

**ALPINE TOWNSHIP PLANNING COMMISSION REGULAR MEETING
THURSDAY, JULY 16, 2009**

09-28 CALL TO ORDER / APPROVAL OF MINUTES / PUBLIC COMMENT

The Alpine Township Planning Commission held a regular meeting on Thursday, July 16, 2009 at 7:30 PM at the Alpine Township Center, 5255 Alpine Ave., NW, Comstock Park, MI with due notice. Present were Chair Greg Madura, Vice-Chair Nelda Johnson, Secretary Jerry Byrne, and members Ron Cordes, Bruce Lee, and Matt Van Heulen. Max Dunneback was absent and excused. Also in attendance were Township Planning Director Sue Thomas and Recording Secretary Jean Wahlfield.

Madura called the meeting to order at 7:30 PM with the Pledge of Allegiance.

Lee moved, supported by Van Heulen, to approve the June 18, 2009 Minutes as presented.

Ayes: 6

Nays: 0

Motion carried.

No public comment offered at this time.

09-29 PUBLIC HEARINGS:

Rezoning Request #1 made by Jerry, Dan, and Mark Neymeiyer for all of their 5.2 acre property at 1550 10 Mile Road and approximately 6 acres of property addressed at 1566 10-Mile Road from A, Agricultural to C-2, Commercial.

Rezoning Request #2 made by Jerry Neymeiyer for a 29.49 acre portion of property addressed at 1566 10 Mile Road from A, Agricultural, to C-2, Commercial.

Chair Madura directed the applicant to make a presentation of the rezoning requests at this time. Proper public notice for the rezoning request has taken place.

Property owners Jerry Neymeiyer and son Mark Neymeiyer were present as well as Kevin Roosien and Paul Henderson from Roosien & Associates.

Kevin Roosien presented a rezoning map and diagram dated 03/17/09 which indicates the locations of the two Neymeiyer parcels for which a rezoning to C-2, Commercial has been requested. Mr. Roosien noted that Mr. Neymeiyer owns approximately 90 acres of property on the southwest corner of Alpine Avenue and 10-Mile Road. Currently the Sparta Farm and Lawn Equipment business operates on approximately 5.2 acres of property with an address of 1550 10-Mile Road. The applicants wish to expand the business and have requested a total of 12.65 acres be rezoned to commercial which has been identified as rezoning request #1

Rezoning request #2 is for approximately 29.49 acres, is situated along M-37 (Alpine Avenue) and access to the property will need to be from 10 Mile Road or a new roadway.

Mr. Roosien explained that adjacent properties in Sparta Township and Alpine Township currently have C-2 or similar zoning designations and for this reason the request made by the Neymeiyer's does not constitute spot zoning. The Sparta Farm and Lawn business is harmonious with adjacent existing businesses. He noted rezoning will serve the needs of the

motoring public as customers come to the business from all directions. The Neymeiyer's request the ability to expand their business with the approval of the two rezoning requests.

Property owner Jerry Neymeiyer stated that he wants to enlarge the display area and have enough room for additional tractors and equipment. He explained that his bank had assumed that his property was zoned for commercial use and this has become a concern. Mr. Neymeiyer stated that he would be happy to answer any questions from Planning Commissioners regarding the rezoning requests.

Planning Director Sue Thomas presented her Staff report dated 07/09/09 for the two rezoning requests for properties known as 1550 and 1566 10-Mile Road NW. She reviewed the zoning and surrounding uses of property adjacent to the Neymeiyer farm and lawn operation as well as neighboring properties. She explained that the rezoning will not allow the property owners to expand the existing business without special land use approval and site plan review and would only allow for a change in the zoning. A map outlining the area for the two rezoning requests has been included in the staff report. A brief list of uses allowed in the C-2 district by right and those by special use were reviewed as well as setback and lot size information.

Planner Thomas explained that Jerry Neymeiyer is the sole owner of the approximate 90 acre parcel and that in August of 2007 a 3 year special land use permit was granted to mine sand and gravel. She discussed that special land uses stay with the property and not the property owner.

Thomas noted that if the intent of the rezoning is to eventually sell the property along M-37, there are concerns regarding a land division, lot size, and access to the property. Private roads are not allowed in the C-2 zoning district and public utilities are not available to either of the Neymeiyer properties. Planner Thomas noted that the Planning Commission has previously denied a commercial rezoning request for property located directly across M-37 in 2005.

Planner Thomas stated that the Neymeiyer rezoning request is inconsistent with the 2007 Township Master Plan, would set a precedent, is incompatible with the existing character in Alpine Township, there is C-2 zoned land with utilities available in the Township in areas Master Planned for commercial uses, and recommends denying the requested rezoning of the two Neymeiyer parcels from A, Agricultural to C-2, Commercial.

At the request of Planning Commissioners, Thomas provided additional information and comments regarding the special land use permit for the sand mine and about land splits, land division lines, and rezoning lines.

Mr. Roosien commented that the lines on the rezoning drawing represent the rezoning lines and not the eventual property split lines as the property would be reconfigured. The rezoning process is the necessary first step.

Johnson offered a motion, with support from Byrne to open the public hearing for the two Neymeiyer rezoning requests.

Ayes: 6

Nays: 0

Motion carried.

Jerry Nemeiyer, 1566 10-Mile Road NW, provided additional comments about the need to rezone Parcel #1 at the very least to meet his immediate business, display, and storage needs.

