

**ALPINE TOWNSHIP PLANNING COMMISSION REGULAR MEETING
Thursday, March 19, 2009**

09-12 CALL TO ORDER/ APPROVAL OF MINUTES/ PUBLIC COMMENT

The Alpine Township Planning Commission held its regular meeting on Thursday, March 19, 2009, at 7:30 PM, at the Alpine Township Center, 5255 Alpine Ave., NW, Comstock Park, MI, 49321 with due notice. Present were Chair Greg Madura, Vice-Chair Nelda Johnson, Secretary Jerry Byrne, and members Bruce Lee and Matt VanHeulen. Absent were members Ron Cordes and Max Dunneback. Also in attendance were Township Planning Director Sue Thomas and Recording Secretary Patricia Kolkman.

Madura called the meeting to order at 7:30 PM with the Pledge of Allegiance. He then asked if members had any objections to opening public comment in advance of the discussion of minutes, since two Commissioners had not yet arrived. There were no objections and public comment was offered for items not on the agenda.

Cordes and Dunneback arrive.

No comments were offered by the audience.

Madura asked Commissioners for comments and/or corrections to the minutes of the Regular Meeting of February 19, 2009, and Cordes requested two text changes.

Cordes then moved, with support from Lee, to accept the minutes of the Regular Planning Commission meeting of February 19, 2009, with the requested changes.
Ayes: 7 Nays: 0 Motion carried.

09-13 SITE PLAN REVIEW:

Jack Brown Produce

8035 and 8037 Fruit Ridge Ave. NW

Two new storage buildings and a building addition

Applicant: Fritz Wahlfield Jr.

On direction of the Chair, Thomas gave her staff report by first distributing overhead photos of the site from 2003 and 2008. She noted that the two separate parcels (PP# 41-09-06-200-020, and 41-09-06-200-008) are being combined for the proposed site improvements and this combination must be finalized and recorded with Kent County as a condition of site plan approval. She added that the lot combination also resolves an access issue for the lot to the west which is now landlocked but will have road frontage after the combination is completed.

Thomas then explained both parcels are zoned industrial, as are adjacent properties to the north and west. Properties to the south and east are zoned Agricultural. All of the land in this Section of the Township (Section 6) is master planned for Agricultural uses. Existing uses in the area are residences, farms, fruit packing and storage operations, trucking, and the sale of farm supplies. She said that since the lot combination

underway resolves a pre-existing non-conforming lot, the completed and recorded combination must be a condition of approval should the Planning Commission approve the site plan.

Thomas then said a revised site plan must contain corrected drafting errors and labeling. The applicant has also asked for site plan approval for two phases: Phase 1 includes the 5,000 square-foot addition to the main building as well as construction of the 27,000 square-foot CA (Controlled Atmosphere) storage building; Phase 2 covers the second storage building (16,000 square-feet), and demolition of an existing "box" storage building.

Because the site does not have a storm water retention system, one will be built to manage storm water flow after a storm event. Since the construction will occur within 500 feet of a body of water, the applicant also needs a Soil and Erosion Control Permit from Kent County Road Commission before construction begins. Thomas then reviewed parking, lighting, snow storage and landscaping for the site, providing her recommendations regarding each.

Madura then asked Fritz Wahlfield Jr. to present his plans. Wahlfield spoke on behalf of Jack Brown Produce, and first introduced Zachary Voogt, of Moore and Bruggink Engineering, who had prepared the site plan. He commented on the concerns Thomas had raised, stating that he agrees to her recommendations and commented that as noted, the lot combination is already underway. He said the tree had been planted near the LP tanks to protect them, but it can be moved and replaced with bollards. Storage of plowed snow can be handled at locations Wahlfield pointed out on the site plan.

Wahlfield then said the two-phase construction plan was needed since the second storage building is dependent on the results of next year's apple crop. He added that the small parking lot Thomas refers to in her staff report will provide seasonal employees a lot near the employee entrance instead of requiring them to continue to park on the grass.

Cordes questioned the height of the new storage building and what exterior materials were planned for the office addition. Wahlfield said the addition's architecture and exterior will match the existing building, while the new storage building will be pole construction with a 50-foot peak. He also said that he had met with the Building Official who gave him details on what to submit for Building Permit approval.

