

**Melrose Township Planning Commission Minutes
Melrose Township Hall
Regular Meeting of January 25, 2016**

I. CALL TO ORDER / ROLL CALL

- A. **Call to Order:** Chair Bart Wangeman called the meeting to order at 7:00 PM.
- B. **Members present:** Phyllis Cotanche, Bob Bourassa, Mike Fortune, Bob Marquardt and Bart Wangeman.
- C. **Members absent:** None.
- D. **Staff present:** Zoning Administrator Randy Frykberg.

II. APPROVAL OF AGENDA

The proposed meeting agenda was approved by consensus.

III. APPROVAL OF MINUTES

Bob Marquardt motioned, Phyllis Cotanche seconded, to approve the November 23, 2015 regular meeting minutes as presented. All ayes, motion carried.

IV. UNFINISHED BUSINESS - none

V. NEW BUSINESS

A. Public Hearing- Rezoning 2 Lots on the East side of Old State Road from Agriculture to Rural Residential Conservation Design (Property ID # 15-010-030-016-60 and -025-00)

Bart introduced the application. Randy identified the parcels on a projected map and provided background information. The two parcels comprise 21.95 acres at the entrance to White Mountain Planned Unit Development (PUD) on High Pines Trail. In 2007, Lee Benz requested and was granted a rezoning from Agriculture to RR Rural Residential Conservation Design for approximately 90 acres immediately to the east and south of these two parcels. A PUD was subsequently approved for the 90 acres. Mr. Benz would like to expand the PUD by adding these two contiguous parcels. The underlying zoning in the existing 27 parcel PUD is RR Rural Residential Conservation Design District.

The application for rezoning includes the following Statement of Purpose:

"It is the intent of the Benz family to develop their property in a manner which preserves the beauty and natural features of the land while offering desirable rural

amenities to its future residents. For this reason, they are interested in rezoning the property to the Rural Residential Conservation Design District. By obtaining this rezoning, the planned residential lots can be reduced in size and clustered to allow for shared open space and minimal developmental impact to the surroundings.”

Mr. Wangeman opened the public hearing at 7:13 PM and invited the applicant and his engineer Carrie May to comment. Carrie noted that the plans have been reviewed and approved by the County Soil Erosion Officer and the water and on-site septic plans reviewed and approved by the District Health Department. Property owner and applicant Lee Benz described the history of his PUD. Builder John Plichta described the high-efficiency homes he plans to build on these lots.

With no other public comment offered, Bart closed the Public Hearing portion of the meeting at 7:21 PM.

Bart and Randy read each of the 10 standards for rezoning. The Commissioners considered each standard as follows:

1. Consistency with the goals, policies, and Future Land Use Plan of the Master Plan. After reviewing General Goals, Short Term Goals, Long Term Goals, Community Goals, Policies and Actions of Chapter 6, and the Future Land Use Map, all agreed that the request meets this standard.

2. Environmental compatibility and compatibility with surrounding property- Is this an appropriate location for all the uses which are permitted under the requested district or zone? (ALL of the uses allowed in the proposed district should be compatible with the environmental conditions present on the site and with neighboring properties, especially in terms of density, character, traffic, aesthetics, and property values. The purposes of zoning are designed to insure this compatibility.)

The Commissioners agreed that the allowed uses for the RR Conservation Design district seem more appropriate for these two parcels than the Agricultural allowed uses, especially some of the Special Use Permit uses allowed in Ag. This is even more important when the existing RR zoning of the neighboring 90 acres is considered.

3. Reasonable use - Can the property be reasonably used as currently zoned?

The Commissioners agreed that the property can be reasonably used as zoned, although the slopes definitely limit agricultural activities.

4. Demand for the use - Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?

The Commissioners agreed that very limited sites are available elsewhere in the Township that can accommodate the RR proposed uses.

5. Is the proposed change out of scale with the needs of the community?

The Commissioners agreed that the change is in scale with the needs of the community. Because the purpose of the RR Rural Residential Conservation Design District is to preserve the open space and rural character of the township, and closely aligns with Master Plan goals, re-zoning these two parcels to RR is a positive move.

