

MELROSE TOWNSHIP PLANNING COMMISSION MINUTES
MELROSE TOWNSHIP HALL

REGULAR MEETING OF October 24, 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, Charley Zimmer, and Tim LaGasse.

C. **Members absent:** None.

D. **Staff present:** Township Supervisor Vern Goodwin and Zoning Administrator Ken Lane.

II. Approval of Agenda

By consensus the agenda was approved as presented.

III. Approval of Minutes

Chair Wangeman provided that during the Waterfront Overlay review at the September meeting, the Planning Commission as a whole agreed on each section of the Zoning Ordinance's criteria and requirements as they went through them, and the meeting minutes should be corrected to reflect that consensus.

Member Christy motioned to approve the September 26, 2022, draft minutes with amendments as presented, seconded by Member Zimmer, the motion was approved unanimously.

IV. New Business

1. **Site Plan Review—05551 Country Club Shores**

Chair Wangeman opened the review for the Planning Commission. Chair Wangeman asked Zoning Administrator Lane if he would like to make any comments.

Zoning Administrator Lane stated that this was a site plan review relating to the removal and replacement of an existing barn with a new 984 sq ft accessory building for use as storage in connection with the residential dwelling on the property. Zoning Administrator Lane stated that the property was located in the R-1 and Waterfront Overlay Districts, so the plans had to be reviewed and approved by the Planning Commission.

Zoning Administrator Lane referred to his analysis memo that was included in the Planning Commission meeting packets. Zoning Administrator Lane went through his memo describing

the existing zoning for 05551 Country Club Shores, its current uses, site conditions, adjacent zoning and land uses, and the property's designation in the future land use categories of the Township Master Plan.

Zoning Administrator Lane stated that the proposed accessory building was a permitted use in the R-1 District, it met the height, setback and area regulations of the R-1 District, and it met the setback and vegetative buffer requirements under the Waterfront Overlay District. Zoning Administrator Lane stated the property met the parking requirements under the Township Zoning Ordinance.

Chair Wangeman asked if the applicants would like to address the Planning Commission. Lorenzo and Jan Baker did not have any additional comments.

Chair Wangeman referred the Planning Commission to the Waterfront Overlay District standards found in Article VI, Section 6.11 of the Township Zoning Ordinance. Chair Wangeman suggested that the Planning Commission initially consider the site plan data requirements listed in Section 6.11 (D) (2) of the Zoning Ordinance. Chair Wangeman stated that Zoning Administrator Lane's memo addressed each of the data requirements and determined that each requirement had been satisfied, partially satisfied, or considered not applicable.

Chair Wangeman stated that he generally agreed with the staff findings, and asked the Planning Commission if they also agreed.

The Planning Commission stated by consensus that they did agree with the staff findings.

Chair Wangeman stated that he agreed that Section 6.11 (D) (2) (e) was mostly not applicable as suggested in Zoning Administrator Lane's memo. Chair Wangeman offered that the applicants needed to consider drainage and grading when constructing the new accessory building because it was larger than the existing barn, had a steeper roof pitch, and was higher in elevation. Chair Wangeman added that it is important to keep stormwater on the site.

The Planning Commission agreed by consensus.

Chair Wangeman asked Zoning Administrator Lane why his memo listed Section 6.11 (D) (2) (h) as being partially satisfied.

Zoning Administrator Lane responded that dwellings on adjacent properties were not fully identified.

The Planning Commission by consensus agreed that the site plan did show neighboring properties sufficiently so they can consider subsection (h) satisfied.

Chair Wangeman suggested that the Planning Commission consider the site plan approval standards listed in Section 6.11 (D) (1) of the Zoning Ordinance.

Chair Wangeman read aloud Section 6.11 (D) (1) (a) and offered that the applicant had complied with the section's requirements because the submitted plans demonstrated the impact on vegetation.

The rest of the Planning Commission agreed by consensus.

Chair Wangeman read aloud Section 6.11 (D) (1) (b) and offered that the applicants should consider the comments made earlier regarding stormwater.

The remainder of the Planning Commission agreed and found this section was satisfied by the submitted site plan.

Chair Wangeman read aloud Section 6.11 (D) (1) (c) and noted that Zoning Administrator Lane's memo suggested that this section was satisfied because the proposed accessory structure is replacing an existing structure that is away from the shoreline and closer to the road.

The Planning Commission agreed by consensus and found this section was satisfied.

Chair Wangeman read aloud Section 6.11 (D) (1) (d) and offered that this section was applicable for the stormwater reasons the Planning Commission had gone through earlier.