Traci Overeem, 1612 10-Mile Road, commented that one of the parcels considered for rezoning abuts her property. She is concerned about increased truck traffic, safety, noise and the eventual use of the property if the properties are rezoned for commercial uses.

Kay Chase, 8011 Sparta Avenue NW, stated that the Township Master Plan had been recently updated and she urged the Commission not to make exceptions at this time. For many years and through the update process, the Master Plan indicated that the area where Parcel #2 is shown to be long recognized as a future residential use zone. She noted that if the rezoning is approved, ALL commercial uses would be allowed on the property as listed in the Township Zoning Ordinance and just not the uses proposed by the current property owner.

Mark Neymeiyer, 8020 Sparta Avenue, commented that the corner of 10-Mile and M-37 (Alpine Avenue) attracts traffic based on the location and this has been good for his business. He noted that a rezoning to commercial would attract other businesses and create jobs. Neymeiyer stated that granting the rezoning request would have a positive financial impact to a family that will soon address future medical needs.

A motion to close the public hearing for the Neymeiyer rezoning requests was offered by Cordes and supported by Lee.

Ayes: 6

Nays: 0

Motion carried.

Planning Commissioners discussed the rezoning requests noting that the major difficulties are that the request is not in compliance with the Township Master Plan and the lack of public utilities available to the property. In response to Planning Commissioner questions, Planner Thomas confirmed that the expansion of the business could be achieved by applying for and receiving approval to expand the existing Special Land Use permit. Madura commented that other vacant commercial properties exist in the Township that have public utilities readily available.

Motion for Rezoning of all of 1550 and part of 1566 10 Mile Road (Parcel #1):

Lee offered a motion, supported by Johnson to recommend to the Alpine Township Board to deny the requested rezoning for the approximate 12.65-acre zoning parcel consisting of 1550 and part of 1566 10 Mile Road (41-09-02-100-034 & -035 respectively) as publicly noticed from A, Agricultural to C-2 Commercial as the request does not comply with the recommendation of the 2007 Alpine Township master Plan based on the following FINDINGS OF FACT:

Findings of Fact:

Based upon representations made by the applicants during rezoning review and upon the standards found in Chapter 12 of the Alpine Township Zoning Ordinance and the 2007 Alpine Township Master Plan, we find that the proposed rezoning:

- 1) Is not consistent with the Agricultural Preservation future land use recommendation of the 2007 Alpine Township Master Plan.
- 2) Is not consistent with intent of the C-2 zoning district to provide for an orderly and concentrated development of businesses along M-37 as designated in the Township Master Plan.
- 3) Does not ensure compatibility with adjoining land uses and zoning types.
- 4) The Location is not appropriate for all the allowed uses in the C-2, Commercial zoning district.
- 5) There is not a need for commercially-zoned property near the M-37 and 10 Mile Road intersection.
- 6) Neither public water nor sanitary sewers are available and the property lies outside the utility service districts for both.

Ayes: 6

Nays: 0

Motion carried.

Motion for Rezoning Part of 1566 10 Mile Road (Parcel #2):

Lee offered a motion, supported by Bryne to recommend to the Alpine Township Board to deny the requested rezoning for the approximate 29.49-acre zoning parcel consisting of part of 1566 10 Mile Road (41-09-02-100-035) as publicly noticed from A, Agricultural to C-2 Commercial as the request does not comply with the recommendations of the 1998 Alpine Township Master Plan.

- 1) Is not consistent with the Agricultural Preservation future land use recommendation of the 2007 Alpine Township Master Plan.
- 2) Is not consistent with intent of the C-2 zoning district to provide for an orderly and concentrated development of businesses along M-37 as designated in the Township Master Plan.
- 3) Does not ensure compatibility with adjoining land uses and zoning types.
- 4) The Location is not appropriate for all the allowed uses in the C-2, Commercial zoning district.
- 5) There is not a need for commercially-zoned property near the M-37 and 10 Mile Road intersection.
- 6) Neither public water nor sanitary sewers are available and the property lies outside the utility service districts for both.

Ayes: 6

Nays: 0

Motion carried.

Planner Thomas noted for the benefit of the applicant that the denial of the two rezoning requests would be presented at the Township Board meeting on Monday, July 20, 2009 for the first reading and on Monday August 17, 2009 for the final reading. The Township Board has the final input regarding the recommendation.

09-30 DISCUSSION: ACCESSORY BUILDINGS

Planner Thomas stated that her memo of July 10, 2009 explains that she will provide a single comprehensive document to Planning Commissioners on the subject of accessory buildings at the regular August meeting.

As part of the work to update the accessory building portion of the Ordinance she briefly provided information on Section 2.12 for fallout shelters which was adopted in 1964. She explained that this is one of the many “tentacles” of the accessory building portions of the Ordinance which she is bringing together and updating.

Madura noted that the topic of accessory buildings will be difficult and the Planning Commission appreciates the work which Thomas has accomplished to date.

09-31 PUBLIC COMMENT

Phil Brunger, 4647 Fruit Ridge Avenue NW, noted that he is aware that many fallout shelters have been built. He provided an update on his medical status.

09-32 COMMISSIONER COMMENT/COMMITTEE UPDATES

Commissioners discussed recent on-line courses and tests in which they participated as part of the MSU citizen planner program.

09-33 STAFF UPDATES

No staff updates were offered.

09-34 ADJOURNMENT

Byrne moved, with support from Johnson, to adjourn at 8:55 PM.

Ayes: 6

Nays: 0

Motion carried.

Jerry Byrne, Secretary

Jean Wahlfield, Recording Secretary