6. Appropriate district - is the use more appropriately handled as a special land use in the existing district or another district? The Commissioners agreed that it is not.

7. Ordinance compliance (The district should be able to safely accommodate the requirements of the Zoning Ordinance for parking, setbacks, etc. Other factors may be considered, as required by the specific conditions found on the site.) The Commissioners agreed the land can safely accommodate the zoning requirements for the permitted uses within the Rural Residential Conservation Design District.

8. Spot Zoning - Would the rezoning constitute a spot zone granting a special privilege to one landowner not available to others? The Commissioners agreed that rezoning 21 acres the same as an adjoining 90 acres is not spot zoning.

9. Was there a mistake in the original zoning classification? The Commissioners agreed that there was not a mistake. The Township did not have the RR district until 2007. All land that did not cleanly fit into the original medium density residential, waterfront residential, or business categories was zoned Agricultural for the original zoning map.

10. Is the proposed boundary appropriate? The Commissioners agreed it is.

Bob Marquardt motioned to recommend the Township rezone 2 parcels (ID # 15-010-030-016-60 and 015-010-030-025-00) from Agricultural to RR Rural Residential Conservation Design, based upon a re-zoning application signed by Lee and Claire Benz on December 30, 2015 and review of the 10 rezoning standards. 2nd by Bob Bourassa. All ayes, motion carried.

B. Request for expansion of the 90 acre White Mountain PUD by adding 21.95 acres consisting of 02 parcels (ID # 15-010-030-016-60 and 015-010-030-025-00)

The history of the existing White Mountain PUD and an explanation of the present request to expand the PUD was presented by Planner Frykberg. A pre-application conference between Frykberg and Engineer Carrie May occurred on January 4, 2016. The plan proposes adding 5-clustered residential lots on the 21.95 acres to the existing 27-clustered residential lots on 90 acres, making the expanded PUD 111.86 acres. Over half of the 21.95 acres would be permanently protected contiguous open space. The existing PUD also has over half of the 90 acres as

permanently protected contiguous open space. The existing perimeter trail would be continued around the new 21.95 acres.

Bart Wangeman motioned to permit both the preliminary and final plan reviews at the same meeting, as authorized by Section 14.7 A. for simple, single use PUD's. 2nd by Mike Fortune. All ayes, motion carried.

The Commissioners reviewed the Special Use Standards of Section 10.2.

1. Will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.

The design of the existing PUD, as well as the parcels to be added, was created keeping the harmony and character of this particular area in mind by limiting density, providing large contiguous buffers around the perimeter of the development, and clustering homes. Deed restrictions ensure operation and maintenance of the development and forbid modifications in use without Township approval. Additionally, there will be limitations on tree cutting to better maintain the wooded character of the property. All agreed this standard is met.

2. The location and size of the proposed use, the nature and intensity of the principal use and all the accessory uses, the site layout and its relation to the streets giving access to it, shall be such that traffic to and from the use and, the assembly of persons in connection therewith, will not be detrimental to the neighborhood or its normal traffic.

The 21.95 acres proposed to be added to the 90 acre single family use Rural Residential Conservation District PUD will also be limited to single family use with access from High Pines Trail, a private 24' wide paved road with a 66' right-of-way. The new property will allow 5 clustered single family homes with over 50% open space on the perimeter. No new access to a county road is proposed. All agreed this standard is met.

3. Will be served adequately by essential public services and facilities.

The development will be served by individual wells and septic drain fields under Health Department regulations. Electricity, gas, telephone and cable will be provided by private companies and installed at the expense of the developer or future residents. Melrose Township Fire Department covers this area and a fire suppression pond is provided for firefighting needs of this development and surrounding areas. All agreed this standard is met.

4. Will not create excessive additional public costs and will not be detrimental to the environment.

This development is located in an area that is not overburdened in terms of traffic, fire protection, public education, or health services. It will provide well designed

conservation minded residential growth potential without the need for additional public infrastructure or costs. All agreed this standard is met.

5. Will be consistent with the intent and purposes of the Ordinance.

This clustered conservation design residential PUD development is consistent with the intent and purposes of the Ordinance. All agreed this standard is met.