The remainder of the Planning Commission agreed and found this section was satisfied by the submitted site plan.

Chair Wangeman read aloud Section 6.11 (D) (1) (e) and again noted that Zoning Administrator Lane's memo suggested that this section was satisfied because the proposed accessory structure is replacing an existing structure that is away from the lake frontage and closer to the road.

The Planning Commission agreed by consensus and found this section was satisfied.

Chair Wangeman stated that Section 6.11 (1) (f) was not applicable because administrative review by the Zoning Administrator was not an option due to the amount of lake frontage being more than 120'.

Chair Wangeman offered that the requirements of the Zoning Ordinance had been satisfied and asked if any member of the Planning Commission had further comments. There were no additional comments.

A motion was made by Member LaGasse, seconded by Member Christy, to approve the application submitted by Pearsall Construction Inc, requesting Site Plan Review for a new accessory building at 05551 Country Club Shores in Melrose Township, tax parcel 15-010-

006-010-00, and as shown on the site plan submitted October 12, 2022, because the applicable standards of the Melrose Township Zoning Ordinance have been met.

Chair Wangeman asked if there was any discussion on the motion.

Member LaGasse offered that he had no objections because the plan met the criteria of the Zoning Ordinance as presented.

Chair Wangeman stated that the applicant must provide appropriate drainage to maintain stormwater on their site.

Hearing no further discussion, a vote was taken, and the motion was approved unanimously.

2. Site Plan Review—4036 M-75 N

Chair Wangeman opened the review for the Planning Commission. Chair Wangeman asked Zoning Administrator Lane if he would like to make any comments.

Zoning Administrator Lane stated that this development plan related to a mixed-use development at 4036 M-75 N. Zoning Administrator Lane stated that the applicant, Walloon Lake Holdings, LLC, describes the project as a new mixed-use three story building in the location of the former village general store and old post office. The first floor will contain 12,000 sq ft of retail space and 8 garage spaces. The first floor retail will be a general store and soft goods not unlike the previous village general store. The second and third floors will contain condos, each floor having 8 units, six two-bedroom and two one-bedroom. The condos are intended for single-family use.

Zoning Administrator Lane referred to his analysis memo that was included in the Planning Commission meeting packets. Zoning Administrator Lane went through his memo describing the existing zoning for 4036 M-75 N, its current uses, site conditions, adjacent zoning and land uses, and the property's designation in the future land use categories of the Township Master Plan.

Zoning Administrator Lane stated that the proposed mixed-use development was a permitted use in the C-3 District, and the project met the height, setback and area regulations of the C-3 District. Zoning Administrator Lane stated the proposed development met the parking requirements under the Township Zoning Ordinance.

Zoning Administrator Lane informed the Planning Commission that the application and plans had been sent to Charlevoix County officials as required by the Zoning Ordinance. He added that the responses he had received were that County officials did not have any issues or concerns with the proposed development.

Zoning Administrator Lane stated that he had received two email comments, one from Bob Meek and the other from Lauren Macintyre. Zoning Administrator Lane stated that copies of the emails had been provided to the Planning Commission.

Chair Wangeman asked if the applicant would like to address the Planning Commission.

Jonathan Borisch introduced himself on behalf of Walloon Lake Holdings, LLC, and said he is available to answer questions and would prefer to offer his comments after the public in attendance had spoken.

Chair Wangeman stated that the Planning Commission will take public input at this point of the meeting. He thanked everyone in attendance for coming and asked that speakers limit their time to no more than five minutes and to keep their comments related to the mixed-use development project.

Jed Block asked if the Village sewer system was able to handle the proposed development.

Township Supervisor Goodwin responded that the system is currently at capacity but the Township was in the process of a major upgrade that will expand capacity and it should be completed around the time the development is completed.

Connie Shock asked if it was permissible for the development to put parking spaces behind the Walloon Lake Association building.

Jonathan Borisch responded that when the property was sold there was a declaration in the deed that reserved the right to put parking spaces on that property for the use of 4036 N-75. He added that this right was a deed restriction.

Zoning Administrator Lane requested that Mr. Borisch provide a copy of the deed to verify the ability to use the adjacent property for parking. Zoning Administrator Lane stated that it is permissible to meet the parking requirements under the Zoning Ordinance under such an arrangement.

Jonathan Borisch responded that he would email a copy to the Zoning Administrator.

Member Christy asked if the Walloon Lake Water System could support the proposed mixed-use development.

Jonathan Borisch responded that the Walloon Lake Water System intends to install additional lines and a pump to handle the needs of the new development.

Lori Witt asked how many trees will have to come down.

