

MELROSE TOWNSHIP PLANNING COMMISSION MINUTES
MELROSE TOWNSHIP HALL

REGULAR MEETING OF JUNE 26, 2023

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, Douglas Jenkins, Tim LaGasse.

C. Members absent: None.

D. Staff present: Zoning Administrator Ken Lane.

II. Approval of Agenda

By consensus the agenda, as presented, was approved.

III. Approval of Minutes

Member Christy motioned to approve the May 22, 2023, draft minutes as presented, seconded by Member LaGasse, the motion was approved unanimously.

IV. New Business

a. Commercial change of use-04730 US 131 N-KLG Walloon Investments, LLC

Chair Wangeman opened the commercial change in use application for review by the Planning Commission. Chair Wangeman asked Zoning Administrator Lane if he would like to make any comments.

Zoning Administrator Lane stated that this is an existing business, Walloon Central Marine, that provides boat sales and storage currently. He added that the business is in the process of obtaining a license from the State to sell up to 6 used cars at one time. He further added that the application before the Planning Commission tonight specified that only 0-4 used cars would be offered for sale at any one time.

Zoning Administrator Lane stated the business wishes to offer used car sales as an additional service to its customers. He added that the applicant is proposing that the used cars offered for sale will be placed on existing paved surfaces where boats are currently displayed. Zoning Administrator Lane stated that the existing sales office will handle the used car sales, so no changes to the existing site are being proposed.

Zoning Administrator Lane referred to his analysis memo included in the Planning Commissions meeting packet and noted that the property is located in the B-1 Zoning District where new and used car sales are a use permitted by right. He added that the existing business and proposed new use comply with the dimensional and other requirements of the B-1 District as provided in his memo.

Zoning Administrator Lane stated that the development plan submitted by the applicant did not fully comply with the graphic requirements of the Zoning Ordinance. He added that due to the minor change in use being proposed, it is his opinion that the plan submitted is sufficient for the Planning Commission's

consideration and that Section 11.1 D of the Zoning Ordinance allows the Planning Commission to waive the requirement for an engineered development plan. Zoning Administrator Lane referred to his analysis memo and stated that in his opinion the development standards associated with Section 11.4 A of the Zoning Ordinance had been satisfied.

Chair Wangeman asked the applicant if he wanted to offer any comments.

Scot Garden stated that the used car sales will be an ancillary service to their customers, and he is available to answer questions.

Chair Wangeman stated that the Zoning Administrator's memo presented the case pretty well and he agreed that the development standards had been satisfied consistent with the Zoning Administrator's opinion. He asked if any Planning Commissioner had any questions.

Member LaGasse stated that although he understands that the State license will only allow for up to 6 cars, he wants to make sure the applicant has no intention of expanding into a larger car dealership.

Scot Garden responded that they have no intention of expanding beyond 4 used cars, and they probably will have only 1-2 cars available at one time.

Chair Wangeman referred to the development standards on pages 4-5 of the Zoning Administrator's memo and stated that he agreed with the Zoning Administrator's findings. The remainder of the Planning Commission agreed by consensus.

Chair Wangeman stated that he agreed that the Planning Commission should waive the development plan requirements in accordance with Section 11.1 D. The remainder of the Planning Commission agreed by consensus.

Member Christy made the following motion:

I move to approve the application submitted by KLG Walloon Investments, LLC, requesting Development Plan Review for a commercial change in use to add used car sales of 0-4 cars at 04730 US 131N in Melrose Township, tax parcel 15-010-009-022-10, because the applicable standards of the Melrose Township Zoning Ordinance have been met.

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

b. Mass Gathering License-Barrel Back Restaurant

Chair Wangeman asked Zoning Administrator Lane to introduce this Mass Gathering License request.

Zoning Administrator Lane stated that this is an application by the Barrel Back Restaurant to hold a triathlon on July 15, 2023. He added that at the May meeting, the Planning Commission had postponed a decision on the application due to a lack of supplemental information.

