

**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 Choccolay 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 Colleuer, 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. Colleuer 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 Chocolay 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 Chocolay 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 Chocolay 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 DeVoght 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.