

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, SEPTEMBER 14, 2009**

I. MEETING CALLED TO ORDER AT 7:31 PM/ROLL CALL

Present: Chairman Albert Denton, Ken Tabor, Kendell Milton,
Andy Sikkema, Andy Smith

Excused: Steve Kinnunen, Estelle DeVooght

Staff Present: Jennifer Thum (Planning and Community Development),
Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF AUGUST 10, 2009 MEETING MINUTES

Ken Tabor, Moved, Kendell Milton, Seconded, to approve the August 10, 2009, Planning Commission minutes as written.

Ayes 5. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Ken Tabor, Moved, Andy Sikkema, Seconded, to approve the agenda as written for the September 14, 2009, Chocolay Township Planning Commission meeting.

Ayes 5. Nays 0. Motion approved.

IV. PUBLIC HEARINGS

No public hearings scheduled.

V. PUBLIC COMMENT

No public comment.

VI. PRESENTATION

No presentations scheduled.

VII. OLD BUSINESS

A. PARKS #34-09-02

Agriculture/Forestry (AF); Section 4.7 & 4.4:

The reasoning behind the proposed amendment is that 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) 12. *Parks*
- 2. Add to WFR Section 4.4 (C) *Parks*

Ms. Thum reported the Township Board wanted the Planning Commission to look at setting a minimum lot size for a park in the AF and WFR districts.

Discussion ensued pertaining to including a definition of parks. The Commissioners felt that a definition should be developed to better define the amendment.

Andy Sikkema, Moved, Ken Tabor, Seconded, to table this until the October 12, 2009 meeting so a draft definition for Parks can be created for review.

Ayes 5. Nays 0. Motion approved to table until the October meeting.

B. MFR LOT SIZE AND WIDTH #34-09-05

Draft 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:

1. MFR 2 Acres 200 feet

Ms. Thum reported that in the MFR, Multiple Family Residential District, the minimum distance between any two buildings on the same site shall be regulated according to the length and height of such buildings. The formula regulating the required minimum distance between the two buildings is as follows:

$$S = L_a + L_b + 2 (H_a + H_b) / 6$$

Where:

S=Required minimum horizontal distance between any wall of Building “A” and any wall of Building “B” or the vertical prolongation of either.

L_a=Total length of Building “A”. [The total length of Building “A” is the length of that portion or portions of a wall or walls of Building “A” from which, when viewed directly from above, lines drawn perpendicular to Building “A” will intersect any wall of Building “B”.]

L_b=The total length of Building “B” [the total length of Building “B” is the length of that portion or portions of a wall or walls of Building “B” from which when viewed directly from above, lines drawn perpendicular to Building “B” will intersect Building “A”].]

H_a=Height of Building “A” [the height of Building “A” at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building “A”. Natural grade levels shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.]

Andy Sikkema, Moved, Ken Tabor Seconded, to recommend the proposed Draft Amendment #34-09-05 – Height and Placement Regulations as written to the Township Board for approval at their next meeting.

Ayes 5 . Nays 0.

C. WOOD BOILER ZONING AMENDMENT #34-09-06

****REVISED****

Ms. Thum provided a revised draft amendment #34-09-06, Outdoor Wood Burners/Furnaces and Appliances; Section 6.5: (Conditions of Approval), Section 6.5 (A) and (B) 1.b.

Proposed amended language: (conditions for approval)

I. Chimney Heights/Setbacks

- a. If the outdoor wood burner/furnace or other wood appliance meets the Phase I EPA standards, the outdoor wood burner/furnace or other wood appliance shall be located within 300 feet of the nearest residential dwelling must have a chimney height measured from grade to the chimney top must be a minimum of 2 feet higher than the nearest neighboring principal dwelling.
- b. If the outdoor wood burner/furnace or other wood appliance meets the Phase II EPA standards, a setback of 50 feet must be met from all lot/property lines, easements, and right-of-ways. The outdoor wood burner/furnace or other wood appliance shall be located at least 200 feet from the nearest residential dwelling not served by the wood appliance. There are no chimney height requirements for a Phase II outdoor wood burner/furnace or other wood appliance.
- c. If there is an existing outdoor wood burner/furnace or other wood appliance already installed and there is new construction on a previous vacant lot of a residence not served by the outdoor wood burner/furnace or vacant lot of a resident not served by the outdoor wood burner/furnace or other wood boiler within 200 feet of such wood appliance then the owner of such wood appliance shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from Chocolay Township.

