

**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, 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 its 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 Colleure 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 Colleure 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. Colleure 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. Colleure 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 have 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 wording change listed above and forward it to the Township Board for their approval of the revised wording 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 than 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. This is taken from the report done by STS Consultants.

"Although the intersection did not meet these guidelines, it was noted that the newly mandated rumble strips are located on the south shoulder of M-28 in the location of the intersection. These rumble strips are deterring right turning vehicles from utilizing the wide paved shoulder to move out of the thoroughfare's traffic flow. This could be potentially dangerous at speeds in excess of 55 mph. It may be of interest to Chocolay Township to have these rumble strips removed to give drivers a smooth transition onto the shoulder to make the right turn onto Chocolay Downs Drive. The best method for removing the rumble strips would be milling the existing shoulder and repaving for approximately 130-feet; MDOT is not opposed to removing the rumble strips in this location."

"With the addition of 62 trips turning into the development, the MDOT guideline for a dedicated right turn lane would be met. As most of the traffic would be projected to access the future development to and from the west (Marquette), the left turn lane or passing flare would require an additional traffic count to determine its necessity when the development is at or near completion."

"In conclusion, dedicated turn lanes are currently not warranted at the intersection of M-28 and Chocolay Downs Drive according to the MDOT Traffic & Safety volume guidelines. As the residential community continues to grow and future developments begin construction in this location or as the Chocolay Downs Golf Course continues to draw more customers and golf leagues, it may be beneficial for Chocolay Township to revisit this possibility in the future."

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 CORRESPONDENCE**

- 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.

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Albert Denton, Chairperson