

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