

# 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 50<sup>th</sup> 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:

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Planning Commission Secretary  
Eric Meister