At Madura's request, **Byrne moved, with support from Lee, to open a public hearing.**

Ayes: 7

Nays: 0

Motion carried.

With no comment offered, **Johnson then moved, with Cordes' support, to close the public hearing.**

Ayes: 7

Nays: 0

Motion carried.

Madura asked for Commissioners' comments on the site plan:

- Byrne, Cordes, Dunneback, and Johnson agreed the plan was well done and they had no concerns about the phasing;
- Lee asked why snow storage had been included in the staff review and Thomas explained that site plan review gives the Township a chance to point out that

landscaping and parking must also be taken into consideration when designing the site.

- Van Heulen approved of the plan, but asked for clarification of the height of the storage building, and Wahlfield said it was needed for clearance.

Madura concurred with Commissioners' support of the site plan, and then led Commissioners in a general discussion regarding phasing. It was the consensus of the Commission that the phasing requested made sound business sense and the extension of the plan should be approved.

Jack Brown Produce Site Plan at 8035 and 8037 Fruit Ridge Avenue

Based upon representations made by the applicant, I make a motion to *approve* the site plan dated February 26, 2009 and drawn by Moore & Bruggink for the construction of two storage buildings, a building addition and associated site improvements on the proposed 10.68-acre property addressed 8035 and 8037 Fruit Ridge Ave., comprised of PP#41-09-06-200-020 & -008 as it *does* meet the requirements set forth in Chapters 16, 18 and 19 of the Alpine Township Zoning Ordinance with the following

Conditions of Approval:

1. Site plan approval is contingent upon the Township receiving a copy of the newly recorded deed encompassing the entire new parcel, as the configuration of the site is dependent upon it.
2. The applicant shall submit two revised site plans containing the following revisions: the correct right-of-way width of Fruit Ridge Avenue, the correct square footage of the larger CA building, move the proposed maple tree by the LP tanks to between the existing and proposed parking lot in front of the main building, replant the 6" spruce and/or the 3" maple that must be removed for the 5,000-sq. ft. addition to a location along the eastern side of the finished addition. (Note that if either of the aforementioned trees cannot be replanted, then moving one of the proposed trees from along the southwest side of the pond to the eastern side of the building addition is acceptable) and submit lighting fixture information in compliance with the Ordinance's lighting provisions.
3. All conditions outlined in the Township Fire Chief's letter dated March 6, 2009.
4. All conditions outlined in the Township Engineer's letter dated March 12, 2009.
5. The applicant shall enter into a limited site development agreement with the Township that addresses the aforementioned items.
6. By virtue of Section 18.13 of the Zoning Ordinance and the proposed phased plan, the Planning Commission is hereby granting a one-year extension to this site plan approval. Therefore, the site plan is valid for two years, rather than the standard one year.

Motion made by: Dunneback Support from: Cordes

Ayes: 7

Nays: 0

Motion carried.

**09-14 PUBLIC HEARING: SPECIAL LAND USE PERMIT AND SITE PLAN
3955 Alpine Ave., NW (PP # 41-09-35-276-016)
Drive-through Window and Restaurant
Trigo Drive-In LLC, owners
Applicant: Arne Larsen, Dreisenga & Assoc. for
owners**

On direction from the Chair, Planning Director Thomas presented her staff report for the proposed Sonic Drive-In restaurant with a drive-through window. She explained that drive-through windows are a special land use in the Commercial District, requiring full Planning Commission review with a public hearing. Thomas pointed out the location of the proposed restaurant, identifying it as "Outlot A" which lies at the southeast corner of the Wal-Mart site, and at the northwest corner of Henze St. and Alpine Avenue. The 1.27-acre property will be commercially used and is both master planned and zoned C-2 Commercial, as are all surrounding properties.

