

**ALPINE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
May 19, 2016**

**16-22 CALL TO ORDER / APPROVAL OF THE REGULAR MEETING MINUTES OF
MARCH 17, 2016 AND THE / PUBLIC COMMENT ON NON-AGENDA ITEMS**

The Alpine Township Planning Commission held its regular meeting on May 19, 2016 at 7:00 p.m. at the Alpine Township Center, 5255 Alpine Ave., NW, Comstock Park, MI 49321. Present: Chair Bruce Lee, Vice Chair Mike O'Malley, Secretary Lisa Frizzell, Ron Cordes (arrived after approval of April 21, Minutes), Mike Kayner and Dawn Swafford. Chuck Jakems was absent and excused. Planner Susan Becker and Recording Secretary Rose Kogge were also present. Chair Bruce Lee called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

APPROVAL OF MINUTES

O'Malley moved, with support from Frizzell to approve the minutes of the Regular Meeting of the Alpine Planning Commission on April 21, 2016, with one correction to a name in item 16-19.

Ayes: 5 Nays: 0 Motion Carried

Chair Lee opened the meeting up for Public Comment on any non-agenda items. No comments were received.

**16-23 PUBLIC HEARING: SPECIAL LAND USE AND SITE PLAN REQUEST FROM FRED
LOW TO ALLOW FOR THE CONSTRUCTION OF A 130 - FOOT
COMMUNICATION TOWER AT 1937 4 MILE ROAD WITHIN THE RA, RURAL
AGRICULTURAL ZONING DISTRICT**

Chair Lee asked Planner Becker to review the staff report for the Planning Commission members and those in the audience. Becker stated this is an amendment to the previously approved special land use and site plan request for this address. The Planning Commission previously approved a 155-foot tower in a different location within the 100 by 100 foot lease area on January 21, 2016. The applicant has shortened the tower and moved it away from the property lines. Becker said the tower will not be located closer than its height of 130 feet to any lot line; therefore, the fall zone of the tower is entirely within the lot it is located in.

Becker also pointed out the DAS pole locations (Distributed Antenna Systems) in the Township operated by Verizon.

Becker also reviewed the applicant will now have a 60-foot wide, 48-foot deep equipment enclosure with a 12 foot high chain link fence with opaque slats. Clarification needs to be made whether or not barbed wire will be located on the top of the fence.

The site plan is a little different as they have added a culvert under the driveway. The applicant also needs a driveway permit from the KCRC. There needs to be some clarification regarding the equipment storage shelter for the Planning Commission.

Staff recommends approving the requested special land use and associated site plan for a Communication Tower with the conditions as outlined in the staff report.

Steven Estey an Attorney with Stout & Company, reviewed where they stood as far as the no build easement was concerned. He said shortly after the Planning Commission approved the site plan on January 21, 2016 they received a letter from the medical facility where Mr. Brechting resides stating that he would not be able to sign this easement agreement and any easement must go through the family. Estey said they gave the family a significant offer to buy that easement and did not receive a response back from the family. Estey then went back to Verizon and the tower company and looked at what they could do to meet the fall lines. They adjusted where the tower is located and now do not need the easement. They also made some modifications to decrease the impact the tower may create on the surrounding area. They lowered the height to 130 feet from 155 feet, moved the tower away from the lot line, and modified the support structure (the equipment buildings) by screening it more with vegetation and fencing slats. We think this design is better and less impactful, but will consider whatever the Planning Commission requests.

Fred Low, Chaille Tower Consultants LLC, is here representing Stout and Company. Planner Becker asked Law to explain what the Verizon DAS micro system towers are and how they work. A letter dated May 13, 2016 from Verizon wireless briefly explaining the DAS towers was distributed to Planning Commission members. The Verizon design engineers explained that the whole purpose of the DAS micro systems is to serve a small area that has high data usage such as parking lots and to penetrate buildings. The effective area of those systems is 500 – 1,000 feet. These DAS systems are not near the 1937 4 Mile property. There is no bleed over into the macro system proposed on 1937 4 Mile NW from the DAS micro systems located elsewhere.

