

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION
Monday, April 15, 2024 Minutes**

I. Meeting Call to Order

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

II. Pledge of Allegiance

III. Roll Call

Members present at roll call:

Ryan Soucy (Chair)
Donna Mullen-Campbell (Secretary)
Rebecca Sloan (Vice Secretary)
Stephanie Gencheff
Kendall Milton

Members absent at roll call:

George Meister (Vice Chair)
Don Rhein (Board)

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

IV. Additional Agenda Items / Approval of Agenda

Soucy requested that the new business be moved in front of old business on the agenda.

Milton moved, Sloan seconded, to approve the agenda as changed.

Vote: Ayes: 5 Nays: 0 Motion carried

V. Minutes

A. March 18, 2024 meeting

Milton moved, Sloan seconded, to approve the minutes the meeting as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

VI. Public Comment

None

VII. Presentations

None

VIII. New Business

A. CU 24-05 164 Baker Street – Home Day Care

Staff Introduction

Throenle presented a staff report on the proposed home day care on Baker Street owned by Adam and Jenny Brigman. He stated that one comment was received regarding the project and that comment was in support of the project.

Commissioner Discussion

Soucy indicated that the application looked good.

Sloan asked if the applicants owned the property along Wright and Baker Street; Adam Brigman answered that they did.

Mullen-Campell asked if there would be employees; Adam Brigman stated that initially there would be none and that they may add an employee next year.

Sloan asked if they were waiting for State licensing; Adam Brigman stated that the paperwork had been filed with the State, and that it would take three to four months for the paperwork to be completed.

Gencheff asked about child to adult ratios; Adam Brigman replied that the ratio was six children to one adult, and that their maximum would be twelve children.

Soucy asked about increasing capacity; Adam Brigman replied that after two years of being opened, the capacity could be increased to add two more children after an additional application to the State.

Soucy asked Throenle why there was a conditional use permit for this project and how it differed from a group home. Throenle replied that the project is considered a home occupation because it is privately run and not a group home run by the State.

Public Hearing

Sloan moved, and Milton seconded, to go into public hearing.

Vote: Ayes: 5 Nays: 0 Motion carried

Tina Brandel, 201 Terrace Street

Stated that she was retiring from her day care business and spoke in favor of the Brigman project.

Alison Czarny, 330 Foster Creek Drive

Spoke in support of the project.

Bill Sanders, 105 Country Lane

Spoke in support of the project.

Commissioner Decision

Gencheff moved, Mullen-Campbell seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 24-05, and the understanding that the proposed use is compliant with all terms of Section 16.2 Conditional Use Permits Basis of Determination and General Standards and the intent of the Township zoning ordinance, the Planning Commission approves Conditional Use Permit 24-05 as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

IX. Unfinished Business

A. 34 24-02 Proposed Agriculture / Forestry (AF) Zoning Ordinance Amendments and Map

Staff Introduction

Throenle gave an overview of the proposed language and zoning revision language, including the Townhall meetings that were held as part of the process.

Throenle stated that the map revisions were a recommendation, and that eventually the language and the maps would be presented to the Board with the Commissioner's recommendations. He stated that the public would have an opportunity to speak again in two different sessions with the Board if they chose to do so.

Throenle explained the maps that were in the packet and how decisions were made while using the maps. He explained the proposed zoning districts and where they would be located, and the processes the Commissioners used to determine uses and setbacks for each of the proposed agricultural districts.

Public Hearing

Soucy opened the public hearing and informed the public that the time to speak was open.

Sloan moved, Mullen-Campbell seconded, to go into a public hearing.

Vote: Ayes: 5 Nays: 0 Motion carried

Soucy opened the public hearing and informed the public that the time to speak was open.

Rich Rosenberger, 530 South Big Creek

Requested that his property be moved from AG 2 to AG 3 on the proposed zoning map.

John Smith, 2176 M-28 East

Requested that his property and the nearby 40 acre properties be moved from AG1 to AG 3 on the proposed zoning map.

Cathy Aalto, 430 Foster Creek Drive

Requested that her property be moved from AG 2 to AG 3 on the proposed zoning map.

Throenle interrupted the public hearing to explain the groupings that were proposed on the zoning map and that the groupings were done by area and not parcel. He also added 1,354 notifications regarding the public hearing were sent out to the AF zoning district parcel owners, the surrounding parcel owners within 500 feet of the AF parcels, and parcel owners that were within 500 feet in Skandia, West Branch, and Onota Townships, and 30 of those notifications were returned to the Township as undeliverable. He added that the hearing was posted on the Township web site and published in the *Mining Journal*.

