

MELROSE TOWNSHIP PLANNING COMMISSION MINUTES  
MELROSE TOWNSHIP HALL

REGULAR MEETING OF JANUARY 23, 2023

I. Call to Order/Roll Call

A. Call to Order: Chair Bart Wangeman called the meeting to order at 5:32 PM.

B. Members present: Bart Wangeman, Charley Zimmer, Dan Nowland, and Tim LaGasse.

C. Members absent: Julie Christy.

D. Staff present: Zoning Administrator Ken Lane.

II. Approval of Agenda

Member LaGasse suggested moving the Recreation Plan Review discussion ahead of the public hearing for the Vistas of Walloon PUD amendment to accommodate the 7pm public hearing time.

By consensus the amended agenda was approved.

III. Approval of Minutes

Chair Wangeman proposed modifications to the last paragraph on page 2 to clarify that the submitted development plan depicted topography, but did not depict current topography that included the impact of the proposed new classrooms. He also corrected the spelling of "Wehrenberg" on page 7.

Member Zimmer motioned to approve the December 19, 2022, draft minutes with amendments as presented, seconded by Member LaGasse, the motion was approved unanimously.

IV. New Business

a. 2023 Election of Officers

Zoning Administrator Lane informed the Planning Commission that its bylaws required the election of officers at the first meeting of each year. He added that the bylaws allow members to serve consecutive terms in the same office.

Member LaGasse nominated Wangeman to serve as 2023 Planning Commission Chairperson. Member Nowland seconded the nomination, and it was approved unanimously.

Chair Wangeman nominated LaGasse to serve as 2023 Planning Commission Vice-Chairperson. Member Zimmer seconded the nomination, and it was approved unanimously.

Chair Wangeman nominated Christy to serve as 2023 Planning Commission Secretary. Member LaGasse seconded the nomination, and it was approved unanimously.

Member Zimmer informed the Planning Commission that he would be moving out of Melrose Township in March, so he will be unable to remain on the Planning

Commission beyond tonight's meeting. He stated that he had enjoyed his time on the Planning Commission and was thankful for the opportunity. The Planning Commission thanked Member Zimmer for his service on the Planning Commission and to the community.

**b. 2023 Meeting Schedule**

Member LaGasse made a motion to adopt the Melrose Township Planning Commission's 2023 regular meeting schedule as provided in Resolution #01-2023. Member Nowland seconded the motion, and Resolution #01-2023 was unanimously adopted.

**c. 2022 Annual Report**

Zoning Administrator Lane presented a draft 2022 Annual Report to the Planning Commission. He stated that after the Planning Commission approves its 2022 Annual Report, it will be provided to the Township Board of Trustees. He further stated that there is no specific time frame for the Planning Commission to adopt its annual plan, so the Planning Commission can review the draft report and finalize it at a subsequent meeting.

Chair Wangeman suggested that the draft 2022 Annual Report be included on the next regular meeting agenda for further consideration by the Planning Commission. A consensus of the Planning Commission agreed to continue the review of the annual report at the next scheduled meeting.

**d. Waterfront Overlay Review—05521 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 the applicant, Birchwood Construction, seeks to make repairs to an existing residential structure by removing and replacing a foundation wall and footing. He added that excavation is proposed to occur in the area of the repair, which is an estimated 70' setback from Walloon Lake.

Zoning Administrator Lane referred to his analysis memo that was included in the Planning Commission meeting packets. Zoning Administrator Lane noted that Section 4.21 of the Township Zoning Ordinance permits the restoration or repair of unsafe structures by right. He further added that this property has 150' of Walloon Lake frontage, which requires review and approval by the Planning Commission.

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

Jason Zeigler of Birchwood Construction stated that a foundation wall at 05521 Country Club Shores was cracking and had shifted over time despite a previous repair. He added that the wall needed to be replaced to ensure the structure remains safe. He further added that the plan was to shore the house in place while replacing the foundation wall and footing.

Chair Wangeman stated that the proposed work will not create a lot of activity on the property and that the work was more or less needed maintenance.

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 and that the requirements of Section 6.11 (D) (2) had been met.

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 that the proposed work will not have any impact on vegetation. The remainder of the Planning Commission agreed and found this section was satisfied by the submitted development plan.

Chair Wangeman read aloud Section 6.11 (D) (1) (b) and offered that the applicant will need a soil erosion permit from the County that will satisfy this section. A consensus of the Planning Commission agreed and determined that this section was satisfied.

Chair Wangeman noted that Zoning Administrator Lane's memo suggested that Sections 6.11 (D) (1) (c)-(e) were not applicable based upon the scope of the proposed work. A consensus of the Planning Commission agreed and determined that these sections were not applicable to the proposed repairs.

Chair Wangeman suggested that a motion was in order.