Jonathan Borisch responded that the only area that trees will be taken down will be behind the Walloon Lake Association building to allow for parking spaces.

An audience member asked if the garages shown on the development plan were intended to be used by the condo owners.

Jonathan Borisch responded yes, that is the intended use of the garages.

Kathy Burns asked will the condo owners be provided with dock slips, and if so, will more dock slips be added.

Jonathan Borisch responded that the condo owners will have the right of first refusal on 8 existing slips and that additional slips will not be added.

Douglas Wedell stated that if one tree is removed, it should be replaced with two others and the development should not degrade the current water pressure. He added that he 100% supports the project, but existing residents should not have to suffer with reduced water pressure.

Philo Lang stated that he believed the proposed development was being done in a first class way, but he does have concerns about the water pressure. He added that the perception is that residents are held hostage by the poor water pressure. Mr. Lang asked how the Planning Commission intended to solve the water pressure issue. Mr. Lang stated that the plans showed septic tanks behind the building and he asked if those tanks were temporary.

Township Supervisor Goodwin responded that the sewer system does not treat raw sewage, so the tanks are needed for that purpose. He added that the tanks are pumped regularly on a schedule set by the Township's engineers. He further added that if pumping is needed beyond that schedule, the property owner will be required to pay the additional costs.

Jonathan Borisch stated that he has no control over the Walloon Lake Water System, but he has been assured by them that they will have sufficient capacity to support the development after making improvements. He added that he understands that fixing the water pressure will be part of a two-year improvement plan and that State of Michigan is accountable for such improvements.

An audience member asked about the liquor license for the proposed development.

Zoning Administrator Lane stated that liquor license issues are not subject to review by the Planning Commission. He added that questions should be directed to the Liquor Control Commission.

Township Supervisor Goodwin stated that the Township Board used to have the ability to comment on liquor license matters, but the law has changed, and they don't have the ability to comment as much anymore.

Chair Wangeman stated that at either the hotel or restaurant across the road from this proposed development, he thought proof of sufficient water pressure was required for the fire suppression system to operate. He added that it can be inferred that the County building department will not issue a permit until they are assured of sufficient water pressure.

Township Supervisor Goodwin stated that he understood that the MDEQ was requiring the Walloon Lake Water System to put in a variable pump and create additional capacity, and this is consistent with what they told the applicant they would do.

An audience member asked what the vision was for the general store.

Jonathan Borisch responded that the store in the proposed development will carry the same products as the former general store, but he was not sure about ice cream. He added the general store in the proposed development will be more upscale with more interior ambiance.

An audience member asked when the development is projected to open.

Jonathan Borisch responded late 2023.

Chair Wangeman asked if there was any additional public comment. Hearing none, he closed the public hearing.

Chair Wangeman referred to Zoning Administrator Lane's memo included in the Planning Commission meeting packet and stated that the Zoning Administrator found that each of the graphic requirements for development plans as required by Section 11.1 (A) (2) of the Township Zoning Ordinance had been satisfied. He offered that he agreed with the staff findings in relation to the graphic requirements and asked the Planning Commission if they also agreed.

The Planning Commission members by consensus stated they did agree with the staff findings in relation to Section 11.1 (A) (2) as provided in the memo.

Chair Wangeman suggested that the Planning Commission go through each of the development plan review standards listed in Section 11.4 of the Township Zoning Ordinance.

Chair Wangeman read aloud Section 11.4 (A) (1) and offered that the applicant's development plan complied with the requirements of this section.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (1) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (2) and offered that the applicant's development plan complied with the requirements of this section because the evergreens on the south side of the property were going to remain.

Jonathan Borisch responded by confirming that the evergreens will remain.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (2) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (3) and offered that the applicant's development plan complied with the requirements of this section and that this requirement was more for Charlevoix County. He added that they had heard from County officials, and they had no issues with the proposed development.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (3) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (4) and asked the Zoning Administrator why his memo suggested the Planning Commission should question the developer on this requirement.

Zoning Administrator Lane stated that he thought the Planning Commission may want further discussion on how privacy would be addressed for condo residents.

Member LaGasse stated that the proposed development included screening and other barriers as depicted in the plans and he felt this section was satisfied.

The Planning Commission members by consensus stated they also agreed that the requirements of Section 11.4 (A) (4) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (5).

Member LaGasse stated that he did not see enhanced suppression access depicted on the submitted development plan.

Chair Wangeman stated that fire suppression plans go through the County building approval process.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (5) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (6) and stated that the Zoning Administrator had considered this section not applicable because this was an attached condo development. He offered that he agreed with the Zoning Administrator's finding.