The Commissioners reviewed the PUD Standards of Section 14.10.

1. The planned unit development shall be consistent with the Township Master Plan.

The PUD option allows the addition of 21.95 acres to a clustered 89.91 acre single-family conservation design residential development on a wooded and sloping site. This type of development is encouraged in the Master Plan. The project is designed to preserve open space and rural character, while creating opportunity for recreation. The Master Plan encourages new subdivisions to be developed as Conservation Planned Unit Developments as opposed to traditional developments. The PUD, as designed, should fit in an amicable manner with neighboring properties and the surrounding area. There will be limitations on tree cutting to maintain the wooded character of the property. All agreed this standard is met.

2. The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The PUD, as designed, will fit in an amicable manner with neighboring properties and the surrounding area. All agreed this standard is met.

3. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement.

The proposed PUD will feature a minimum of a 50 foot natural, mostly wooded buffer setback along the perimeter of the property, while preserving over half the area as contiguous open space around the outside of the residential lots, adding to the effect of the 50' buffer. Extensive, interconnected walking trails will be provided. All agreed this standard is met.

4. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation, if dead, shall be replaced.

White Mountain Development will maintain a rural character by limiting disturbance to the natural woodlands of the property. The proposed additional vegetation that will be provided around signage and or in common areas will be maintained by the Association as defined in the Master Deed. Individual homeowners will also be governed by the landscaping requirements of the Master Deed. All agreed this standard is met.

5. The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township Master Plan.

Character of the surrounding area will be maintained by clustering density, leaving the outside of the development as protected forest or open space. By utilizing the PUD option provided in the Zoning Ordinance, a more attractive and environmentally sensitive development will be created by reducing lot sizes, clustering development, and providing a greater amount of open space and buffering of the property than would result with traditional development. All agreed this standard is met.

6. The planned unit development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.

All agreed this proposed low density addition to the existing PUD development will meet this standard.

7. The planned unit development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements which will increase the capacity sufficient to service the development have already been scheduled for completion.

This development will be served by individual wells and septic drainfields. It will not impact township water and sewer services. Power, gas, telephone and cable will be provided by private companies and installed at the expense of the developer or future residents. The development will fall in the coverage zone of the Melrose Township Fire Department. A fire suppression pond is provided in combination with stormwater facilities which the local fire department will have access to for this property and surrounding fire fighting needs. All agreed this standard is met.

8. The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.

This development is designed to limit visual impact on the surroundings through wooded buffers and open space, and clustering of lots. The PUD option provides the necessary tools to create a development that allows for more efficient use of the land while also protecting the environmentally sensitive areas. Over 50% of the property will remain dedicated open space, and include a non-motorized trail loop with viewing vistas. A 50' greenbelt buffer will further protect the outside perimeter of the project. All agreed this standard is met.

9. The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.

The walking trails are connected to the private roadway and looped through the shared open space to provide flexible access to both the wooded ridges and the two natural meadows. All lots back up to open space and have easy access to the trail system. All agreed this standard is met.

10. The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.

This is a single use residential development with no public parking facilities. The roads have adequate width, surfacing, grade and turnaround radius to accommodate emergency vehicles. The entryway to the site, which is existing, has been approved by the Charlevoix County Road Commission and includes large turning radii, 32' roadway and 100 ft tapers on both the entering and exiting sides of the intersection. All agreed this standard is met.

11. The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.

The sandy soils and wooded cover on this site are not conducive to drainage or runoff problems and no such existing problems have been observed. The final design will not worsen or create runoff problems for the adjacent properties. The Stormwater design will exceed the requirements of the Township Stormwater Ordinance (as enforced by the County) and will meet the 100 year storm requirements. The soil erosion measures meet the requirements of the Michigan DEQ Erosion Control Act administered by the Charlevoix County Soil Erosion officer. All agreed this standard is met.

12. The design of the planned unit development shall exhibit a reasonably harmonious relationship between the locations of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

The Master Deed contains architectural control standards that must be met by future residents. Building envelopes meet the requirements of the Rural Residential Conservation Design District and the Planned Unit Development portion of the Zoning Ordinance. All agreed this standard is met.

