

**ALPINE TOWNSHIP PLANNING COMMISSION REGULAR MEETING
Thursday, September 17, 2009**

09-39 CALL TO ORDER/ APPROVAL OF MINUTES/ PUBLIC COMMENT

The Alpine Township Planning Commission held its regular meeting on Thursday, September 17, 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, 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 and asked if there were any corrections to be made to the minutes of the August 20, 2009, regular Planning Commission meeting.

Noting there were no corrections necessary, **Byrne moved, with support from Van Heulen to approve the minutes of the August 20, 2009 Regular Planning Commission meeting as presented.**

Ayes: 6

Nays: 0

Motion carried.

Madura asked if Cordes noted any changes to the minutes of the Site Plan Review Committee meeting of August 21, 2009.

(Dunneback arrives 7:35 PM)

After requesting Dunneback's input, **Cordes moved, with support from Madura, to accept the minutes of the Site Plan Review Committee meeting of August 21, 2009 as presented.**

Ayes: 3

Nays: 0

Motion carried.

Madura offered members of the audience an opportunity to speak regarding any items not on the agenda. No comments were made.

09-40 PUBLIC HEARING: Case # 09-25-07 Special Land Use and Site Plan
Prestige Products
4790 Alpine Ave., NW
Limited assembly and manufacturing in C-2 district
Applicant: Brad Brussow

On direction from the Chair, Planner Thomas presented her staff report. She provided the Site Plan Review standards from the Zoning Ordinance for developed sites.

Thomas noted that the site plan was prepared by the property owner but the applicant will be the tenant at the site. She added that a future road is planned to connect Alpine Church St. east, to Westgate Drive, though no road plans are being considered at this time. The general location of the road is at the northern border of the parcel. Thomas provided details regarding the Master Plan land use designations and current zoning designations of adjacent properties and directed Commissioners to the aerial photographs in their packets, which illustrate existing development both at the subject

site as well as adjacent sites. The photos include site configuration for the drive-through restaurant to the south.

Thomas noted that the building is a pre-existing, non-conforming structure which does not meet front yard setback requirements. Vehicular access is from two existing driveways, with cross access from the south via the restaurant parking lot. Because the Township has no record of a cross-access agreement between the two property owners, the owner or applicant should either prepare a new one for recording or provide a copy of an existing one to the Township.

Thomas then reviewed the Township's sidewalk policy, which requires developers to install sidewalks from 4 Mile Rd. north to Alpine Church St. Since there are no sidewalks on the site now, based on the policy, the applicant should install them now, though the northern 50 feet of frontage could be excluded since the future road is planned there. The remaining 135 feet of sidewalk excludes the site's southern driveway. For comparison, a recently redeveloped site, the Black Dog Café at 4500 Alpine Ave. was required to install sidewalks along its Alpine Avenue frontage, extending the sidewalk which had been installed earlier for Bear's Autos.

Thomas then addressed parking, storm water, dumpster locations, lighting, landscaping, and signs, adding that the Building Official will review Building Code requirements for the proposed use to determine if any alterations are required.

The applicant, Brad Brussow, said his business began in 1989, focusing first on residential awnings for decks and patios. In 1995, the business expanded to include commercial awnings which were custom designed and produced for several local businesses. Brussow noted that the TGIFridays site on Alpine Avenue was the first of its restaurants to sport his company's redesigned awnings.

Brussow said he hopes to expand the retail side of the business, but requires more space. No more than two to four trucks per month are on site to load his products for delivery. The business also offers a number of services and products including signs, tents, banners, neon signs, and recreational vehicle upholstery and repair.

Madura confirmed with Brussow that his current location in Cedar Springs is not a "high traffic" area, and that two flat bed trailers are now used for storage. Brussow added that he will be installing screening slats in the 10-foot tall chain link fencing for the storage trailers at the new site.

In response to a question from Lee about sidewalks Brussow said he prefers not to install them now, but will agree to install them in the future. He thinks installing one now would create a "sidewalk to nowhere."

Madura asked Brussow whether a new exhaust/venting system would be installed for the welding operation. Brussow feels the existing system is adequate since it handled motorcycle exhaust previously.

Van Heulen asked what plans for expansion might be and Brussow again said he hopes the retail portion of the business will grow but thinks manufacturing will remain at its current level.

Madura said he is pleased a new business is choosing Alpine Township, but asked Thomas for further information regarding the Township policy on sidewalks. Thomas said the Township requires sidewalks to be installed along Alpine Avenue from 4 Mile Rd. to Alpine Church St. as development occurs. However, the site under review is at the northern border of the defined sidewalk area and already developed. Thomas added that she believes if and when Alpine Church St. is extended through the site, it may redevelop.

