

**Melrose Township Planning Commission Minutes
Melrose Township Hall
Regular Meeting of August 22, 2022**

I. CALL TO ORDER / ROLL CALL

- A. Call to Order:** Chair Bart Wangeman called the meeting to order at 5:30 PM.
- B. Members present:** Bart Wangeman, Julie Christy, Dan Nowland, and Charley Zimmer.
- C. Members absent:** Tim LaGasse (Excused).
- D. Staff present:** Zoning Administrator Vern Goodwin and Recording Secretary Tom Mackie.

II. APPROVAL OF AGENDA

By consensus the agenda was approved as presented

III. APPROVAL OF MINUTES

Charley Zimmer motioned, Dan Nowland seconded, to approve the July 25, 2022 meeting minutes as presented. All members present voted Yes, motion carried.

IV. NEW BUSINESS

A. Rezone Application by Scott Eriksen at 00731 US131 (Property ID # 15-010-033-007-00):

Sam Kosco stated the meeting notices mailed to all property owners within 300 feet and, presumably, the advertisement in the Petoskey News Review reported this hearing would begin at 7:00 PM. He suggested continuing with the Public Hearing at this time would constitute an “illegal meeting.” Following confirmation of this oversight, Bart stated this agenda item will be tabled until 7:00 PM.

B. Waterfront Overlay – Walloon Lake Country Club

Vern noted this is an after-the-fact application as trees have already been cut down on the property. He also stated the Planning Commission can require replacement plantings to provide compliance to paragraph C)3.A) of section 6.11 of the Zoning Ordinance which requires disturbance of no more than 20% of the vegetative buffer zone.

Harry Dixon, Walloon Lake Country Club General Manager, acknowledged the trees were removed before a permit was acquired and stated he didn’t realize a permit was required and described the trees as dead or dying. Many trees have been removed over a period of years. One tree marked for removal is in the road right-of-way at the corner of Bear River and Country Club Shores roads.

Bart stated the application includes two separate plans that don’t appear to agree and both seem out of date. Trees have already been removed and one identified for removal is in the road right-of-way. Bart would like to see an updated site plan showing

what is there now so we can evaluate the need for replacement trees. Charley and Dan both expressed agreement.

Bart read the Waterfront Overlay Permit regulations included in the Zoning Ordinance. Harry stated he would work with Landscape Architect Maureen Parker to ensure requirements are met. Bart stated the plan should detail how they will come into compliance.

Julie motioned to have the applicant resubmit a Site Plan identifying existing trees on the site, any additional planned tree removal, and plans for new plantings to comply with Zoning Ordinance standards. The updated Site Plan will include all current features of the site. Seconded by Dan Nowland. All Ayes, motion carried.

Vern noted he has been asked if a Stop-Work Order can be issued for cases like these. He responded that would be the normal process, but in this case the work had already been done.

V. UNFINISHED BUSINESS None

VI. OTHER COMMUNICATIONS / REPORTS

Vern announced another waterfront overlay violation (on South Shore Drive) will likely be on the agenda for the September meeting.

VII. ZONING BOARD OF APPEALS REPORT

Bart reported the ZBA has not held a meeting since the Planning Commission's last meeting.

VIII. PLANNING COMMISSIONER COMMENTS: None.

IX. CITIZEN COMMENTS ON NON-AGENDA ITEMS:

Audience member Mike Wehrenberg described his recent experience with waterfront work at Hamilton Court and suggested education of contractors is the key to compliance.

Bart announced the meeting would be in recess until 7:00 PM.

Bart re-opened the meeting at 7:00 PM and explained the reason for a recess.

Bart opened a public hearing at 7:02 PM to consider a Rezone Application by Scott Eriksen at 00731 US131 (Property ID # 15-010-033-007-00). He then asked for any public comment in favor of the application.

Property owner Scott Erickson stated he doesn't understand why the process is held up on our end. He is trying to bring business into our community. The parcel is only 1.9 acres that border on state land and the finished project will be nice, not shabby looking. He has heard rumors of people being paid off to stop this project.

Kevin Cooper stated he recalls a comment at the last meeting noting we have not processed a rezone application in a long time. He noted the recent village development

and the new storage unit business on US131 and expressed interest in seeing this development continue. He then asked how many 300-foot notices were mailed and asked if we received any responses. Vern responded, eight letters were mailed and Bart reported one letter was received in support. Kevin stated a neighbor, operating without a license, is opposed and Bart noted that neighbor appears not to be present at this meeting.

Sam Kosc stated we need to “open up somewhat, maybe through negotiations.” This project will help the tax base and employment. He referenced a 63-acre farmland parcel in another community that was turned into a beautiful museum facility. The current list of allowed uses in this district are cost-prohibitive to pursue. Sam then asked what better place than a US highway for a wrecker and car-repair business. He also suggested activities at the Flywheeler Showgrounds just down the road are not agricultural uses, and a mining operation exists to the north on the same side of the road.

Phillip, an employee of the applicant, expressed support for the application.

Brad Coolman stated Scott just wants to support the community.

With no additional comments offered in support, Bart called for public comment from those opposed.

Errol Lee stated the property, at 1.9 acres, does not meet the minimum lot-size requirement of 5 acres in the FF district and a rezone to General Business would constitute spot-zoning. If this application is approved, we would be violating zoning district uniformity. He defined the parcel as a pre-existing, legal, non-conforming lot.

With no further comment offered Bart closed the public hearing at 7:28 PM and indicated the Planning Commission would begin deliberation.

Bart suggested this is a difficult case as many see this project as an improvement to the community and the Planning Commission need to discuss and consider all public testimony. At the same time the Planning Commission’s job is to follow the Master Plan. The Master Plan encourages commercial development next to existing commercial uses but does not allow spot zoning. The Future Land Use Map calls for expansion of commercial use on US131 near the M-75 highway intersection but this area is well to the north of the applicant’s property.

Julie asked if neighboring property owners could also apply if this application is approved. Bart responded an approval of this application would only apply to the parcel in the application. Julie suggested it would be hard to farm on a parcel this small.

Vern then explained the process of amending the Zoning Ordinance, noting our zoning district maps are part of the Township’s Zoning Ordinance so a change to a parcel’s zoning district classification would constitute an amendment to the Zoning Ordinance. Julie expressed her support for advancing the application to the County Planning Department and Township Board for their input.

Julie motioned to recommend approval of Scott Erickson’s application to rezone a 1.9-acre parcel (Property ID# 15-010-033-007-00) at 00731 US131 Highway from FF, “Farm and Forest” to B1, “General Business” Motion seconded by Charley Zimmer. Two voted Yes and two voted No. Motion denied for lack of a majority.

X. **NEXT MEETING:** Scheduled for Monday, September 26, 2022 at 5:30 PM.

XI. **ADJOURNMENT:** At 7:45 PM

Prepared by

Planning Commission Approval by:

Tom Mackie, Recording Secretary

Charley Zimmer, Secretary

Copies: Melrose Township Board, Planning Commission Members, www.melrosetwp.org