Greg Seppanen, 1019 Ortman Road

Pointed out that the agriculture property located near him was shown on the map as AG 3 and should be AG 1.

Daniel Ondov, 555 Cherry Creek Road

Expressed confusion on the size of the acres and how the parcels were designated.

Kurt Rascher, 312 West Branch Road

Owns two contiguous parcels on West Branch Road, and stated he had a concern about the 40 acre parcel being in AG 3 and the 14 acre parcel being in AG 2. Thanked the Commissioners for the notification cards that were sent out.

Michele Wietek-Stephens, 550 Little Lake Road

Identified herself as the Chair of the Zoning Board of Appeals, and expressed concern that the parcels surrounding hers were shown as AG 2 on the map, and asked what the minimal buildable acreage was in the 1977 ordinance. She expressed her concerns regarding potential development if parcel sizes were too small and suggested that agricultural activities be allowed regardless of zoning. She added that the proposed plan was not supported by the master plan.

Erik Krueger, 335 Foster Creek Drive

Expressed concern that the 80 acre parcel next to him was proposed as AG 2.

Sheri Migilo, 704 Green Garden Road

Did not know how her property would be zoned under the new proposal, and expressed a concern that if her house were to burn to the ground, she would not be able to rebuild.

Bill Sanders, 101 Country Lane

Expressed that the current proposal did not follow the current master plan, that livestock and forestry were not covered in the proposal, and that the proposal does not follow state zoning law. He suggested that the Commissioners drop the plan and look for other solutions.

Tensi Parsons, 300 Little Lake Road

Stated she agreed with the comments from Wietek-Stephens and Sanders.

Noreen Heitman, 109 Country Lane

Stated she agreed with the comments from Wietek-Stephens and Sanders.

Sheri Migilo, 704 Green Garden Road

Asked questions regarding a conformity issue with her property and expressed support for the proposal and added that additional research was needed.

Brian Banton, 148 Poplar Trail

Stated he agreed with the comments from Wietek-Stephens and Sanders. Expressed that individual areas in the Township should be addressed, not the entire Township at the same time.

Michael Sanders, 109 Country Lane

Asked the Commissioners to reconsider the proposed zoning change, especially in regard to farming and agricultural practices.

Ron Cupman, 320 Green Garden Road

Asked the Commissioners to restart the process. He requested that green spaces be considered as parcel sizes are reduced. Stated that the legend on the map does not match what is in the text.

Jeffrey Hatfield, 724 Green Garden Road

Supported other comments made during the meeting. Spoke about concerns regarding losing usable farmland.

Daniel Ondov, 555 Cherry Creek Road

Stated that rural character should be part of the consideration for the process and expressed support for other comments.

Stan Whittler, 124 County Road 545

Stated that the plan does not meet the public idea of what the Township should be.

Greg Seppanen, 1019 Ortman Road

Pointed out that the agriculture property located near him may be an operating contractor yard or shop.

Harley Huddle, 940 Mangum Road

Expressed concern about potential development near his property.

Bill Sanders, 101 Country Lane

Stated that many non-conformances were established prior to zoning in the Township. He added that development would reduce the quality of the properties that might be surrounded them.

Jennifer Gerard, 201 Green Garden Road

Stated she supported the comments that were already heard. She was concerned about the development that might occur in the area if the proposal went through.

Unknown, unknown

Expressed concerns about the aquifer and environmental impact of the change on local groundwater.

Abby Sanders, 109 Country Lane

Agreed with previous comments and expressed concerns about access to water and potential sewage issues.

Leanne Hatfield, 724 Hatfield Road

Expressed concern that agriculture is sometimes underappreciated, and that more agriculture should be attracted to the area. She expressed that the map was despicable.

John Smith, 2176 M-28 East

He suggested looking at the individual areas surrounding the AG 3 zoning. He suggested changing more lots to AG 3. He added that buying the property next to his was his solution to the problem.

Michele Wietek-Stephens, 550 Little Lake Road

She stated that proposal was despicable, because it grants new rights to other property owners, and it would destroy the character of the Township.

Richard Cookman, 320 Green Garden Road

Asked the Commissioners to reconsider the proposal.