Member LaGasse made the following motion:

I approve the application submitted by Birchwood Construction, requesting Development Plan Review for a foundation wall and footing repair at 05521 Country Club Shores in Melrose Township, tax parcel 15-010-006-011-00, as shown on the plot plan submitted January 3, 2023, because the applicable standards of the Melrose Township Zoning Ordinance have been met as shown on the development plan presented.

Member Nowland seconded the motion, and it was unanimously approved.

V. Unfinished Business (out of order based on agenda as amended)

b. Recreation Plan Review

Jennifer O'Neil with Networks Northwest informed the Planning Commission that she was going to present the results of the public survey that had been completed in relation to an update to the Township's five-year recreation plan. She stated that

the update was required by the Michigan Department of Natural Resources and will allow the Township to be eligible for recreation grants.

Through use of a projector, Ms. O'Neil initially presented a seasonal population study that Networks Northwest had prepared for Charlevoix County. She noted that the study estimated overnight visitors on a monthly basis and included data on short term rentals.

Chair Wangeman noted that the study estimated that approximately 50,000 visitors occupied short terms rentals in Charlevoix County during the month of July.

Ms. O'Neil went through regional seasonal summary data with the Planning Commission and noted the seasonal trends in monthly occupation numbers. She stated that the occupancy tables and numbers relating to short term rentals were important components for the draft Recreation Plan because those numbers will help to determine facility usage. She added that the occupation data will be included in the draft plan.

Ms. O'Neil presented the public survey results relating to existing Township recreation facilities. She noted that the survey included comments and recommendations for existing facilities including the library, boat launch, playground equipment, beach area, gazebo, and hiking trails. She added that the library received very high ratings in the survey, as did the majority of existing Township facilities. She further added that recommendations included addressing the geese around the beach area, improvements to the gazebo, better maintenance of public restrooms, and signage for trails.

Ms. O'Neil stated that the survey asked participants to include big idea items to improve or add to the Township's recreation facilities. She noted that survey results on big idea items included a public swimming pool, pickle ball courts, additional hiking and biking trails, and improvements to Township Hall.

Ms. O'Neil asked the Planning Commission to consider the results of the public survey and provide her with direction for items to include in the draft plan. She asked the Planning Commission to consider the potential for facility recommendations suggested by the survey.

Chair Wangeman suggested that the Planning Commission review the survey results and come back at the February meeting with some specific ideas. He asked if anyone in attendance at the meeting would like to offer any comments.

Mary Pat Goldich stated that improvements had been made to the public restrooms by the Township's Downtown Development Authority and that the survey results pertaining to the restrooms had been made prior to the completion of those improvements.

Members of the public in attendance stated that the gazebo and playground equipment did need improvement, and the playground equipment was not appropriate for use by teenagers.

Robin Berry suggested that the Planning Commission consider the idea of a kayak and canoe water trail on the Bear River.

Members of the public in attendance that owned property near the Bear River voiced their opposition to a water trail and noted that the survey results did not include any recommendations for a water trail.

Chair Wangeman thanked members of the public for commenting and asked Zoning Administrator Lane to add further discussion of the draft Recreation Plan to the February meeting agenda.

**IV. New Business (out of order based on agenda as amended)**

**e. PUD Amendment—Public Hearing--Vistas of Walloon-04509 Waters Edge Drive**

Chair Wangeman opened the public hearing at 7:01 pm. Chair Wangeman asked Zoning Administrator Lane if he would like to make any comments.

Zoning Administrator Lane stated that a request had been submitted for an amendment to the approved Planned Unit Development for the Vistas of Walloon to discontinue use of the development's retention pond for fire suppression and to remove the requirement that the Vistas of Walloon have a supply of water for fire suppression.

Zoning Administrator Lane stated that the final PUD for the Vistas of Walloon was accepted by the Township Planning Commission on June 26, 2006. He added that at that time, the retention pond was not required or included as part of the stormwater retention plan approved by the Planning Commission. He further added that a separate fire suppression water storage tank was required as part of the Planning Commission's approval in June 2006.

Zoning Administrator Lane stated that on December 18, 2006, the Township Planning Commission approved an amendment to the PUD as requested by the Vistas of Walloon. The approved amendment allowed a change from the fire suppression water storage tank to a landscaped pond to be located in the Northwest corner of the site that was required to be lined and equipped with a dry-hydrant type of standpipe so that the Township Fire Department could draw water from it. He added that, based on the Planning Commission's approved amendment to the PUD, the retention pond was required for fire suppression as a condition of approval in December 2006.

Zoning Administrator Lane stated that because the retention pond was required for fire suppression as a condition of approval, the requested amendment is not considered "minor" under the Township Zoning Ordinance, and must be considered by the Planning Commission. He added that the Zoning Ordinance requires a public hearing for the amendment request and notice of the public hearing had been provided in accordance with the Township Zoning Ordinance and State law.