II. OWB Regulations:

- a. No fuel other than natural wood without additives, wood pellets without additives, coal and agricultural seeds in their natural state may be burned;
 - 1) The following fuels are strictly prohibited in new or existing Outdoor Wood burner/furnaces or other wood appliance:
 - i. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with

- preservatives and contains resins or glues as in plywood or other composite wood products.
 - ii. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - iii. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - iv. Rubber, including tires or other synthetic rubber-like products.
 - v. Newspaper, cardboard, or any paper with ink or dye products.
 - vi. Any other items not specifically allowed by the manufacturer or this provision.
- b. Outdoor wood burner/furnace or other wood appliance shall not be located in the front yard;
- c. Granting of a zoning compliance permit, constitutes an agreement between the landowner and Chocolay Township, that the zoning administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with conditions;
- d. “Best Burn Practices” as issued by the Environmental Protection Agency shall be followed by all applicants utilizing outdoor wood boilers.
- e. No Outdoor Wood burner/furnace, regardless of the date of installation, is allowed to operate when conditions cause visible smoke plum to cross onto adjacent owner’s land and buildings for 12 minutes or more in any hour. Sending smoke on adjacent land or buildings for 12 minutes or more is a nuisance and a violation of the regulation.
- f. Outdoor wood burner/furnace or other wood appliances may only be used from September 1 to May 31 each year.
- g. All outdoor wood-fired boilers shall be equipped with properly functioning spark arrestors.

III. Commercial Outdoor Wood Burner/Furnace or other wood appliance with a rated thermal output greater than 350,000 Btu/hr Analysis Requirement

- a. Any person intending to install or operate a commercial outdoor wood burner/furnace or other wood appliance that has a rated thermal output greater than 350,000 Btu/hr shall obtain an evaluation report and installation recommendations performed by a licensed professional engineer that includes the following information:
- b. What type of application will the outdoor wood boiler/furnace or other wood appliance be used for;
- c. A determination of the heat load requirements of the facility as compared

to the available heat supply of the outdoor wood boiler to ensure the unit is properly sized.

- d. The stack location relative to the property lines and building locations within 400 feet of the outdoor wood boiler;
- e. The stack height; and
- f. Recommendations for the proper outdoor wood boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler/furnace or other wood appliance, stack height and location.

Andy Smith reported that he received more information today that should be reviewed and possibly incorporated into the proposed draft amendment. Mr. Smith and Jennifer Thum will work to revise this amendment again and review it at the October meeting.

Al Denton, Moved, Ken Tabor, Seconded, to table this until the next meeting so additional revisions can be made for review.

Ayes 5. Nays 0. Motion approved to table this until the next meeting.

VIII. NEW BUSINESS

A. PLANNING COMMISSION CALENDAR 2010

Jennifer Thum provided the proposed 2010 Planning Commission calendar dates for review and approval. The Commissioners pointed out that September 4th is a Saturday and should be changed to September 6, 2010 and December 1st should be changed to December 6th, 2010. After these corrections are made, the Planning Commissioners in attendance unanimously approved the 2010 calendar.

Ayes 5. Nays 0.

B. 2010 BUDGET

Ms. Thum reported that the proposed 2010 budget for the Planning Commission and the proposed park at the Township Marina was provided for review in the meeting packet. The Planning Commission members in attendance unanimously approved the 2010 budget as written for the Planning Commission and the proposed Township Marina.

Ayes 5. Nays 0.

C. LAKENENLAND

Ms. Thum reported that recently an issue was brought to the Township Board's attention that needs to be addressed by the Planning Commission as to what the next step should be. Earlier this year, Mr. Lakenen constructed a band shell on his property without the necessary permits. The County was after Mr. Lakenen and he was required to get a permit. The Township's zoning administrator issued Mr. Lakenen a zoning compliance permit, but Lakenen Land is considered a park and the property is currently zoned AF. As of today, our ordinance does not allow for parks in the AF district, so the permit should not have been issued. However, there is a proposed amendment to permit parks in the AF district. The Township Board does know about the permit being issued and wanted to get feedback from the Planning Commission on what our next step should be. The next step could be to revoke the permit until parks are allowed in the AF district or to do nothing and wait until the proposed amendment gets approved.

