could consider rental of the properties as an additional consideration for the district.

Commissioner Discussion

Soucy stated that he believes the Commissioners are interested in finding a solution. Rhein stated he had no problem moving forward with finding an answer. Meister asked what the ramifications would be to other properties within the Industrial district and if the owner could have both a residence and a business on the same property.

Throenle responded that each property owner within the district would have to apply for a conditional use permit on the property unless Commissioners decided that single family residential would be a permitted use. He stated that uses throughout the Industrial district at this time were primarily light industrial. He added that Commissioners could establish conditions as part of the approval process.

Soucy asked Throenle if Throenle had seen the resource that Soucy had sent regarding Class A non-conforming uses for a property; Throenle stated he had not, but that he would look into it.

Meister stated he did not see a reason why people could not have a house where they work; Gencheff added that they should be able to rent the house as well. Meister added that this would not be considered a dangerous industrial situation, as there was no heavy industrial use around the property. Soucy stated that the Township industrial districts are primarily light industrial as opposed to heavy industrial.

Throenle stated the proposed schedule would be to bring back the ordinance changes to the Commissioners at the January meeting.

D. Zoning Districts and District Intent Statements

Staff Introduction

Throenle stated that staff has taken a direction of writing some of the language for the ordinance. He stated that the direction was to determine what the name will be for the zoning district and the intent of the district.

Commissioner Discussion

Soucy suggested that the Commissioners start with the agriculture intent statement. He stated that the proposed intent language for that district did not have any reference to residential.

Meister asked Throenle if there would be two intent statements – one in the master plan and one in the zoning ordinance. Throenle responded that the intent statement in the zoning ordinance would be a one-sentence summary of the master plan direction.

Soucy asked Throenle if the language would be considered a legal statement; Throenle responded that the intent statement was not designed to be a legal statement but was to be used to determine permitted and conditional uses within a zoning district.

Meister suggested one change in the phrasing; the rest of the Commissioners agreed.

Commissioners then discussed Commercial. Throenle stated that the intent of the district would be to remove the overlay district and establish the district as mixed use.

Soucy recommended that the district name be changed to Neighborhood Commercial; Commissioners agreed.

Meister suggested that staff look at the intent statement in the Casco Township zoning ordinance; Throenle responded that staff would look at that and bring back a version of that for the next review.

Commissioners moved on to the Conservation Recreation district. Throenle pointed out that those areas that cannot be developed be potentially set aside for this district. Meister stated the language looked good and suggested that the language include what could be put in the area outside of habitable homes.

Discussion continued about where this zone would be located.

Discussion on the industrial district centered on the differences between light and heavy industrial. Throenle identified the areas of industrial zoning throughout the Township. Meister felt that the Fraco industrial area was heavy, and the rest would be

light industrial. Rhein added that the Lakenen crane business should be considered heavier industrial.

Milton asked about the auto salvage yard. Throenle stated that it was a salvage yard located on South Big Creek that is now closed and will not be reopened as a salvage yard.

Meister suggested that the area on US 41 South be changed in zoning from Industrial to Commercial, which he felt would eliminate the house question within the district. Rhein agreed with the suggestion.

After considering the changes, the Commissioners decided to keep the Industrial zoning district name, with the intention of changing the industrial zoning on US 41 South to Commercial.

Commissioners chose to change the name of Municipal Properties zoning district to Government Properties and kept the proposed language for the new district.

Throenle stated he struggled with the naming of the Residential Development district, and Commissioners discussed this at length, with a concentration on mobile home parks. Throenle suggested that Commissioners look at the High Density Residential to determine if that met the need. Commissioners decided that the Residential Development language be removed as the High Density language met the criteria. Commissioners determined that mobile home parks would be considered later as part of the uses within each district.

Commissioners reviewed the Residential zoning district and kept the language as written.

Commissioners reviewed the new Rural Residential zoning district. Throenle pointed out that the Rural Residential district is not in the current zoning ordinance but was included in the 1977 zoning ordinance. Meister added low-density to the intent statement; Commissioners agreed with the change.

Throenle stated that Waterfront Residential was changed to Shoreline Residential for two reasons: one, anyone that had a property bordering a body of water (Lake Superior, Chocolay River, and related), and two to remove the idea of waterfront. He stated that many owners within that district believe the front of the house is on the water side, and that the zoning ordinance specifies that the front is the access to the property.

Commissioners agreed that the new name should be shoreline residential, and they retained the intent statement.

E. Land Use Discussion

Staff Introduction

Throenle explained that the chart the Commissioners were using was extracted from the current Township zoning ordinance. He explained that there were three categories on the chart: P, which indicated permitted use in a zoning district, C for conditional use, and greyed box neither being allowed.