Zoning Administrator Lane stated that on May 23 and again the week of June 12, he had notified the applicant that supplemental information on the event was needed. He added that on June 21, the applicant notified him that the details of the event were still

being finalized. He further added that no supplemental information had been provided yet.

Zoning Administrator Lane stated that the Planning Commission needed to decide what to do with the pending application. He added that actions might include further postponement or a denial recommendation to the Township Board.

Chair Wangeman asked if anyone in attendance wished to speak on behalf of the application. No one responded.

Member LaGasse stated that the event coordinator has made arrangements with the fire department and EMS for the triathlon and that there have been issues in previous years getting the paperwork submitted on time for this event. He added that the triathlon is an annual event and there have been no problems in previous years.

Chair Wangeman agreed that the triathlon has been held successfully in previous years. He added that it was his understanding that no complaints had been received from previous years.

Given the timing of the event and the past performance, the Planning Commission discussed making an approval recommendation to the Township Board and asking the Zoning Administrator to inform the applicant that the supplemental information must be provided before the Township Board meeting on July 11.

Member LaGasse made the following motion:

Upon review of the application, and given the prior history of compliance and performance at this event, I move to recommend the Township Board of Trustees grant a Mass Gathering License to the Barrel Back Restaurant for their proposed triathlon on July 15, 2023, in accordance with the application submitted, based upon compliance with the Mass Gathering Ordinance.

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

c. Waterfront Overlay Permit—739 South Shore Drive

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 applicants, Deborah & Jos Kurd, are requesting to remove up to 6 large, old pines trees that have become hazardous due to large falling branches. Zoning Administrator Lane referred to his analysis memo that was included in the Planning Commission meeting packets and provided an overview of the subject property. He added that the applicants had provided a plan depicting the location of the 6 trees.

Zoning Administrator Lane referred to Section 6.11 of the Township Zoning Ordinance and stated that within the vegetative buffer area the removal of dangerous trees cannot exceed 30% of a parcel, and the clearing of dangerous trees is limited to 30 feet per 100 feet of shoreline width. He added that based on his calculations, the applicants' removal of all 6 trees would comply with Section 6.11.

Zoning Administrator Lane provided his opinion in relation to the development review standards within 6.11 (D) of the Township Zoning Ordinance as included within his analysis memo.

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

Deborah Kurd stated that the trees have been growing since 1958 and they are huge. She added that the trees face due west, so every time there is a storm, they take the brunt of it and drop huge branches onto their property. She further added that they are concerned that the branches will damage their home. Deborah Kurd added that they will most likely remove 2-4 trees that are closest to their house.

Chair Wangeman stated that he had toured the property, and he agreed that the trees are huge and fallen branches would cause damage.

Jos Kurd stated that ice also builds up on these trees and then melts and falls creating an additional hazard.

Chair Wangeman asked the Planning Commissioners if they had any questions.

Member LaGasse asked whether the applicants intended to remove the stumps or root balls after the trees are taken down. He added that he did not have any concerns with the removal of the trees for safety reasons, but the root system should remain to limit soil erosion.

Deborah Kurd responded that they plan to grind the stumps but leave the root balls.

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

Chair Wangeman referred to 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 met the tree removal requirements of Section 6.11. The remainder of the Planning Commission agreed and found this section was satisfied.

Chair Wangeman read aloud Section 6.11 (D) (1) (b) and offered that this standard was met because the applicants intend to leave the root balls. The Planning Commission agreed by consensus and determined that this section was satisfied.

Chair Wangeman referred to Sections 6.11 (D) (1) (c), (d), and (e) and suggested that these sections were not applicable based on the staff findings. The Planning Commission by consensus agreed and determined that these sections were not applicable.

Chair Wangeman summarized the analysis from the Zoning Administrator's memo and suggested that a motion was in order. Because he was recently at the site, he offered to make the motion.