After much discussion by the Commissioners, a unanimous decision was made to table this until a definition for "Parks" is developed and approved by the Township Board.

Ayes 5. Nays 0.

D. JUNK CAR ORDINANCE

Ms. Thum reported that over the years, we have seen our current Vehicle and Trailers Parking Ordinance (junk car ordinance) fail at protecting some neighborhoods from the blight of junk cars. The current ordinance is not stringent enough to deal with our current junk car problems; it also does not address Recreational Vehicles. The Township is seeing an increase in the number of RVs that are being parked in the front yard. Staff would like to address some of the problems that we are having by reverting back to Vehicle and Trailers Parking, #46, with new language concerning the Recreational Vehicles. At this time, staff is asking for you to review the propose changes and then hold a public hearing next month.

Al Denton, Moved, Andy Smith, Seconded, to hold a public hearing at the October 12, 2009 Planning Commission meeting to discuss the Vehicle and Trailers Parking Ordinance.

Ayes 5. Nays 0. Motion approved.

E. FIRE HALL LOCATION

Ms. Thum provided a map in the meeting packet indicating the proposed location for the new Fire Hall. The proposed site for the Fire Hall is located on two parcels with a total of 7.06 acres. The smaller .46 acre parcel is intended to serve as access to Silver Creek Road and the larger 6.60 acre parcel indented to house the fire hall. Please review the location for its appropriateness for response time, and highest and best use. The proposed site is currently wooded and used for hiking trails with evidence of four wheeler usage as well. The property is currently zoned Municipal Properties with Fire Stations listed as a permitted principal use. On two separate occasions, staff submitted applications to expand and improve the trail system in this are with a MNRTF grant, but were not successful.

The Commissioners discussed at length constructing a new Fire Hall at a new location and stated they would rather see the current Fire Hall demolished and a new one reconstructed on the same site. The Commissioners felt that the current site is more accessible to US 41, which they felt was important as most fires happen to the south and east. They also felt that having the fire engines go through a residential area is not a good idea.

Staff will work out the details with the Township Fire Department to ensure they are satisfied with the location for their new fire hall as well.

Al Denton, Motioned, Ken Tabor, Seconded to deny moving the proposed new Fire Hall to parcels #52-02-106-038-00 and #52-02-107-059-00.

Ayes 5. Nays 0. Motion approved.

F. TOWNSHIP PROPERTIES

Ms. Thum reported that she included maps in the meeting packet showing the Township owned properties. The Township Board would like the Planning Commission to review all Township owned properties to see if they are still a valuable asset to the Township, and if we are using them to meet the needs of our residents. Ms. Thum requested that the Planning Commission review one property per month so we can work on a full review and put together a detailed report for the Township Board.

After discussion the Commissioners approved the reviewing of the Township Properties with the Beavergrove properties (#52-02-116-011-10 and #52-02-116-020-10) to be reviewed at the October 12, 2009 meeting.

Ayes 5. Nays 0.

IX. PUBLIC COMMENT

Waynes Dees, 512 Woodvale Drive, stated that he will put his thoughts from the meeting into writing and send it Jennifer Thum. Mr. Dees' did state that having a conditional use for parks is good idea so the Township will have some control over the operations of and in parks within the Township.

X. COMMISIONER'S COMMENT

Andy Smith stated that he hopes to finish up the Outdoor Wood Furnaces/Boilers Draft Ordinance with the proposed changes to be reviewed at the next meeting.

Andy Sikkema that the bike trail crossing M-28 is almost completed and the projected tunnel is coming along.

XI. DIRECTOR'S REPORT

Ms. Thum reported that she is 3 months pregnant and her tentative due date is April of 2010. Tom Murray will fill in for her during her maternity leave. Ms. Thum also reported that the Township is looking at hiring a manager to handle the Planning and Zoning, which may result in a couple of Township positions being eliminated.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Planning and Zoning News, August, 2009
- B. County Planning Commission Reviews

XIII. ADJOURNMENT

Ken Tabor, Moved, Kendell Milton, Seconded, to adjourn the meeting as there was no further business to address. The meeting adjourned at 9:03 p.m.

Albert Denton, Chairperson