Mr. Low also clarified the barbed wire. The barbed wire would be installed if the fence surrounding the equipment shelter was under 12 feet tall.

Motion made by Cordes, supported by O'Malley to open the Public Hearing.

Ayes: 6 Nays: 0 Motion carried

Chair Lee explained the Public Hearing guidelines.

Francis Brechting, 3680 Baumhoff NW, is the adjacent property owner. I will reiterate that you have all are comments documented on how we feel about this tower. We know we cannot use any health issues as an area of concern. I feel Mr. Stout's offer was a joke, it wouldn't cover half the property value loss and I don't feel there was any good faith effort to move the tower. It has caused issues with our family. I would hope the Planning Commission are working at the best interest of the Township residents. No one wants this tower. I have lived here 51 years, are you for the residents? This is your Township, are you going to allow this? It will be disheartening if you vote this in.

Barb Downer, 3790 Baumhoff NW, lives directly north of the tower. We are in direct line and direct view. I oppose this new amendment. I oppose it because of unknown health issues, loss in property value and the independent communication person's view that a tower was not needed and want you to use another independent study. We did contact the attorney with a counter offer.

Shawn Kunecki, 608 10 Mile Rd, stated his personal experience with Verizon is their contract is not truthful. I have evidence to prove it. I have tried to work with them on my bill but they will not and I don't have good coverage.

Motion made by O'Malley, supported by Cordes to close the Public Hearing.

Ayes: 6 Nays: 0 Motion carried.

Chair Lee asked Mr. Low about the micro DAS towers. I see three within a mile radius of the new tower. Law explained they are not actually towers, they are low to the ground, 15 feet high and cover a high usage area. Lee asked if the coverage changed on the larger tower by reducing the height. Law said they are still above goals, and made modifications by rotating antennas.

Chair Lee asked if this tower could go anywhere else. Law said other locations in the area were checked but would not work.

Chair Lee asked if there are any 12-foot fences in the Township. Low said he went for the 12-foot fence to cover the entire equipment building. Lee asked how low the grade is for the property. Becker said about 10-feet. Lee asked how tall the equipment building is. Low replied 9-10 feet tall. The Planning Commission members agreed that a screened (with slats and arborvitaes) elevated platform for the equipment is acceptable.

This Special Land Use permit begins and ends at the Planning Commission, it does not go to the Township Board for approval. Chair Lee reiterated three attorneys discussed this in January. We are bound by the law and would not want to open the Township up to a lawsuit. Cordes commented that the Township did not set this lease in motion, someone else did and unfortunately the legal ramifications for the Township would be too much.

MOTION: COMMUNICATION TOWER SPECIAL LAND USE AT 1937 4 MILE ROAD

Based upon representations made by the applicant, Kayner motioned, supported by Frizzell to *approve* the Special Land Use permit requested for communication tower at 1937 4 Mile Road, PP# 41-09-34-400-024 as it *does* meet the standards set forth in Chapter 21 of the Alpine Township Zoning Ordinance.

Findings of Fact:

1. With the inclusion of vegetative screening, elevated platform, the proposed use will be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.
2. The proposed use is consistent with Master Plan and the intent and purpose of the RA, Rural Agricultural and A, Agricultural zoning districts.
3. The proposed use will not set a precedent for development which could adversely affect the long term plans and policies of the Township since communication towers are a special land use in the RA and A zoning districts.

