

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