

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
Monday, March 9, 2009**

I. MEETING CALLED TO ORDER AT 7:33 PM/ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor,
Andy Smith, Steve Kinnunen, Kendall Milton

Absent: Andy Sikkema

Staff Present: Randy Yelle (Zoning Administrator), Tom Murray (Community
Development Coordinator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF FEBRUARY 9, 2009 MEETING MINUTES

Ken Tabor motioned to approve the February 9, 2009, meeting minutes as written,
seconded by Steve Kinnunen.

Ayes 5. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned to approve the agenda as written for March 9, 2009, seconded by
Ken Tabor.

Ayes 5. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

No public hearing(s) scheduled.

V. PUBLIC COMMENT

No public present.

VI. OLD BUSINESS

A. TOP PRIORITIES 2009

Staff provided the Top Priorities for 2009 list in the meeting packet. The list consists of the following:

- Pocket Park
- Bike Path extension to residential areas – M-28 to Timberlane and Cherry Creek Road., West of the US 41/M-28 Intersection
- Children’s Playground, similar to Kid’s Cove in Mattson Park
- ORV Trails
- Grants for an independent Water System, and possibly a Sanitary Sewer System
- Recreation Plan Update – Preserve our current infrastructure, improvements to serve citizens for the next 5 years, and improvements to attract future residents
- Ordinance Updates – To concur with today’s technology (Signs), Alternative Energy sources (Wood Boilers, Wind Generators, Solar Energy, Bio Fuel production).
- Improve business district aesthetics and community theme

The Commission members had no additions at this time.

VII. NEW BUSINESS

A. ZONING AMENDMENTS

#1 Amendment #34-09-01 – Multi-Family Residential District (MFR);
Section 4.3: (D) 1:

Existing language:

1. Density is limited to seven homes per acre.

Proposed amended language:

2. Density is limited to *five* homes per acre.

Ken Tabor motioned seconded by Kendall Milton to approve the proposed amended language to five homes.

Ayes 5. Nays 0. Motion carried.

#2 Amendment 34-09-02 – Agriculture/Forestry (AF); Section 4.7 & 4.4: Parks were completely omitted from the AF district. In the old zoning Ordinance; Parks were a permitted use within the RP district and a conditional use within the RR-2 district.

Proposed additions:

1. Add to AF Section 4.7 (C) 11 **Parks**
2. Add to WFR Section 4.4 (C) 7. **Parks**

Ken Tabor motioned seconded by Steve Kinnunen to approve the proposed additions listed above.

Ayes 5. Nays 0. Motion carried.

#3 Amendment 34-09-03 – Agriculture/Forestry (AF); Section 4.7: Kennels were completely omitted from the AF district, in the old zoning ordinance; kennels were a condition use within the RR-2 & RP districts.

Proposed addition:

1. Add to Section 4.7 (C) 12 **Kennels**

Steve Kinnunen motioned, seconded by Ken Tabor to add the proposed addition listed above.

Ayes 5. Nays 0. Motion carried.

#4 Amendment 34-09-4 – Height and Placement Regulations; Section 6.1: (Schedule of Regulations)

Existing language:

	District	Front	Side	Rear
1.	MFR	30	30	30

Proposed language:

2.	MFR	30	10	35
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Steve Kinnunen motioned, seconded by Ken Tabor to approve the proposed language to bring this into alignment with the rest of the ordinance.

Ayes 5. Nays 0. Motion carried.

#5 Amendment 34-09-05 – Height and Placement Regulations; Section 6.1:
(Schedule of Regulations)

Existing language:

	District	Minimum Lot Size	Minimum Lot Width
1.	MFR	20 Acres	None

Proposed amended language:

2.	MFR	<i>2 Acres</i>	<i>200 feet</i>
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Ken Tabor motioned, seconded by Steve Kinnunen to table this until the next meeting.

Ayes 5. Nays 0. Table until the next meeting.

#6 Amendment 34-09-06 – Outdoor Wood Burning Boilers and Appliances;
Section 6.5: (Conditions of Approval) Section 6.5 (A) and (B) 1. B

Existing language:

1. Minimum chimney height of 15 feet, measured from the grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling within 1000 feet, whichever is higher.

Proposed language:

1. Minimum chimney height of 15 feet, measured from the *natural land* grade to chimney top *or higher* than the nearest neighboring principal dwelling within 350 feet, whichever is higher.

Steve Kinnunen motioned, seconded by Ken Tabor to table this to incorporate Andy Smith's suggested language in to the proposed language.

Ayes 5. Nays 0. Tabled until the next meeting.

#7 Amendment 34-09-07 – Commercial Vehicle Parking in Residential Districts;
Section 6.11:

This paragraph was completely omitted from this section, and should not have been as this paragraph was not addressed. Although, whereas this action was not questioned and/or appealed within the required timeframe, it is my opinion that the newly adopted zoning ordinance is a legal and binding ordinance.

This paragraph is no longer a legal part of the zoning ordinance, therefore, if the Board wants it in the zoning ordinance, it must be adopted as a new amendment to the Zoning Ordinance.

Proposed reinstatement of this paragraph:

1. (C) One (1) 27 foot or smaller truck or van may be parked at a residence in all other residential zoning districts without Township review or approval.

Proposed additions:

2. (A) approval required, *subject to the following subsections and limitations.*
3. *(E) In the event of a conflict or contraindication between the above provisions of the Zoning Ordinance and Ordinance number 55, being the Vehicle and Trailer Parking and Storage Ordinance, the terms of the Zoning Ordinance shall prevail.*

If adopted, the action will move the existing (C) to **(D)**.

Steve Kinnunen motioned, seconded by Ken Tabor to approve the proposed reinstatement paragraph and the proposed additions as written above.

Ayes 6. Nays 0. Motion carried. (Estelle DeVooght arrived late)

#8 Amendment 34-09-08 – Nonconforming Uses and Structures; Article XIV, Sections 14.1 & 14.2:

The Zoning Board of Appeals shall not issue use variances, (Chocolay Township Zoning Ordinance Article XV, and per the Michigan Zoning Enabling Act; Act 110 of 2006) nor can the Planning Commission.

The Township Board, would amend the Zoning Ordinance to include the use that the Township Board may deem should be allowed within a designated Zoning District. Therefore, the Township Board would not be approving or issuing a use variance, but amending the ordinance, per MZEA, to accomplish the desired action or in this case, the desired used within said district(s).

Proposed action:

1. Remove any and all reference to and regarding USE VARIANCES.

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

#9 Amendment 34-09-09 – 1. Article II, Definitions:

1. Add to definitions “Park”

Proposed definition:

Park, A noncommercial not-for-profit, parcel of land, with or without a Structure, designed to serve the recreational needs of the residents, including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Ken Tabor motioned, seconded by Kendall Milton to approve the above proposed definition.

Ayes 6. Nays 0. Motion carried.

#10 Amendment 34-09-10

1. Article II, Definitions:

Add to definition regarding “Kennels”

Existing language:

Means any activity involving the permanent or temporary keeping or treatment of four or more adult dogs, cats or any combination of, other than ordinary agricultural activities

Proposed amended language:

Means any activity involving the permanent or temporary keeping or treatment of four or more domestic pets, including adult dogs or cats, or any combination of such animals exceeding three in number, for other than ordinary agricultural activities.

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

#11 Amendment 34-09-11

1. Article XVIII. Signs and Fences

Add 18.12 from “Fences” to “Flags”

Proposed language:

18.12 Flags

(A) *Flags, other than corporate, commercial or advertising flags shall be permitted in all residential zoning districts, on developed residential lots. Flags shall be subject to the following regulations:*

- 1. Flags shall meet the sign setbacks within Section XVIII and the height limits for structures within Section VI.***
- 2. The flag of the United States of America, as well as other flags, displayed or flown out-of-doors, shall not exceed a total area of twenty-four (24) square feet.***
- 3. Up to three (3) flags of any combination but not more than one (1) corporate, commercial or advertising flag shall be permitted on a single lot, shopping center, or business.***
- 4. No flag shall be displayed with the flag of the United States of America, which is of greater area or which is placed at a greater or same height as that of the flag of the United States of America flag.***
- 5. No corporate, commercial or advertising flag shall be located on any lot other than the business lot that the flag is advertising.***
- 6. All out-of-doors flags shall be displayed from a pole or other mounting device which is permanently affixed to the ground or a building.***

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

#12 Amendment 34-09-12:
Add to Article II Definitions:
After “Family Day Care Home”:

Proposed language:

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device or any such device attached to a building or structure for display out-of-doors.

Flag, Business: A flag displaying the name, insignia, emblem, logo, or the like, of a business and/or corporation.

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

- #13 Amendment 34-09-13:
Add to Article VI: Add 6.1 after “Said structure(s)”

Proposed language:

NOTE: Lots of less than 20 acres, but not less than 5 acres within the AF district prior to the adoption of this Ordinance, are legal nonconforming. April, 2008.

Steve Kinnunen motioned, seconded by Estelle DeVooght to approve the proposed language as stated above.

