

**ALPINE TOWNSHIP PLANNING COMMISSION REGULAR MEETING
Thursday, March 18, 2010**

10-12 CALL TO ORDER / APPROVAL OF MINUTES/ PUBLIC COMMENT

The Alpine Township Planning Commission held its regular meeting on Thursday, March 18, 2010, at 7:30 PM at the Alpine Township Center, 5255 Alpine Ave., NW, Comstock Park MI, 49321 with due notice. Present were Chair Bruce Lee, Vice-Chair Nelda Johnson, Secretary Jerry Byrne, and members Ron Cordes and Greg Madura. Excused was Matt Van Heulen, with Max Dunneback absent. Also in attendance were Township Planning Director Sue Thomas and Recording Secretary Patricia Kolkman.

Chair Lee called the meeting to order at 7:30 pm with the Pledge of Allegiance. He commented that the February minutes clarified what he thought was a complicated meeting.

Madura then moved, with support from Byrne, to accept the minutes of the Regular Planning Commission meeting of February 18, 2010 as presented.

No audience members were present to offer comments.

Dunneback arrives about 7:34 pm.

10-13 DISCUSSION : Draft Revisions to Chapter 21, Alpine Township Zoning Ordinance ; Special Uses

At the request of the Chair, Thomas presented her staff report. She reminded Commissioners that several recently enacted laws in the State of Michigan, chief among them the Michigan Zoning Enabling Act, impact both the language and some requirements in certain chapters in our Zoning Ordinance. She has begun reviewing each chapter in the context of these laws, and is amending the affected chapters. During the chapter review, she is also making some text changes which clarify and update the ordinance language, as well as reorganizing some of the information. As chapters are revised, she will continue to present them to the Planning Commission for its review, but hopes to present the revisions as a group to the Township Board for adoption.

The Special Uses Chapter (Chapter 21) is in Commissioners packets in both a "red-line" format, (highlighting the changes) as well as its final proposed form. Thomas' review of the chapter addressed:

- The language in the "Description and Purpose" section was updated and clarified.
- The "Procedure" section was expanded to include guidance to the applicant regarding notifications to local agencies and officials.
- Public Hearings for special uses are now required, and a reference to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, was added to the ordinance chapter to provide for State amendments to the law without requiring the Township to also have to amend the ordinance.

- The Planning Commission may attach reasonable conditions of approval to a special use, which are then noted as a part of the permit in the record. As reinforcement, a statement is also included that only the Planning Commission has the authority to approve a special land use.
- The Zoning Board of Appeals is not authorized to either hear an appeal or grant a variance from a Planning Commission's decision on a Special Land Use.
- The ordinance requirements on performance guarantee submission by an applicant was also clarified. While an applicant may still provide his estimate of the project's cost, the ordinance now adds that the Township will approve the estimated value and form of the Surety.
- Both the special use permit and its conditions remain with the land, regardless of the future ownership of the land. The initial date of the permit is the date the Planning Commission makes its decision on the special use request. The approved permit remains in effect unless or until one or more of the following occurs:
 - If new construction is required by the Special Use, construction must begin within one year of the initial date of the permit. A single one-year extension may be granted if a written application is received during the year following permit issuance *and* there is a reasonable expectation construction will begin during the extension period.
 - If the approved use ends for a period of a year or more, this becomes "intent to abandon" and the permit expires, as long as no period of inactivity was specified in the original permit.
 - If the use approved is temporary (as in mining) the special use terminates at the successful completion of all conditions specified.
 - Revocation of a permit for non-compliance with the terms of approval; i.e., violation of terms is included in this chapter.
 - A permit holder does not make corrections to a violation which has been identified. The time to correct the unacceptable condition(s) has been expanded from 15 days to "30 days or less" to give the permit holder a reasonable period to make progress toward correction.
- A Re-application for a denied Special Land Use may not be submitted until either one year from the original date of denial or earlier if new evidence, not previously available, is presented. The Zoning Administrator will review the evidence and determine whether it justifies an earlier review by the Planning Commission.
- Changes to an approved Special Land Use require full Planning Commission review and approval if a major change, but *may* be approved by the Zoning Administrator if considered to be minor.