Thomas pointed out areas of concern requiring discussion and resolution:

- **Traffic control** (both pedestrian and vehicular) at the south entrance to the Sonic site is very close to Henze St., and the site itself is "busy." The service drive was redesigned a number of years ago at the time the Henze/Alpine/Alpenhorn intersection improvements were made. This was done to provide dual left turn lanes which allowed more "stacking" of vehicles turning north onto Alpine Ave. At the time Wal-Mart was redeveloped, the site plan approval stipulated that the access drive to the two outlots be at least 200 feet north of Henze St. Thomas asked if Larsen would review the geometry of the south entrance to the restaurant for clearer "right-in-only" design features for added safety, and he agreed to review it again.
- Thomas explained all of the pedestrian and vehicular traffic circulation on the site:
 - "Drive-in" service will be under individual canopies placed around the site's perimeter with food brought to cars from the building. Patron cars must drive at least a three-quarters' circuit around the site;
 - "Drive-through" service will be via an internal "circuit" around the building perimeter, and requires drivers entering the site to drive at least one and a half times around the lot if entering from the south and twice if entering from the north;
 - Walk up exterior seating will be at the patio (south) end of the structure;
 - Carhops deliver meals from the south end of the building to any of the three separate dining areas; and
 - Foot traffic will enter from the south on a proposed sidewalk connector to the Henze St. public sidewalk.

Since a drive-through customer must drive around the lot one and a half times before exiting (if entering from the south) and twice if entering from the north, and considerable

foot traffic from carhops and walk-in customers is generated at the south end of the building, the site and its traffic paths must be clearly marked and controlled.

- **Site grading, utilities, and storm water work** will require removal of some of Wal-Mart's landscaping. Because some of the required Wal-Mart landscaping does not appear to have survived its first year, and Wal-Mart must replace it to meet terms of its site development agreement, replanting and/or transplanting should be coordinated with Sonic to reduce duplication of work and investment. Public water, sanitary sewer, and storm water already serve the site, and the applicant is aware that a formal Storm Water Permit application must be made before building the necessary modifications. The restaurant is aware it must also comply with provisions in the Alpine Township Grease Trap Ordinance.
- **The proposed parking** as presented on the site plan meets all Ordinance requirements. Due to the nature of the business, limited additional parking is required, since there is no inside seating for customers.
- **Setbacks** from roads and service drives meet ordinance regulations for structures and the drive-in canopies comply with the standards for fueling station canopies, since they are the only canopies addressed in the ordinance.
- **Architectural standards** for the building have generally been met. However, several specific details of the structure should be addressed by the applicant:
 - Customer entrances (such as that for the public restrooms) should be further identified. A curved awning, for example could be added to make this entrance more distinct.
 - Façade colors and exterior lighting should not feature bright, primary colors and the addition of L.E.D. lights.
 - Bright colors on roofs are prohibited as they are considered signage. In addition, the "tower" cap has a bright yellow roof with blue L.E.D "stripes".
 - Parapet walls, while allowed, are intended to conceal rooftop equipment, but should not exceed 15% of the supporting wall height. The height of the Sonic parapet walls exceed the 15% maximum. The top of the "tower" parapet wall is 22 feet with an additional 3 feet for the "tower cap." The "tower" and "cap" serve no architectural function.
 - Exterior lighting of building facades should light only the façade. Neon lights, L.E.D. lights and fluorescent light tubes are not permitted. Sonic's other exterior lights are shielded, but brighter than necessary and must be revised. L.E.D lights, which are not allowed, are included in several areas of the canopies and curved yellow roof.

Thomas recommends the applicant provide colored samples of the materials for the roof and lighting to determine if they comply with the ordinance.

- **Landscaping requirements** should be compatible with what has already been recently planted by Wal-Mart. Several of these plantings appear to be dead and must be replaced (by Wal-Mart).
 - Sonic's landscaping should be coordinated with Wal-Mart to avoid conflict and reduce duplication and transplantation of plant materials during site preparation. Thomas recommends that Sonic add several under-story trees on the slope on Alpine Ave., since landscaping in this area is sparse.

- The landscaping plan for the Sonic parking lot and building is acceptable, but plans for watering and maintenance are not included.
- **Lighting levels** for the exterior should be reviewed and adjusted to meet ordinance requirements. While parking lot (security) lighting is acceptable, the building's wall fixtures should have wattage reduced. Thomas also said that the lighting under the alfresco dining canopy is brighter than it needs to be. Because of this contrast between canopy lighting and the parking lot, patrons' eyes may have problems adjusting when moving from one area to the other. A revised site plan should also include an updated lighting plan.