4. The proposed use will be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, water and sewage facilities and schools.
5. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
6. The proposed use will not involve uses, activities, processes, materials, and equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

Ayes: 4

Kayner
Frizzell
O'Malley
Lee

Nays: 2

Cordes
Swafford

Motion carried

MOTION: COMMUNICATION TOWER SITE PLAN AT 1937 4 MILE RD
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Based upon representations made by the applicant, Kayner motioned, supported by Frizzell to *approve* the site plan dated March 15, 2016 drawn by Midwestern Consulting for the 5-acre property addressed 1937 4 Mile Road, PP# 41-09-34-400-024 as it *does* meet the requirements set forth in Chapters 6, 18, 19 and 21 of the Alpine Township Zoning Ordinance with the following conditions of approval:

Conditions of Approval:

1. Per Section 2.43(b)(3), the Planning Commission finds that a 10-foot fence is necessary for the proper screening of the compound.
2. Withered or dead plant materials shall be replaced within a reasonable period of time, but no longer than one growing season. It is the responsibility of the tower owner to replace withered or dead plant materials.
3. Each elevated platform for equipment shelter shall be labeled with the owner's name and phone number. The gate on the fenced compound shall be labeled with the facility owner's name, emergency phone number and site ID name.

Electrical meter sockets on multiple meter racks must be labeled with the user's name.

4. No antenna or appurtenance change at the top of the tower shall be made that may cause the structure to be required to have lighting per the FAA or FCC.

Ayes: 4

Kayner
Frizzell
O'Malley
Lee

Nays: 2

Cordes
Swafford

Motion carried

16-24 PUBLIC HEARING: COMMERCIAL PUD AMENDMENT REQUEST FROM FOX BUICK GMC TO ALLOW FOR THE CONSTRUCTION OF A 365-SQ FT CAR WASH BUILDING ADDITION AT 5977 ALPINE AVENUE

Planner Becker reviewed the staff report for Planning Commission members. These proposed changes to the PUD necessitate a public hearing in front of the Planning Commission and a final decision by the Township Board. Becker reviewed the site plan analysis, the building addition and parking.

Jacob Hendrich, Triangle Construction and John Phillips, FOX Buick GMC answered why the building addition will not extend to the end of the building; there is an existing entry door that needs to be accommodated. This addition will accommodate machine car wash equipment

Kayner motioned, supported by O'Malley to open the Public Hearing.

Ayes: 6 Nays: 0 Motion carried.

O'Malley motioned, supported by Kayner to close the Public Hearing.

Ayes: 6 Nays: 0 Motion carried.

<p>MOTION: TO AMEND THE COMMERCIAL PLANNED UNIT DEVELOPMENT AT 5977 ALPINE AVE REQUESTED BY FOX BUICK GMC</p>
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Based upon representations made by the applicant, Frizzell motioned, supported by O'Malley to *approve* the requested C-PUD, Commercial Planned Unit Development amendment with a site plan dated April 15, 2016 and drawn by Moore & Bruggink and a floor plan/elevation drawing dated April 18, 2016 by Triangle Associates for site improvements on the 3.99-acre property addressed 5977 Alpine Avenue (PP# 41-09-23-226-005) as it *does* meet the standards set forth in Chapters 14C, 18, 19 and 22 of the Alpine Township Zoning Ordinance with the following conditions of approval

Findings of Fact:

Based upon representations made by the applicant during PUD amendment review and upon the standards found in Chapter 22 of the Alpine Township Zoning Ordinance and the 2015 Alpine Township Master Plan Update, we find that the proposed PUD amendment:

1. Is compatible with the Master Plan and is consistent with the intent and purpose of the C-PUD zoning district.
2. Will not result in significant adverse effects upon nearby lands and will not change the essential character of the surrounding area.

Ayes: 6 Nays: 0 Motion carried

16-25 SITE PLAN REVIEW: REQUEST TO ALLOW FOR A 1,488-SG FT WAREHOUSE BUILDING ADDITION FOR PERRIN BREWING AT 5910 COMSTOCK PARK DR WITHIN THE I-2, GENERAL ZONING DISTRICT

Planner Becker reviewed the request for Planning Commission members. Dan Perrin, on behalf of Perrin Brewing Company, is requesting site plan approval to bring a partially constructed 1,488-square foot warehouse addition and storm water provisions into compliance in the I-2, General Industrial zoning district. The previous owner removed an open-sided addition on the building and replaced it with new construction (without permits) and altered the storm water management. Perrin would like to bring the building up to code compliance and finish its construction.