13. The design of the planned unit development shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

Outdoor storage will be regulated by the Mater Deed and will not create a nuisance to neighboring properties or compromise the integrity of the development. Each residential lot will be required by the Master Deed to store its garbage in a manner which does not create a nuisance to the neighbors or community. All agreed this standard is met.

14. The Planned Unit Development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control. All agreed this standard is met.

15. A copy of the Development Plan, along with a copy of all related documentation, shall be delivered to the Melrose Township Fire Chief for his review as relates to Public Safety and Fire related issues. The Fire Chief shall have the responsibility to ensure all streets and access routes, public or private, are adequate for emergency vehicle turning radius, vehicle weight and vehicle size. In the event the Development Plan provides for a combination of four (4) or more dwellings, commercial and/or industrial structures within any given area, the Fire Chief may require that an inground water holding tank be installed by the Developer(s), at their sole cost, for use by the Fire Department for Fire Suppression purposes. Additional water holding tanks may be required depending upon the overall size or volume of the proposed development. The Fire Chief shall provide the developer(s) specifications covering any required water holding tank(s).

This original plan was reviewed and approved by the Melrose Township Fire Chief and the plans for this addition were also presented to the Fire Chief. Street and access routes are not being changed by this addition. The existing fire suppression pond with a dry hydrant is provided near the front of the development for the department's use. Access, grades and turnaround radii , which will not be altered with this addition, were found to be acceptable for the original review. All agreed this standard is met.

16. The planned unit development shall meet the standards of other governmental agencies, where applicable.

The standards of governing regulatory agencies will be met prior to issuance of any zoning permits. All agreed this standard is met.

Bart Wangeman motioned to approve the expansion of the White Mountain PUD by adding 21.95 acres (parcel ID # 15-010-030-016-60 and 015-010-030-025-00) based upon the Commisison review of the Special Use Standards of Section 10.2, the PUD Approval Standards of Section 14.10, the PUD expansion application signed on December 30, 2015 by Lee and Claire Benz

and the “PUD Lots 28-32 General Site Layout”, Job # 15002, drawn by Boyne Engineering and Design, dated December 23, 2015, contingent upon Township Board approval of the rezone of the 21.95 acres from Ag to RR Rural Residential Conservation Design. 2nd by Bob Marquardt. All ayes, motion carried.

C. Election of Officers for 2016

Bart turned the meeting over to Randy Frykberg who explained the process for election of officers. The State Planning Enabling Act does not allow the elected Township Trustee to serve as an officer. Randy indicated he would ask three times for nominations for Chairperson. Phyllis nominated Bart, with a second from Bob Bourassa. Randy asked for any additional nominations. Following a third call for nominations, and none being offered, a roll call vote was taken on the one supported nominee and **Bart Wangeman was elected Chair with a vote of all ayes.** Randy then turned the meeting back over to Chair Bart.

Bart asked for nominations for Vice-Chair and Mike nominated Bob Marquardt, with a second from Phyllis. Following two more calls for nominations, and none being offered, Bart called for a roll call vote and **Bob Marquardt was elected Vice-Chair with a vote of all ayes.**

Bart then asked for nominations for Secretary and Phyllis nominated Bob Bourassa, with a second from Bart. Following two more calls for nominations, and none being offered, Bart called for a roll call vote and **Bob Bourassa was elected Secretary with a vote of all ayes.**

D. Determination of Meeting Dates for FY 2016-2017 (April 2016-March 2017)

By consensus, the Commissioners agreed to keep the meeting dates on the fourth Monday of the month, except that there will be no meetings in February and December.

VI. **OTHER COMMUNICATIONS / REPORTS** - none

VII. **PLANNING COMMISSIONER COMMENTS** - none

VIII. **CITIZEN COMMENTS** – None

Approved

IX. **NEXT MEETING** - Monday, March 28, 2016

X. **ADJOURNMENT** - The meeting was adjourned at 8:35 PM.

Prepared by:

Planning Commission Approval by:

Randy Frykberg, Acting Recording Secretary

Bob Bourassa, Secretary

Copies: Melrose Township Board, Planning Commission Members, Township web site