

ALPINE TOWNSHIP PLANNING COMMISSION REGULAR MEETING
Thursday, April 16, 2009

09-15 CALL TO ORDER/ APPROVAL OF MINUTES/ PUBLIC COMMENT

The Alpine Township Planning Commission held its regular meeting on Thursday, April 16, 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 Ron Cordes, Max Dunneback, and Bruce Lee and Matt Van Heulen. 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 any changes were necessary to the minutes of the March regular meeting, and **Johnson moved, with support from Lee, to accept the minutes of the Regular Planning Commission meeting of March 19, 2009 as presented.**

Ayes: 7 Nays: 0 Motion carried.

No audience was present to offer comment.

09-16 DISCUSSION: Zoning Ordinance Review
Special Controlled Uses Provisions

At the direction of the Chair. Thomas then introduced a discussion regarding "Special Controlled Uses", which now require Special Use approval in the C-2 Commercial Zoning District. "Special Controlled Uses" covers businesses which are usually considered sexually oriented, whether because of the products offered or the activities at the site. It is important for the Planning Commission to be aware that all communities must provide both a zoning district and available land and must not use "exclusionary zoning" practices to ban specific businesses from operating. Such zoning practices have generated a number of lawsuits.

Thomas said if the Commission decides to amend the ordinance chapter, changes should reflect today's businesses. As an example, she noted that most beauty salons today offer massages, but the current ordinance language only allows businesses to provide massage services after a Special Use permit has been granted. She has not suggested any text changes to this chapter since the Township's attorney must provide input. Thomas has begun her ~~staff~~-work on zoning ordinance amendments (Accessory Buildings) which were included in the 2009 Work Plan.

Because of recent inquiries from several Commissioners regarding "SOBs" (sexually-oriented businesses) Thomas did look into what other communities have done on this subject. Though the businesses covered in this section are considered "adult" in nature, Thomas reiterated that a community may not legally write zoning regulations which eliminate them. Each community can determine how far a business of this kind can be from residences, churches, schools, and other "adult" businesses. This "buffer" zone varies from community to community and she found ranges of 100 feet from residences but 500 feet from another "adult" business in the City of Walker, to Plainfield Township's requirement of 1000 feet from any residence. Alpine Township currently requires a 500-foot "buffer" from residences, churches and schools. Thomas recommends that the

ordinance language be expanded to include daycare centers, public parks, and libraries as additional sites which should be “buffered” from “SOBs”. Thomas pointed out that the ordinance should clarify how to identify a business as an “SOB”. She explained it could be the ratio of floor space allocated to “adult” products; a percentage of stock that is considered “adult”; or the actual percentage of business generated by the “adult” products/use.

Commissioners then gave some examples of businesses where adult items are displayed in full view. There was general discussion of limiting the location for display of these products.

Thomas agreed to contact the Township attorney on the legal issues related to adult businesses and recommends that the Township adopt a “Police Power” (General) ordinance covering adult businesses, which would give added weight to current zoning regulations.

In response to Thomas’ question, Commissioners agreed they do want to update this chapter on a time available basis. Thomas agreed to search for more information and will share it with Commissioners as it becomes available. She will also provide Commissioners with background on other communities’ experiences.

09-17 DISCUSSION: Zoning Ordinance Review-- Accessory Buildings

After a brief introduction by Madura, Thomas opened the discussion on Accessory Building provisions in the Zoning Ordinance. She said the goal of this review will be to simplify the ordinance, which may be both complex and time consuming. Thomas likened the review process on Accessory Building provisions to that of the recently completed Chapter 20 (Signs) of the Ordinance.

Thomas gave a brief history of previous amendments made to accessory building provisions, with the most recent the introduction of a “sliding scale” to determine required setbacks, based on the sizes of both the accessory structure and the lot itself. Thomas then directed Commissioners to a table of each district’s current regulations she had prepared, and the confusing and even contradictory statements which exist in the ordinance. Thomas explained that her comments appear in red in the Accessory Building provisions she provided. She then led a point by point review of this section, with commissioners discussing several references during the review. Areas that commissioners agreed needed amending were:

- The Ordinance should state specifically how far from a principal building a detached structure can be if that distance is covered by an architectural structure such as a colonnade, breezeway, portico, etc.
- Front yard setback provisions should be clarified.
- “Water front lots” must be defined. It is not clear whether *any* water body would be considered for these provisions to take effect; i.e., whether a pond, lake, stream, or river.
- The ordinance should not distinguish between garage and non-garage accessory buildings.
- References to “living quarters” should be revised to say “living space”, as only one dwelling unit is allowed per lot.

- Corner lot provisions must also be clearer, since every corner lots has two front yards. The text is confusing now when covering the addition of an accessory building on a corner lot.
- The statement that a swimming pool accessory building does not require a building *permit* (typo, the word permit was omitted) should be deleted. All accessory buildings require permits.
- All residential zoning districts should be specifically listed since there are references to “residential zoning districts” throughout the chapter.

Commissioners agreed this discussion provides a good start to identify those areas of the ordinance needing amendments.

**09-18 PUBLIC COMMENT/ COMMISSIONER COMMENT/ COMMITTEE UPDATES/
ADJOURNMENT**

No public comment was offered.

Dunneback said he thought Thomas did a “fine job” summarizing the Accessory Building provisions.

Lee said he had recently attended a Citizen Planner class and recommends all Commissioners take it if they haven’t already.

Johnson reported that no Zoning Board of Appeals meeting took place in March, but one is scheduled for the end of April to review Sonic’s variance requests. She asked Thomas if her earlier participation in a Planning Commission vote on the Sonic site plan would preclude her being able to cast her vote on their variance requests at the April meeting. Because the Sonic site plan may not return to the Planning Commission, Thomas did not think a conflict existed, but would check on that and get back to Johnson.

Thomas reported that Sonic’s representatives had provided roof colors to her which had been “toned down.” She added that during her research on the appearance of other Sonic sites, it was clear that modifications to their “standard” building had been made to meet the requirements of other communities. VanHeulen said he has driven by the newest Sonic site under construction at 54th St. and Clyde Park, and thinks it is attractive and “not at all flashy.” Cordes agreed. Thomas confirmed that it isn’t open yet and no lighting is on.

Madura commented that he is very impressed with the work Thomas is doing and worries that another community may pirate her away. He hopes she stays in Alpine.

Dunneback moved, with Cordes’ support, to adjourn at 8:55 PM.

Ayes: 7

Nays: 0

Motion carried.

Jerry Byrne, Secretary

Patricia Kolkman, Recording Sec’y