Cordes then led some discussion regarding a developer "site shopping", by requesting staff approval for consecutive "minor" site plan changes. He said that MSU had addressed this in several of the planning classes he took through them and it was recommended that the Planning Commission not grant its staff the authority to approve minor changes. Commissioners continued discussion on how to identify a "minor" vs. "major" site plan revision. Thomas pointed out that the amended chapter provides for the Zoning Administrator to consult with the Planning Commission Chair to determine if a change is major or minor.

- Thomas then said that much of the language on page 6 was restructured to make reading it easier.
- Section 21.10 was added, to list those special uses requiring specific design standards. Existing section numbers for the special uses identified were not used, as these may change as amendments are adopted.
- Sanitary landfills and transfer stations are regulated by the State of Michigan, covering site location, those materials which are accepted there, and the conditions of operation.
 - Cordes asked if the sites with old farm “dumps” would be grandfathered. Thomas said she did not think “grandfathering” was applicable, although she knew these sites do exist. She said that pre-World War II household waste generally found in a “farm dump” is likely not public health issue since chemicals were not as common, but the state monitors those where chemical disposal has occurred. Thomas added that the Township attorney will be reviewing the amended language to determine that its content meets the Township’s legal authority.

Thomas said she is looking for the Planning Commission’s input and recommendations on the revisions as they are completed and will send them to our attorney for his review, but prefers to send multiple rather than single chapters to the Township Board, after the Commission has reviewed and recommended them.

Madura moved, with support from Byrne, first to commend the Planning Director for her work done on Chapter 21, Special Uses, and to recommend its approval to the Township Board.

Ayes: 6

Nays: 0

Motion carried.

10-14 DISCUSSION: Capital Improvements Program

Thomas then introduced the concept of the Capital Improvements Program (CIP) and what it encompasses. Alpine Township has had a CIP program in the past, but has not for the past several years. The changes to State Law affecting ordinance requirements require that the Planning Commission be part of the CIP process, so the Township is re-establishing one. A CIP review sub-committee is being established, consisting of several Township Board members, several Planning Commission members, as well as at least one resident of the township.

Thomas hopes to get two or three Commissioners volunteer to serve on the committee, and estimates that there may be several meetings with the group identifying projects and then ranking them. A public hearing is also required to present the final plan to the public. It is likely that the Township’s Budget will be completed and then followed by the CIP. She commented that the CIP is a “wish list” of things which are to be paid for from the “fund balance”. Volunteers for the committee are: Byrne, Dunneback, and Johnson, with Madura agreeing to be an alternate should a conflict of interest be identified. Cordes is already serving as a volunteer from the Township Board. Lee noted that he had spoken with Matt VanHeulen, who had noted that he would not be available until after May 1, 2010.

Byrne asked whether his employment with the Kent County Road Commission presents a conflict of interest if any road projects be identified. After some discussion, while no conflict was immediately apparent, Madura’s offer to be an alternate was welcomed.

**10-15 PUBLIC COMMENT/ COMMISSIONER COMMENT/ STAFF UPDATE/
ADJOURNMENT**

There were no audience members to offer public comment.

Commissioners commented on several service drives in need of repair. Thomas offered to review site development agreements on file to determine if the businesses were required to maintain them. She added that the maintenance of the Meijer/Wendy service drive at the east border of the site Alpine and 7 Mile Rd. was covered by an SAD.

Madura moved, with Dunneback's support to adjourn at 8:36 pm.

Ayes: 6

Nays: 0

Motion carried.

Jerry Byrne, Secretary

Patricia Kolkman, Recording Secretary