Chair Wangeman made the following motion:

I move to approve the application submitted by Deborah and Jos Kurd, requesting Development Plan Review for tree removal at 739 South Shore Drive in Melrose Township, tax parcel 15-010-500-001-50, because the applicable standards of the Melrose Township Zoning Ordinance have been met.

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

d. Development Plan Review-02594 Springvale Road-Bear River Health

Chair Wangeman opened the review for the Planning Commission. Chair Wangeman asked Zoning Administrator Lane if he would like to provide his analysis.

Zoning Administrator Lane stated that development plans submitted by Bear River Health had been denied by the Planning Commission on two previous occasions. He added the most recent development plan is different in that it has much more information than the prior plans and the applicant is now requesting to place one pre-fabricated 1,125 square foot mobile classroom on the existing Bear River Health campus instead of two.

Zoning Administrator Lane stated that the proposed classroom will be placed on a permanent foundation and located on the southwestern portion of the property. He added that the proposed classroom building will be for current resident and staff use. He added that the classroom will be connected to a new septic tank that discharges to an existing but unused drain field as depicted on the submitted development plan.

Zoning Administrator Lane stated that the proposed mobile classroom is a permitted accessory use in the B-1 District, and the proposed classroom meets the height, setback, and area regulations of the B-1 District. He added that it was his opinion that the proposed classroom satisfies the other development regulations provided in Section 6.4 (g) of the Township Zoning Ordinance because the proposed classroom should not create any nuisance conditions for adjacent properties.

Zoning Administrator Lane referred to his analysis memo and stated the proposed development plan met the parking requirements and loading/unloading area requirements under the Township Zoning Ordinance.

Zoning Administrator Lane referred to the development plan graphic requirements in Section 11.1 (A) (2) of the Township Zoning Ordinance and his findings in relation to those requirements as provided in his analysis memo. He added that he had determined that the revised development plan dated June 12, 2023, complied with the topography requirements under Section 11.1 (A) (2) (b), the building depiction and dimensional requirements under Section 11.1 (A) (2) (e), the lighting requirements under Section 11.1 (A) (2) (p), and the trash receptacle and screening requirements under Section 11.1 (A) (2) (s), unlike previous plans.

Zoning Administrator Lane referred to the development plan review standards in Section 11.4 A of the Township Zoning Ordinance and his findings in relation to those standards as provided in his analysis memo.

Zoning Administrator Lane stated that when the Planning Commission reviewed Section 11.4 A (1), it should not focus on building styles, but rather whether the proposed classroom is being sited in a way that is efficiently organized in relation to site topography and existing buildings. He added that mobile classrooms are commonly used on medical and educational campuses.

Zoning Administrator Lane stated that the applicant's engineer had provided how stormwater will be addressed with the addition of the classroom in the submitted impact statement. He added that the Planning Commission had previously determined that sound and privacy barriers were not needed for the mobile classroom due to daytime use by existing residents. He further added that the Planning Commission is in no way bound by its previous determinations, but this particular determination still makes sense.

Zoning Administrator Lane stated that the mobile classroom is proposed to be located in a different area, and it appears the new location should address some of the public safety concerns relating to emergency vehicle access previously raised by the Planning Commission.

Zoning Administrator Lane stated that, to my knowledge, required permits from the County building and health departments have not been obtained for the mobile classrooms. He added that the Planning Commission may condition any approval on obtaining these permits before a final zoning permit is issued. He added that approval can also be conditioned on the removal of the second mobile classroom from the property.

Chair Wangeman asked if anyone would like to speak on behalf of the applicant.

Dave Henderschott with Performance Engineering stated that the Zoning Administrator had laid out the project very well and he was available for any questions.

Member LaGasse stated that the June 12, 2023, development plan was the best plan provided by Bear River Health and that the relocation of the one mobile classroom and the removal of the other eliminated the access and drainage issues he had with the previous plans. He added that the second trailer was still on site, and it needed to be removed before work began in relation to this development plan.