The structure does not meet the required front yard setback of 75-feet in the C-2 zoning district and is approximately 38-feet from the front lot line; therefore it is considered to be a legal non-conforming building. Limited parking exists in front of the building and additional parking is provided along the southern property line. All parking spaces must be restriped. Cross access is provided via the south parking lot to adjacent site to the south. The applicant must provide to the Township a copy of a signed cross access agreement with the adjacent property owner. For additional information, the restaurant to the south (formerly the Red Hot Inn) was granted a variance to install parking up to that site's front lot line.

Madura asked Planning Commissioners for their comments:

- Van Heulen thought sidewalk installation could be deferred until the future road is constructed;
- Cordes agreed sidewalk installation should be delayed;
- Byrne disagreed, stating that the policy exists for a reason and should be enforced; build the sidewalk concurrent with this Special Land Use;
- Johnson thought that all businesses south of this site should install sidewalks before requiring it here;
- Lee confirmed that there would be 135 lineal feet of sidewalk required, but pointed out that a solid surface for pedestrian and bike traffic is already there in the form of parking lots. He thinks requiring sidewalks today is unreasonable;
- Dunneback requested clarification of site dimensions and Thomas gave them.

Thomas confirmed that the sidewalk policy requires an agreement from the property owner (not the tenant) for a future sidewalk if not installed at this time.

Discussion on the sidewalk issue continued:

- Dunneback thought it unreasonable to require sidewalks in this economic environment.
- Johnson again said sidewalks should be installed first from 4 Mile Rd. north.
- Cordes suggested obtaining an agreement from the applicant/owner for future sidewalks but agreed this is not the right time to install sidewalks. He added that installing them now might imply that children could ride their bikes there, which he thinks is unsafe since it is adjacent to M-37 with its trucks and higher speeds.
- Van Heulen agreed that sidewalks should be installed, but that it could be delayed until some point in the future.
- Byrne believes sidewalks should be required at this time consistent with Township policy.

Cordes then moved, with Van Heulen's support, to open the public hearing.

Ayes: 7

Nays: 0

Motion carried.

Ted Wallace, 4296 Laura Ave. NW, said he was required to install "a sidewalk to nowhere" for his business, Bear's Auto. It saw only limited use, and when the adjacent credit union and gas stations were remodeled, no sidewalk was required of them.

Greg Robinson, 4800 Westgate, lives at the "dead end" of Westgate Dr. where an Alpine Church St. extension would connect. He asked several questions of the applicant regarding the operation of the new business. Brussow provided information regarding hours of operation and the extent of remodeling of the current structure.

Cordes then moved, with Van Heulen's support, to close the public hearing.

Ayes: 7

Nays: 0

Motion carried.

Discussion continued regarding sidewalks. Thomas confirmed for Commissioners that signed agreements on file would identify which sites would be part of a Township initiated special assessment district for sidewalks. In response to a question from Madura, Thomas did not think a sidewalk S.A.D. is likely in the near future.

<p style="text-align:center">MOTION FOR SPECIAL LAND USE -- PRESTIGE PRODUCTS 4790 ALPINE AVE. NW LIMITED ASSEMBLY & MANUFACTURING IN THE C-2 ZONING DISTRICT</p>
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Dunneback moved, with support from Lee, based upon representations made by the applicant, to approve the Special Land Use permit requested for limited assembly and manufacturing in the C-2 district for Prestige Products at 4790 Alpine Ave., NW, (PP# 41-09-25-301-044) as it does meet the standards set forth in Chapter 21 of the Alpine Township Zoning Ordinance, with the following

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 person, 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 and services; and**
- 3. The proposed use is consistent with the Master Plan and the intent and purpose of the zoning district.**

AYES: 7

NAYS: 0

MOTION CARRIED.

<p style="text-align:center">MOTION FOR SITE PLAN -- PRESTIGE PRODUCTS 4790 ALPINE AVE., NW</p>
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Lee moved, with support from Dunneback, based upon representations made by the applicant, to approve the site plan drawn by Exxel Engineering dated February 23, 2004 and a 2003 aerial photograph altered by the applicant to show the current and proposed parking spaces for site improvements at 4790 Alpine Ave., NW (PP# 41-09-25-301-044) 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/ property owner shall provide to the Township a copy of a cross access agreement with the property owner to the south;
2. The applicant shall provide two (2) copies of a revised site plan illustrating appropriately sized and placed parking spaces and the dumpster enclosure location;
3. All parking spaces must be striped;
4. Replacement bulbs shall have a maximum wattage of 400 watts;
5. The property owner shall enter into a sidewalk agreement for the required sidewalk;

with the following FINDINGS OF FACT:

1. A future planned road extension will extend Alpine Church St. along the north property line of PP# 41-09-25-301-044 to Westgate Drive at an undetermined time;
2. A portion of the property is north of the proposed Alpine Church St. proposed extension;
3. Neither the building footprint nor the parking lot layout will be altered in any way with the new business use; and
4. The existing front parking lot abuts the site's western property edge and MDOT'S M-37 highway road right-of-way.

