

**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 2<sup>nd</sup> 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 then 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