Bill Sanders, 101 Country Lane

Suggested that agriculture be considered for all parcels in the Township.

Soucy asked if there were additional comments; hearing none he closed the public hearing.

Throenle suggested a ten minute break.

Sloan moved, Mullen-Campbell seconded, to take a ten minute break.

Vote: Ayes: 5 Nays: 0 Motion carried

Commissioner Discussion

Throenle requested time to present clarifications to the public regarding some of the comments that were made. He stated that regarding rebuilding, that as long as setbacks were met on a property, a destroyed structure could be rebuilt.

He addressed the audience regarding his background that laid the groundwork for the decisions in the current policies, and that development is not part his background. He added that the intent statement in each of the proposed language sections specifically stated that agriculture practices would be superseded by the State GAAMPS and the Michigan Right to Farm Act.

Milton stated that building cannot occur on many of the places that were designated. He added that State lands play heavily in the process.

Gencheff stated that she was not sure the Planning Commission was doing what the people wanted. Sloan stated that Gencheff's comments, in Sloan's opinion, did not address the people who were not at the meeting. Sloan added that people who owned 40 or 80 acres not sell the land if they did not want development.

Gencheff stated that development would happen in the future; Sloan responded that nothing would stop that if people chose to sell. Sloan added that she just wanted to live on her property and pass it on to her family in the future.

Gencheff stated that the pin map supported her position.

Sloan stated that the Commissioners represent the entire Township, and that the task was given by the Board to look at the non-conformance issue. She added that the Commissioners agreed with the audience regarding the character of the Township, and that their comments would be considered. She commented that two of the Commissioners were not present and should be part of the discussion.

Gencheff stated that the ordinance is meeting the needs of the citizens based on the number of cases for the Zoning Board of Appeals. She added that the Townhall meetings were not attended that well.

Mullen-Campbell stated that she felt the Commissioners were guided to be visionary from the 1977 ordinance to the future. She thanked the public for their input.

Soucy stated the process was a refinement process from the beginning of the process, and that the discussion would be tabled. He added the decision should be made by all the Commissioners.

Throenle asked Soucy to ask if the language, map or both were the issue. Soucy stated that he believed it was both.

Sloan stated that the goals are to align with legality while staying within the confines of what the Commissioners were addressing.

Soucy asked for a motion to table.

Mullen-Campbell moved, Sloan seconded to table the discussion to May, possibly June.

Vote: Ayes: 5 Nays: 0 Motion carried

IX. Public Comment

Larry Gould, 340 Karen Road

Suggested that a review of the land division and subdivision act be considered in future discussions.

Michele Wietek-Stephens, 550 Little Lake Road

Asked what the purpose of the Planning Commission was—was it to follow the master plan or the whims of the Board? She added that the master plan should be the direction for the Township.

Bill Sanders, 101 Country Lane

Asked what would be considered at the next meeting. He stated that it was wrong that the Board directed the Commission to take on the task.

Soucy responded that the Board did not direct the Commissioners to do the project; instead, the Board presented an issue to the Commissioners and asked them to solve it, Sloan and Gencheff agreed.

Unknown, unknown

Asked about the process and said to fix non-conforming parcels only.

Unknown, unknown

Asked how to fix the non-conforming problem. She added that not all residents were represented at the meeting and their voices should be considered as well.

X. Commissioner's Comments

Mullen-Campbell

Do we start over?

Milton

No comments.

Gencheff

The decisions are difficult.

Sloan

Finds it difficult to not to interact with the public.

Soucy

Stated to the public that he appreciated the comments received. Mullen-Campbell stated that there would be no card in the mail for the next meeting so the public should check the Township web page for meeting dates and times.

XI. Director's Report

Planning / Zoning Administrator Throenle

He stated the next meeting would be May 20.

He addressed the public, thanking them for their participation, and reminded them that they, and those that oppose their ideas, should come to future meetings so that the Commissioners can be better informed on public wishes.

He reminded the public to view the meeting dates and minutes on the Township website.

XII. Informational Items and Correspondence

- A.** Township Board minutes – March 11, 2024
- B.** Township newsletter – March 2024
- C.** Marquette County Planning Commission minutes – 03.06.24 draft
- D.** City of Marquette Planning Commission minutes 03.19.24

XIII. Adjournment

Milton moved, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 5 Nays: 0 Motion carried

Soucy adjourned the meeting at 8:16 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell