

**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, Estelle DeVooght, Dennis Magadan, 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 Magadan 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 Magadan.

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 Magadan, 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 timeframe?

Bob Cambensy stated that their hope is for the first phase to be completed in 4 years; 2<sup>nd</sup> phase 3-4 years after that; and the 3<sup>rd</sup> 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 Chocoley Downs wants to be a good neighbor then he would like a written guarantee that if the wells on Dana Lane get contaminated that Chocoley 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, Chocoley 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 Chocoley Downs LLC.
2. The Chocoley Downs LLC will provide a phasing schedule that explains the timeframe, and subsequent time limitations, for each phase to the Township.
3. The Chocoley Downs LLC will work with all outside agencies for the water and septic systems.
4. The Chocoley 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 Chocoley 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 Chocoley 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 Chocoley Downs LLC will install picnic tables in the open space areas, Lot 15 and Lot 26. The Chocoley 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.

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Albert Denton, Chairperson