Thomas recommended approving the Special Land Use and tabling the associated site plan to allow the applicant time to refine the building architecture, site lighting, and landscaping.

In response to a question from Commissioner Lee, who had visited both the Marathon fueling station at 4 Mile Rd. and Alpine Ave., and the Wal-Mart parking lot, Thomas provided the lighting levels for each and explained the term "foot candles". Lee said he could easily read under the canopy at the fueling station. Thomas said that the front entrance of the new Wal-Mart store was the highest lighting level on its site, at approximately 6 foot-candles of light.

Arne Larsen, of Driesenga and Associates then said he represented Trigo Drive-in, LLC, whose representatives were also in the audience and would provide additional information. The Alpine Township Sonic will be the third Sonic restaurant in West Michigan to be built by the Trigo group.

Phil O'Connell, of the Trigo Drive-In LLC organization introduced himself, stating that Trigo Hospitality operates three restaurant franchises in West Michigan; Sonic, Panera Bread and Pizza Hut. Their firm is independently owned and they initially hoped to open their first Sonic Drive-In in West Michigan here in Alpine Township, but needed to wait until the Wal-Mart Super Center project had been approved and built. This Sonic was upgraded from the "basic" Sonic structure to use a full brick exterior, as required by the Architectural Standards. He went on to say that since this will be a drive-in restaurant, the menu boards under each canopy are the menus for those customers. The restaurant's theme is based on nostalgia for the 1950's with the "fun" of cars. Carhops deliver food from the kitchen (the building) to the customers' dining area (whether a vehicle or the outdoor dining patio), frequently using roller skates or rollerblades. During delivery trips, carhops also collect payments and pick up trash.

Doug Haley from Sonic's corporate offices provided a brief history of the chain, begun in 1955, which describes itself as a "quick serve" rather than a "fast food" restaurant. Use of neon and LED lighting with brighter lights adds to the sense of nostalgia and gives a sense of security and safety for patrons.

Madura asked Haley what Sonic's traffic safety record was on their sites. Haley responded that site design is not "high speed" and since drive-in customers use angled parking, the speed of cars onsite is reduced. He didn't know of any accidents.

Haley then gave a summary of the business operation, using carhops as was done from its beginning in 1955. The structure functions as "the kitchen", with no indoor seating

provided. Carhops deliver food orders from the south end of the building through the lot to the customer's location. Concrete rather than asphalt is used, as it is easier to clean and maintain and provides a better surface for carhops. Business hours are 6 am to midnight, and security cameras will be installed outside on the building and canopies and will also have a built in power washer for the building's exterior. The menu includes an all day breakfast menu. Hours may be extended once the restaurant is operational. Carhops will approach drive-in vehicles from the rear.

Haley then addressed some of the issues raised by Thomas and the Township Engineer, with Planning Commissioners commenting as each topic was discussed.

- **Lighting.** The lighting levels in the drive-through lanes should be reduced. Under canopy, the canopy itself acts as a "light umbrella", since lighting is aimed upwards and is reflected down. Lighting could also be reduced in the walkway area.

Byrne and Dunneback both preferred higher lighting levels.

Lee said that he noticed lighting directly under the canopy at the Marathon station was bright enough for reading, but was much softer as he moved further away.

Haley said that similar objections regarding lighting intensity had come up during site plan review for the Portage Sonic, but after it opened, no "light pollution" affected drivers off the site. He added that Sonic believes both safety and cleanliness are related to lighting, and this is another reason that concrete is used for the sites instead of asphalt, since it reflects light.

- **Signs.** The multiple menu boards installed in the drive-in area are lit internally, but these are the only menus diners have. The column in the drive in stall also includes a credit card payment panel so customers can order, eat, and pay from one location.
- **Colors used.** Sonic's signature colors are red and yellow and are repeated in the signage and carhop uniforms.
- **Height of parapets.** Because the Sonic building is essentially a kitchen only, all equipment necessary is on top of the building. This includes not only the exhaust systems, but a satellite dish as well and security camera system. The satellite dish provides "wi-fi" internet service for payment processing. Van Heulen confirmed that some HVAC equipment is 4 ½ feet tall.