The Planning Commission members by consensus stated they did agree that the requirements of Section 11.4 (A) (6) were not applicable.

Chair Wangeman read aloud Section 11.4 (A) (7) and offered that the applicant's development plan complied with the requirements of this section.

The Planning Commission members by consensus stated they did agree that the requirements of Section 11.4 (A) (7) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (8) and asked the applicant to clarify where the loading and unloading area would be for the general store and soft retail.

Jonathan Borisch responded that the loading and unloading area would be between the new building and the Walloon Lake Association's building adjacent to the double doors depicted on the development plan. He added that this was a different location than the former general store.

Chair Wangeman asked if the applicant had any concerns with obtaining permission for the curbs cuts as depicted on the development plan.

Jonathan Borisch responded no, because they were planning to use existing curb cuts and not creating new ones.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (8) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (9) and offered that the applicant's development plan complied with the requirements of this section and that lighting detail was provided on sheet C-1 of the development plan.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (9) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (10) and offered that the applicant's development plan complied with the requirements of this section.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (10) had been satisfied.

Chair Wangeman read aloud Section 11.4 (A) (11) and offered that the applicant's development plan complied with the requirements of this section.

Member LaGasse asked about parking spaces 37-44 and whether those spaces were located in front of the 8 first floor garages.

Jonathan Borisch responded yes, those spaces would be for the use of the corresponding garage and condo owners.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (11) had been satisfied.

Chair Wangeman stated that the Zoning Administrator Lane's memo found that Sections 11.4 (A) (12), (13), (14), (15) and (16) were not applicable to the proposed development and he offered that he agreed with those findings.

The Planning Commission members by consensus stated they agreed that the requirements of Sections 11.4 (A) (12), (13), (14), (15) and (16) were not applicable.

Chair Wangeman read aloud Section 11.4 (A) (17) and offered that the applicant's development plan complied with the requirements of this section based on the responses received from Charlevoix County officials.

The Planning Commission members by consensus stated they agreed that the requirements of Section 11.4 (A) (17) had been satisfied.

Zoning Administrator Lane stated that the Planning Commission did have the authority to impose landscaping and screening requirements if certain Zoning Ordinance criteria were met as listed in his memo.

Chair Wangeman asked the applicant to offer his intent on landscaping.

Jonathan Borisch responded that the intent was to landscape the front and back areas of the properties in a manner consistent with neighboring properties by using flowers and trees.

Chair Wangeman stated that the development intends to maintain the existing trees between the development property and the Township Park and that the trees being removed for parking spaces were minimal and had been identified.

Chair Wangeman asked if the rest of the Planning Commission was comfortable with the applicant's plan for landscaping.

The Planning Commission members by consensus stated they were good with the proposed landscaping.

Chair Wangeman offered that all of the Zoning Ordinance requirements had been satisfied, and suggested that a motion was in order.

Member Zimmer moved to approve the application submitted by Walloon Lake Holdings, LLC, requesting Development Plan Review for a new mixed use development at 4036 M-75 N in Melrose Township, tax parcels 15-010-10-009-100-35, 15-010-10-009-100-45, 15-010-10-009-094-10, and as shown on the development plan submitted September 14, 2022, because the applicable standards of the Melrose Township Zoning Ordinance have been met, such approval conditioned on the applicant providing documentation to the Zoning

Administrator to verify that the parking spaces proposed on the north side of the property were permitted by deed restriction as mentioned by the applicant.

Member Christy seconded the motion. The motion was approved unanimously by roll call vote.

V. **Unfinished Business**

None.

VI. **Other Communications/Reports**

Zoning Administrator Lane again mentioned the two emails he had received, one from Bob Meek and the other from Lauren Macintyre.

Zoning Administrator Lane shared correspondence from the Charlevoix County Planning Director relating to the Charlevoix County Planning Commission's decision to support the rezoning denial voted on by the Township Planning Commission at the September meeting.

A Zoning Administrator report and planning report was provided to the Planning Commission.

VII. **Zoning Board of Appeals Report**

Nothing to report.

VIII. **Planning Commissioner Comments**

None.

IX. **Citizen Comments on Non-Agenda Items**

Lori Witt stated that the public access at the end of Howard Street appeared to be encroached upon by an adjacent property owner.

Zoning Administrator Lane stated he would investigate.

X. **Next Meeting Scheduled**

November 28, 2022

XI. **Adjournment**

At 7:20 P.M.

Prepared by:

Planning Commission Approval by:

Ken Lane, Zoning Administrator/Recording Sec.

Charley Zimmer, Secretary

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