AYES: 6 (Cordes, Dunneback, Johnson, Lee, Madura, Van Heulen)

NAYS: 1 (Byrne)

MOTION CARRIED

09-41 PUBLIC HEARING: Revised Zoning Ordinance Provisions for Accessory Buildings

At the request of the Chair, Planner Thomas introduced the final version of the Zoning Ordinance provisions for accessory buildings, and noted the following:

- The maximum size allowed for detached accessory buildings in the R-1 and RA zoning districts was increased to 768 square feet for lots between 1 and 2 acres;
- Provisions for farm buildings in the RA zoning district have been added;

Thomas also commented that there had been a conflict in the Ordinance regarding buildings for farm animals on lots of 2-acres or more in the RA zoning district. The proposed amendments resolve this conflict.

A chart outlining the specific regulations for accessory buildings by use, district and lot size will be a part of the Ordinance.

Byrne moved, with support from Cordes, to open the public hearing.

Ayes: 7

Nays: 0

Motion carried.

There being no comments offered by the public regarding the ordinance revision,

Johnson moved, with support from Van Heulen, to close the public hearing.

Ayes: 7

Nays: 0

Motion carried.

After brief discussion of the proposed revisions, **Madura moved, with support from Cordes, to recommend to the Township Board adoption of the ordinance amendments as presented.**

Ayes: 7

Nays: 0

Motion carried.

09-42 DISCUSSION: Draft revisions to Sections 2.39(b) *Yard Encroachments* and 20.08(k)(1) *Portable Signs* of the Alpine Township Zoning Ordinance.

Thomas said she has revised Section 2.39 (b) regarding the yard encroachments allowed. New language was written to cover barrier free entrance ramps/ structures to the minimums required by the Michigan Barrier Free rules. Commissioners agreed unanimously that the addition of this language should be done.

Thomas then informed the Planning Commission that there have been several questions from both business owners and staff regarding the fees and regulations associated with temporary and portable signs. Section 20.08(k)(1) of the sign regulations currently requires a \$75 plan review fee and a \$50 permit fee for a seven-day portable sign permit, which some feel is prohibitive to small businesses. Thomas reminded the Commissioners that fees associated with permits are set by the Township Board.

The current regulations also limit businesses to four 7-consecutive-day temporary sign permits, with deductions against the 28-day annual maximum for those signs remaining on display beyond the permit period. Thomas has reviewed the time limits and fee schedule with both the Building Official and the Code Enforcement Officer, who agree that adjustments to each are reasonable. Staff recommendation is to increase the maximum permit period to a maximum of **three 10- consecutive days** permits for a maximum of 30 days in a calendar year. It was suggested that permit fees be reduced to a total of \$75.00 (\$45 permit fee; \$30 inspection fee). All Planning Commissioners agreed that the changes were appropriate, and asked that Thomas proceed with the process of amending these ordinance provisions.

Thomas agreed to prepare amendments for both Sections 2.39(b) and 20.08(k)(1) for a public hearing at the October regular Planning Commission meeting.

09-43 PUBLIC COMMENT/ COMMISSIONER UPDATE/ STAFF UPDATE/ ADJOURN

Cordes moved with support from Lee to open the public comment.

Ayes: 7

Nays: 0

Motion carried.

Michelle Ball, 8030 Vinton Ave., stated she owns the hair salon at 5228 Alpine Ave., which opened approximately a year ago. She was not aware of sign regulations initially but learned about them since. She commented that the temporary sign regulations have negatively affected her business and cited other businesses in Alpine Township which regularly ignore the rules.

Several Commissioners gave their opinions regarding ordinance enforcement and Thomas gave specific details on the volume and type of ordinance violations that are addressed on a regular basis.

Lee moved with Cordes' support, to close the public comment portion of the meeting.

Ayes: 7

Nays: 0

Motion carried.

Commissioners provided information on various items:

- Dunneback said the Site Plan Review Committee reviewed plans for the Alpine Apple Haus.
- Lee reported he is working on the Parks and Recreation Committee's survey for the Master Citizen Planner course he is taking.
- Johnson said that the ZBA denied a variance request for a rear porch for Dorothy and Joseph Alt.
- Van Heulen is finishing the last module of the Citizen Planner course online.
- Madura said he is also finishing the Citizen Planner course.
- Cordes said he has completed the Citizen Planner course.

Johnson moved, with support from Dunneback, to adjourn at 9:25 PM.

Ayes: 7

Nays: 0

Motion carried.

Jerry Byrne, Secretary

Patricia Kolkman, Recording Secretary