Zoning Administrator Lane stated that comments had been received in support of the requested amendment from Charles Molina, Clark Reed, Jeff Johnson, Ron & Lisa

Cleveringa, and Ned Swift. Zoning Administrator Lane provided copies of the comments to the Planning Commission.

Zoning Administrator Lane stated that he had provided the PUD amendment request to Township Fire Chief Howard and requested his opinion and comment. Zoning Administrator Lane stated that Chief Howard was not supportive of eliminating a source of water for fire suppression at the Vistas of Walloon property due to the difficulty in hauling water to that development, especially during the winter months. Zoning Administrator Lane provided a copy of an email from Chief Howard that included the Chief's opinion on the requested amendment to the Planning Commission.

Zoning Administrator Lane stated that given the nature of the requested amendment, it was appropriate for the Planning Commission to waive many of the procedures and standards related to initial PUD approval under the Township Zoning Ordinance. He added that Section 14.10 (C) of the Township Zoning Ordinance authorized the Planning Commission to make such waivers under the circumstances of the amendment request. He further added that the Planning Commission should review the PUD amendment request and determine that if the amendment were approved, would the Vistas of Walloon development still meet the standards and criteria required under the Township Zoning Ordinance.

Chair Wangeman stated that as part of the public hearing, he would ask for comments in support of and then in opposition to the requested PUD amendment.

Russ Schlehuber, who was the applicant on behalf of the Vistas of Walloon, stated that the requested amendment was appropriate for approval because there is an alternate access route to the Vistas of Walloon that the Fire Department could use when hauling water to the property that would eliminate the need to travel up steep terrain. He added that the alternate route only adds .08 miles to the distance from the Township Fire Station to the Vistas of Walloon. Mr. Schlehuber stated that he understood that the Fire Department's modern equipment and vehicles eliminated the need to have a water supply at the property. He added that hauling water to the Vistas of Walloon was not much different than hauling it to other locations in the Township.

John Alterii stated that he was a young homeowner looking to build in the Vistas of Walloon and that the costs associated with maintaining the retention pond or installing a tank were excessive. He added that he was a first responder, and he had the upmost respect for firefighters. He further added that modern firefighting equipment eliminated the need for an onsite water source.

Chair Wangeman asked if anyone wanted to speak in opposition to the PUD amendment request.

Mary Pat Goldich stated that she resided near the Vistas of Walloon and she was concerned with the elimination of a source of water for fire suppression. She asked the Planning Commission to carefully consider the requested amendment.



Chair Wangeman stated that economic concerns were not something the Planning Commission could permissibly consider as part of their deliberations on the request.

Russ Schlehuber stated that Melrose was a large Township, and it takes a lot longer for the Fire Department to get to other properties than to the Vistas of Walloon.

John Alterii suggested that the Fire Chief be asked about the difference an additional .08 miles will make.

Chair Wangeman asked if there were any additional comments. Hearing none, he closed the public hearing at 7:36 PM and moved the Planning Commission into its deliberations.

Chair Wangeman stated that he had concerns with the requested amendment based on the opinion of the Fire Chief and because the approval of the Vistas of Walloon PUD was conditioned on having a source of water for fire suppression. He added that he was not convinced that such a requirement should be eliminated.

Member LaGasse stated that he had travelled with a water loaded fire truck to the Vistas of Walloon property using both routes, and the time needed to take the alternate route would be significant during an emergency or fire. He added that the Planning Commission's focus must be on how the elimination of a source of water at the Vistas of Walloon will impact that development's ability to meet the standards under the Township Zoning Ordinance, and not how long it may or may not take for the Fire Department to travel to other properties. He further added that underground water tanks for fire suppression are located in other locations throughout the Township, and Melrose Township has mutual support agreements in place with other area fire departments. He noted that these items shorten response times to other locations in the Township.

Chair Wangeman suggested that the Planning Commission consider the PUD review standards listed in Section 14.10 (A) of the Zoning Ordinance. Chair Wangeman stated that Zoning Administrator Lane's memo addressed each of the standards and provided his opinion on whether a standard was satisfied, partially satisfied, or considered not applicable.

Based upon the Zoning Administrator's memo, a consensus of the Planning Commission agreed that Sections 14.10 (A) (1-5) were not applicable to the requested PUD amendment.

Chair Wangeman read Section 14.10 (A) (6) aloud and offered that this section may not apply to the requested amendment because the Vistas of Walloon property would not create a hazard to surrounding properties, even if the requested amendment were to be approved. A consensus of the Planning Commission agreed that Section 14.10 (A) (6) was not applicable to the requested amendment.

Chair Wangeman read Section 14.10 (A) (7) aloud and offered that the elimination of all sources of fire suppression will increase demands on public services and that this section is not satisfied.