Thomas commented again that the parapet "tower" exceeds the maximum height allowance for a parapet wall, and does not shield any equipment. She then explained to the Commission that other than the staff recommendation to table the site plan to allow the applicant time to further refine the building's architecture, the only other avenue for the Commission lies in Section 2.44 (G), which allows the Commission to seek the opinion of a third-party architect to determine if the submitted plan meets the standards of Section 2.44 (Commercial Building Design Standards). Thomas further explained that the Commercial Building Design Standards were developed a number of years ago by the Planning Commission after an extensive Visual Preference Study was conducted

with the Commission and the general public. Language allowing the moderation of the standards was included only for renovations of existing buildings. Thomas explained that the applicant has the options of modifying the discussed items to bring them into compliance with the standards of Section 2.44, or requesting variances.

Thomas added that the sign package Sonic proposes will be processed via a normal sign permit application, but because the number of signs exceeds what is allowed by Ordinance, the applicant will need to request a variance for signage. Both the second on-site free-standing sign and the number of menu boards should be included in the request.

She noted that the already approved land division for Wal-Mart's outlots resulted in an off-premise sign for the Wal-Mart store. The surveyor had not recorded the pre-existing sign on the submitted survey, and since the land division has now been approved, the pedestal sign is a legal but non-conforming sign.

- ❖ The Commercial Building Façade section of the Ordinance, which was just amended, clearly prohibits the use of bright colors.

Haley then commented that the colors used are Sonic's "signature colors" and then provided samples of both the rooftop material and the plastic L.E.D. tubing used to outline the roof and parapet tower.

McConnell said Sonic will "do whatever is required to build this restaurant in Alpine Township." They will apply for a variance for any design features requiring it and in the interim will review architectural design features which be amended, such as the parapet tower.

Johnson then moved, with support from Lee, to open the public hearing.

Ayes: 7

Nays: 0

Motion carried.

With no comments offered from the audience, **Byrne moved, with Dunneback's support, to close the public hearing.**

Ayes: 7

Nays: 0

Motion carried.

Madura said he did not think the parapet wall height was a problem. He recalled that Wal-Mart was granted approval to exceed maximum parapet wall height during site plan review for its Supercenter in 2006.

Dunneback said he thinks the Sonic package is "a good one". He acknowledged that the Zoning Ordinance limits the authority of the Planning Commission, however, and felt that the site plan should be approved contingent upon ZBA approval of items the Planning Commission cannot authorize.

Lee thought the Sonic restaurant would be a good addition to the existing Wal-Mart site.

In response to a question from Madura, McConnell said that while 8-10 employees would be working inside the restaurant and 8-10 employees would work outside at any given time, a total of about 100 people would be hired to cover all shifts and to provide for the hiring of minors who can only work limited hours.

Johnson said while she approved of the site plan, the applicant should soften the bright colors.

Van Heulen commented that just the HVAC equipment placed on the roof would be approximately 4 ½ feet tall above the roof itself. He didn't know how much space would be required for the satellite dish.

Both Byrne and Cordes preferred to approve the site plan subject to ZBA approvals of required variances, rather than tabling it.

Madura shared his feelings on the three issues delaying a Planning Commission approval. First, he did not think the L.E.D. lighting was a problem. Second, he felt that the applicant should provide softer color choices to Thomas, who should be authorized by the Planning Commission to choose the appropriate one. Lastly, he agreed that the Planning Commission should not table a decision on the site plan but approve it, subject to Thomas' approval of roof colors and the ZBA's granting of variances for parapets and signage. After general discussion among Commissioners, all agreed that Thomas should draft a model motion for site plan approval which includes the conditions the Commission has discussed and agreed upon.

Thomas reminded Commissioners that a Special Land Use Permit for the drive-through and Site Plan approval are separate motions.

Sonic Restaurant Drive-Through Window Special Land Use at 3955 Alpine Avenue

Based upon representations made by the applicant, Dunneback moved to *approve* the Special Land Use permit requested for the drive-through window for the Sonic restaurant at 3955 Alpine Ave., PP# 41-09-35-276-016 as it *does* meet the standards set forth in Chapter 21 of the Alpine Township Zoning Ordinance with the following condition of approval:

- 1. The Special Land Use shall be null and void if a requisite site plan is not approved by the Planning Commission.**

Findings of Fact:

- 1. It will be harmonious with the character and use of the immediate vicinity and was designed in such a manner as to mitigate any negative effects.**
- 2. The special use will not be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors and is adequately served by essential public facilities.**
- 3. The proposed use is consistent with Master Plan and the intent and purpose of the zoning district.**

Support was provided by Johnson.