Becker reviewed the site plan analysis. She commented that the truck dock will be removed and reinstalled at a better level. For storm water, the applicant is proposing to abandon the pipe and redirect storm water to the existing storm water pond to the north with the Township Engineer's guidance. The Township Engineer's letter dated May 13, 2016 was also reviewed.

The Planning Commission discussed when the sidewalk would be installed in front of the property on Comstock Park Drive.

Kevin Edison of WLP Associates briefly explained what the proposed changes to the lean-to would be; enclosing it and installing a garage door on it. He said they are eliminating the loading dock.

Dan Perrin, Perrin Brewing agreed to install the sidewalk after the addition to the main building is finished, possibly next year.

MOTION: PERRIN BREWING COMPANY SITE PLAN AT 5910 COMSTOCK PARK DRIVE

Based upon representations made by the applicant, O'Malley motioned with support from Swafford to *approve* the site plan dated April 18, 2016 and drawn by W. L. Perry Associates for site improvements on a portion of the 8.82-acre property addressed 5910 Comstock Park Dr. (PP# 41-09-24-127-037) as it *does* meet the standards set forth in Chapters 17 and 18 of the Alpine Township Zoning Ordinance with the following conditions of approval:

Conditions of Approval:

1. All conditions outlined in the Township Engineer's letter dated May 13, 2016.

Ayes: 6

Nays: 0

Motion carries

16-26 PUBLIC HEARING: ZONING ORDINANCE TEXT AMENDMENTS TO REVISES DEFINITION OF FAMILY AND RELATED DEFINITIONS

Planner Becker briefly reviewed the definition of family for the Zoning Ordinance.

Kayner motioned, supported by O'Malley to open the public hearing for the zoning ordinance text amendment.

Ayes: 6 Nays: 0 Motion carries

No audience members indicated a desire to speak about the request.

Kayner motioned, supported by O'Malley to close the public hearing for the zoning ordinance.

Ayes: 6 Nays: 0 Motion carries

Kayner motioned, supported by O'Malley to forward these amendments to the Alpine Township Board for approval.

Ayes: 6 Nays: 0 Motion carried

Shawn Kunecki of 608 10 Mile Rd asked the Planning Commission if they could help him with his property issue which is now in court. He has many un-plated cars in his yard, and asked if he could get permission for a storage container or maybe build a bigger building. He wondered if his property could also be rezoned from a residential to commercial classification. Becker pointed out Mr. Kunecki has 45 days to clean up the mess. To rezone his property would take 6 months at least, way past the time limit given by the court. The property is planned and zoned for residential purposes. Chair Lee thanked him for coming and apologized that at this late in the process with the court there is little the Planning Commission can do to help. Both Planner Becker and Chair Lee suggested that he may want to come to the Master Plan meetings in the future regarding his property.

16-27 DISCUSSION: REVIEW DRAFT 2016-2022 CAPITAL IMPROVEMENT PLAN

Planner Becker reviewed the draft 2016-2022 Capital Improvement Plan with Planning Commissioners. Becker plans to gather both board's input before making a recommendation in June. Becker said the CIP Advisory Committee prioritized and ranked the proposed capital improvement projects and assigned \$184,000 towards them. She asked that the Planning Commission members provide input on the priority rankings on the master list, on the monies allotted to each of the categories and on the projects slated for implementation. The Commissioners expressed satisfaction with the draft Capital Improvement Plan.

Meeting adjourned at 9:25 PM.

Ayes: 6 Nays: 0 Motion carried

Lisa Frizzell, Planning Commission Secretary

Rose Kogge, Recording Secretary