Chair Wangeman referred to Zoning Administrator Lane's memo included in the Planning Commission meeting packet and stated that the Zoning Administrator found that the graphic requirements for the development plan 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) and that the June 12, 2023, development plan satisfied these requirements.

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

Chair Wangeman read aloud Section 11.4 (A) (1) and offered that the submitted development plan and application did show how the proposed classroom was harmonious with the site and its topography.

The Planning Commission members by consensus 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 June 12, 2023, development plan did provide accurate topography and building information to determine that Section 11.4 (A) (2) is satisfied.

The Planning Commission members by consensus 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 submitted development plan did satisfy this standard because topography and drainage were sufficiently depicted.

Member Nowland agreed that the development plan depicted a good stormwater drainage plan.

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

Chair Wangeman read aloud Section 11.4 (A) (4) and stated that he agreed that visual and sound privacy was not required for the mobile classroom, and he felt that this standard was satisfied.

The Planning Commission members by consensus 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 the proposed classroom location created good access for emergency vehicles and the distance from other buildings created a good buffer to prevent fire spread. He believed this standard was satisfied.

The Planning Commission members by consensus 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 existing covered walkways were now depicted on the submitted development plan.

Member LaGasse stated that Sections 11.4 (A) (6) and 11.4 (7) are related, and that with the addition of the covered walkway, he could now determine these sections were satisfied.

The Planning Commission members by consensus agreed that the requirements of Sections 11.4 (A) (6), and (7) had been satisfied by the submitted development plan.

Chair Wangeman read aloud Section 11.4 (A) (8) and noted that loading and unloading areas were now shown on the submitted development plan.

The Planning Commission members by consensus 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 development plan depicted existing building lighting. He added that the plan does not propose any new lighting for the mobile classroom.

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

Chair Wangeman read aloud Section 11.4 (A) (10).

The Planning Commission members by consensus agreed that the requirements of Section 11.4 (A) (10) had been satisfied because access from all public roads were surfaced with asphalt.

Chair Wangeman read aloud Section 11.4 (A) (11) and offered that the applicant's development plan satisfied this standard because no street or road changes were being proposed.

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

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

Chair Wangeman stated that Section 11.4 (A) (17) allowed the Planning Commission to condition its approval on the applicant obtaining required permits from Charlevoix County. However, it was noted by the Planning Commission that such permits will be required before construction or occupation of the mobile classroom can occur.

Chair Wangeman stated that based upon the review by the Planning Commission, the data requirements and development standards required by Section 11.1 (A) (2) and Section 11.4 A of the Zoning Ordinance appear to be satisfied.

Commissioner Christy made the following motion:

I move to approve the application submitted by Charles Eric Hoogland, on behalf of Bear River Health, requesting Development Plan Review to add one mobile classroom at 02594 Springvale Road in Melrose Township, tax parcel 15-010-009-058-25, as shown on the development plan dated June 12, 2023, because the applicable standards of the Melrose Township Zoning Ordinance have been met, conditioned on the removal of the second mobile classroom from the property.

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

V. Unfinished Business

None.

VI. Other Communications/Reports

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 last Planning Commission meeting, so he had nothing to report.

VIII. Planning Commissioner Comments

Member Nowland stated that the Planning Commission should consider an easier way to allow lake front homeowners to remove dangerous trees. He added that the current process which requires Planning Commission approval creates work for staff and requires the property owners to wait for a Planning Commission meeting.

Chair Wangeman agreed and stated that maybe the Zoning Ordinance should be amended to allow for expanded administrative approval when the request is to remove trees in a number that complies with the removal percentage requirements under the Zoning Ordinance.

The Planning Commission agreed that further discussion on this topic should be placed on a future meeting agenda.

IX. Citizen Comments on Non-Agenda Items

None.

X. Next Meeting Scheduled

July 24, 2023.

XI. Adjournment

At 6:45 PM

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