Commissioner Discussion

Using the three categories, Commissioners worked through the first two pages of the document, discussing the categories for each land use. At the end of page two, they decided to continue the discussion at a future meeting.

IX. Unfinished Business

A. Township Zoning Ordinance Current Definition Review

Commissioner Discussion

Commissioners tabled the discussion on this item to a future meeting.

Rhein moved, Soucy seconded, to table the discussion until a future meeting.

Vote: Ayes: 7 Nays: 0 Motion carried

X. Public Comment

None

XI. Commissioner’s Comments

Mullen-Campbell

Felt the Commissioners did well during the meeting, especially when listening to the public comment presented earlier.

Rhein

Welcomed Gencheff to the Planning Commission.

Gencheff

No comments.

Sloan

No comments.

Milton

Offered a Merry Christmas to everyone.

Soucy

No comments.

Meister

Offered a Merry Christmas and a Happy New Year to everyone.

XII. Director’s Report

Planning / Zoning Administrator Throenle

Offered a Merry Christmas and a Happy New Year to everyone.

Reminded the Commissioners that the next meeting will be January 16, 2023, and that the meeting will be in the Fire Hall. Meister asked how long that would continue; Throenle stated the meetings would continue in the Fire Hall until the sound issues were resolved in the Township Hall.

Throenle reminded the Commissioners that the meeting date in February would be on

February 13. He stated there would be two meetings that evening; the first will be the joint meeting with the Board, and the second would be the regularly scheduled meeting.

Grant Planning Neumann

Offered a Merry Christmas to everyone.

XIII. Informational Items and Correspondence

- A. Minutes – Township Board 11.14.22
- B. Township Newsletter – November 2022
- C. Marquette County Planning Commission minutes 11.02.22
- D. City of Marquette Planning Commission minutes 11.15.22

XIV. Adjournment

Rhein moved, Meister seconded, to adjourn the meeting.

Vote: Ayes: 7 Nays: 0 Motion carried

Soucy adjourned the meeting at 8:50 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

**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:

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:

BUDGET AMENDMENT				
	ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
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

Max Engle, Clerk

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:

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:

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:

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:

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:

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:

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.

Max Engle, Clerk

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:

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:

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:

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:

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:

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

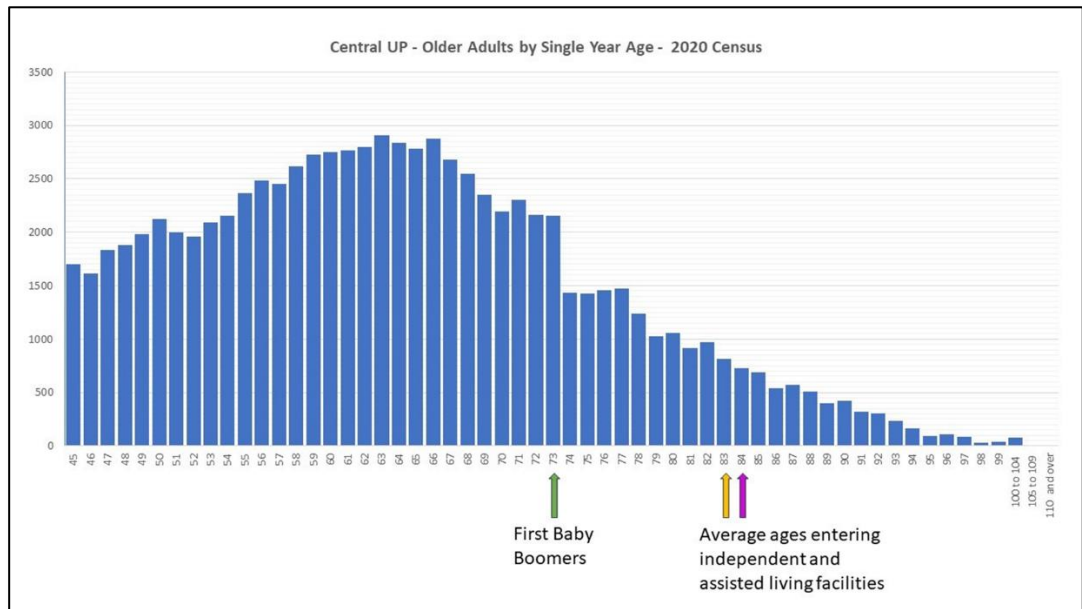
B. Housing Discussion

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:

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:

Planning Commission Secretary

Donna Mullen-Campbell