Ayes: 7

Nays: 0

Motion carried.

Madura asked if the Commission should continue with the agenda to Public Comment and Commissioner Comment while Thomas drafted language for a motion on site plan approval which includes the conditions identified. All Commissioners chose to proceed with the agenda and then return to the site plan motion when the text had been drafted.

09-15 PUBLIC COMMENT/ COMMISSIONER COMMENT

No audience members remained to offer public comment.

Dunneback was concerned that “adult” businesses listed in the Commercial Districts of the Zoning Ordinance should be reviewed and amended.

Madura commented that the Zoning Ordinance should be regularly reviewed, as “things change all the time”. He said that even though the Planning Commission adopted the 2009 Work Plan covered Senior Housing, Accessory Buildings, and Landscape provisions, he preferred these Commercial District provisions should be reviewed first, since a new tattoo parlor has already been established in the Township.

Van Heulen agreed that the Commercial Districts’ chapters should be a priority when the Planning Commission conducts Ordinance review.

Cordes agreed with Commissioners’ comments regarding Commercial Districts.

Johnson reported that the ZBA met in February to consider Jeff Morse’s request for an accessory building with a reduced side yard setback. The variance was granted.

Byrne commented that Alpine Township should not “over regulate” businesses if the State and County already have regulations in place (for adult businesses).

Madura asked Thomas to investigate what other communities have done to regulate adult businesses, such as the distances required from residential uses, schools, churches, and daycare centers. Thomas agreed that as the times change, businesses change too. She will consult the Township Attorney for suggested language on regulating adult businesses, because every community must provide zoning for all business types.

Thomas then read her suggested motion for the site plan for the Sonic restaurant. A motion was then offered:

09-14 SITE PLAN REVIEW SONIC RESTAURANT

Sonic Restaurant Site Plan at 3955 Alpine Avenue

Based upon representations made by the applicant, Lee moved to *approve* the requested site plan dated February 27, 2009 and drawn by Driesenga & Associates for a drive-in/through Sonic restaurant at 3955 Alpine Ave., PP# 41-09-35-276-016 as it *does* meet the standards set forth in Chapters 12, 18 and 19 of the Alpine Township Zoning Ordinance with the following

Conditions of Approval:

1. The applicant shall submit two revised site plans containing the following revisions: further channelizing the southern entrance drive, adding five understory trees along the Alpine Avenue frontage, and landscaping to be similar to what was recently approved for Wal-Mart's site plan.
2. The applicant shall supply a copy of the access easement for the southern drive entrance.
3. The L1 light fixtures proposed for the building shall be toned down to a maximum of 20 foot candles. The photometric plan shall be revised accordingly.
4. As proposed, the building's architecture and L.E.D. lighting do not meet Ordinance requirements. This site plan approval is contingent upon compliance with the Ordinance's requirements or appropriate variances being granted.
5. All conditions outlined in the Township Fire Chief's letter dated March 6, 2009.
6. All conditions outlined in the Township Engineer's letter dated March 12, 2009.
7. The applicant shall enter into a limited site development agreement with the Township that addresses the aforementioned items.
8. The Planning Commission expressly grants the Planning Director discretion in determining if the yet-to-be revised building trim, accent and roof coloring meet Zoning Ordinance requirements.

Dunneback supported the motion.

Ayes: 7

Nays: 0

Motion carried.

09-16 STAFF UPDATES/ ADJOURNMENT

Thomas provided Commissioners with information on future educational opportunities and encouraged Commissioners to attend if possible, reminding Commissioners that formal Commissioner training is now required. She also distributed updated Zoning Maps to each Commissioner, and asked them to return any older zoning maps they may have to her.

Dunneback then moved, with support from Byrne, to adjourn at 10:58 PM.

Ayes: 7

Nays: 0

Motion carried.

Jerry Byrne, Secretary

Patricia Kolkman, Recording Secretary