Member LaGasse stated that he agreed that the elimination of a source of water for fire suppression will put demands on public services and that this section is not met.

A consensus of the Planning Commission agreed that the requirements of Section 14.10 (A) (7) were not satisfied by the requested amendment.

Based upon the Zoning Administrator's memo, a consensus of the Planning Commission agreed that Sections 14.10 (A) (8-14) were not applicable to the requested amendment.

Chair Wangeman read Section 14.10 (A) (15) aloud and offered that based upon the opinion of the Township Fire Chief, the elimination of all sources of fire suppression did create public safety and fire related concerns and that this section is not satisfied.

A consensus of the Planning Commission agreed that the requirements of Section 14.10 (A) (15) were not satisfied by the requested amendment.

A consensus of the Planning Commission agreed that Section 14.10 (A) (16) was not applicable to the requested amendment.

Chair Wangeman offered the following motion:

I move to deny the application submitted by Russ Schlehuber, on behalf of the Vistas of Walloon, requesting an amendment to the approved PUD for the Vistas of Walloon to discontinue use of the site's retention pond for fire suppression/remove the requirement for the Vistas of Walloon to have a supply of water for fire suppression, at 04509 Waters Edge Drive in Melrose Township, tax parcel 15-010-725-000-00, based upon the opinion of the Melrose Township Fire Chief and because the applicable standards of the Melrose Township Zoning Ordinance have not been met.

Member Nowland seconded the motion, and it was unanimously approved.

**V. Unfinished Business (out of order based on agenda as amended)**

**a. Site Plan Review—02594 Springvale Road**

Zoning Administrator Lane stated that at a special meeting on December 19, 2022, the Planning Commission had postponed a decision on the development plan submitted by Bear River Heath until tonight's meeting. Zoning Administrator Lane stated that the Planning Commission had deliberated on the development plan submitted by Bear River Heath at the December 2022 meeting, and had determined by consensus that the development plan submitted did not comply with Sections 11.1 A 2 (b), (q), (r), and (s) and Sections 11.4 A (1), (2), (3), (4), (6), (7), (8), and (9) of the Township Zoning Ordinance. He added that the applicant had been notified of these deficiencies on December 20, 2022, and a revised development plan that complied with the Township Zoning Ordinance had been requested that same day.



Zoning Administrator Lane had provided copies of the application and plan submitted for the December 2022 meeting, along with documents pertaining to previous approvals for work conducted at 02594 Springvale Road.

Zoning Administrator Lane stated that Mr. Fred Hackl, applicant on behalf of Bear River Health, had notified him that Bear River Health would not have a revised site plan ready for tonight's meeting. Zoning Administrator Lane stated that the Planning Commission must decide whether to further postpone a decision, or act on the pending development plan review request.

Based upon the Planning Commissions deliberations at the December 19, 2022, meeting, Commissioner LaGasse made the following motion:

I move to deny the application submitted by Frederick Hackl, on behalf of Bear River Health, requesting Development Plan Review to add two mobile classrooms at 02594 Springvale Road in Melrose Township, tax parcel 15-010-009-058-25, as shown on the development plan submitted November 14, 2022, because the applicable standards of the Melrose Township Zoning Ordinance have not been met.

The motion was seconded by Commissioner Zimmer, and unanimously approved.

Zoning Administrator Lane stated that he would notify the applicant and that the denial would not prevent them from reapplying.

**VI. Other Communications/Reports**

Email from Fire Chief Howard relating to the Vistas of Walloon PUD amendment.

Emails from Charles Molina, Clark Reed, Jeff Johnson, Ron & Lisa Cleveringa, and Ned Swift relating to the Vistas of Walloon PUD amendment.

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

**VII. Zoning Board of Appeals Report**

Chair Wangeman stated that the ZBA had not met since the December 2022, Planning Commission meeting, but they were meeting on February 1, 2023.

**VIII. Planning Commissioner Comments**

Chair Wangeman again thanked Member Zimmer for his service on the Planning Commission.

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

A member of the public in attendance stated that Bear River Health's prior approvals required 24 security and licensed medical staff.

Zoning Administrator Lane stated that he had not noted such conditions in his review of the file, but he would conduct further research.

**X. Next Meeting Scheduled**

February 27, 2023.

Zoning Administrator Lane stated that a waterfront overlay request from the Country Club and the continued discussion of the draft Recreation Plan will be on the agenda so far.

XI. Adjournment

At 8:12 P.M.

Prepared by:

Planning Commission Approval by:

\_\_\_\_\_  
Ken Lane, Zoning Administrator/Recording Sec.

\_\_\_\_\_  
Julie Christy, Secretary

Copies: Melrose Township Board, Planning Commission Members, [www.melrosetwp.org](http://www.melrosetwp.org)