Ayes 6. Nays 0. Motion carried.

- #14 Amendment 34-09-14:
Add to Article XVIII: 18.4 Remove (C)

Current language:

(C) The flag of any state or nation respectfully displayed.

No motion was made by the Commission members.

Ayes 6. Nays 0. Motion failed.

- #15 Amendment 34-09-15:
Add to section XI after Building Grades fill to increase height.

11.12 Outside Lighting

- A. On site lighting shall be directed away from residential properties and public or private streets.
- B. Light emitted in non-residential developments which are adjacent to residential development(s) shall be compatible with the character of the adjacent residential areas.
- C. Information shall be supplied on the style, manufacturer’s part number, height direction, location, wattage, type of bulb and intensity of outside lighting on the final site plan for final approval.
- D. Building Lighting:
 - a) No building-mounted or pole mounted floodlights are allowed. Signs may be lit with floodlights provided the light is focused downward on the sign and does not spill beyond the sign. Shields or adjustable louvers shall be required on floodlights to control beam spread.

- b) Landscape lighting shall be allowed, provided shielding and louvers are utilized to limit lighting to objects only. Lamp wattage shall be low as possible to illuminate the object without causing glare on the site or neighboring property.
- c) Gas station canopy lights shall be provided with flat lenses to limit glare. Illuminant levels shall comply with Illuminating Engineering Society standards.
- d) Lighting standards in parking shall have 20 foot maximum mounting height.
- e) Searchlights, strobes, lasers or similar high intensity light for outdoor advertisement or entertainment are prohibited.
- f) Lights mounted on buildings shall not be a flashing, or moving or intermittent type.

Ken Tabor motioned, seconded by Estelle DeVooght to table this item so staff can further work on the language for this item and bring it to the next meeting for review.

Ayes 6. Nays 0. Table until the next meeting

B. MTA CONFERENCE

Jennifer Thum reported that she provided a registration form in the meeting packet for the MTA Planning and Zoning Conference in Escanaba on March 31, 2009. If members were interested in attending, they are to let Township staff know by Monday, March 9, 2009.

VIII. PUBLIC COMMENT

No public present.

IX. COMMISSIONER'S COMMENT

Al Denton stated his appreciation to Andy Smith for all the research he's done pertaining to Alternative Energy.

Al Denton reported that he will be resigning from the Zoning Board of Appeals and the ZBA will need a member from the Planning Commission to take his place. If anyone is interested, please contact Randy Yelle or Jennifer Thum.

Al Denton also reported that a Planning Commission and Township Board joint meeting will be arranged for early May, 2009, at the request of a Township Board member. Jennifer

Thum will provide further information and will be putting together an agenda for this meeting.

X. DIRECTOR'S REPORT

Ms. Thum provided a written update as she is unable to attend this meeting due to attending an Engineering Conference for Non-Engineers in Wisconsin. Ms. Thum's hope is that she will come back with a better understanding of storm water, floodplains, drain fields, streets and traffic engineering and street maintenance.

Ms. Thum reported that Geri Larson from the Superior Watershed Association will be doing a presentation at our April meeting to talk about riparian buffers and other items that our township could do to ensure the longevity of our dunes and water courses.

Ms. Thum reported that Township staff is still working on the Recreation Plan. They are also working on putting together a grant application to build a pocket park with some playground equipment at the Township's marina site. Speaking with the DPW crew, they felt that a pocket park at the Township Office location might be too close to US 41. Ms. Thum would still like to look into some type of park at our Township Office Location.

Ms. Thum reported that she has spoken with Ron Yesney of the DNR and apparently, they are working on updating the Rail Road overpass on M-28. The Township has no plans for this at this time. When more information is received it will be forwarded to everyone.

Ms. Thum spoke with Randy Yelle pertaining to the issues with tires at Timbercrest. Ms. Thum reported that Mr. Yelle stated that when he first started at the Township, the Timbercrest site was a problem and since then, they have cleaned things up. Ms. Thum reported that she and Mr. Yelle plan to visit the site this Summer to make sure everything is cleaned up.

Tom Murray also reported that supervisors from the Marquette Branch Prison and the DNR will be holding a meeting to discuss a possible wind generator being placed between the Marquette Branch Prison and the DNR Office on U.S. 41. The meeting will be held on April 8th. Township staff will attend this meeting and report back the information obtained.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Planning and Zoning news, January and February, 2009.

XII. ADJOURNMENT

Ken Tabor, moved, Steve Kinnunen, seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 8:30 p.m.

Albert Denton, Chairperson