

**ALPINE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
July 21, 2022**

22-40 CALL TO ORDER / APPROVAL OF THE REGULAR MEETING MINUTES OF JUNE 16, 2022, THE AMENDMENT OF THE REGULAR MEETING MINUTES OF SEPTEMBER 16, 2021 AND THE PUBLIC COMMENT ON NON-AGENDA ITEMS

The Alpine Township Planning Commission held its regular meeting on July 21, 2022 at 7:00 p.m. at the Alpine Township Center, 5255 Alpine Avenue NW, Comstock Park, MI 49321. Present: Chair Steve Thome, Vice Chair Chuck Jakems, Secretary Lisa Frizzell, Ron Cordes, Dawn Swafford, Tom Griswold and Gary Potter. Planner Susan Becker and recording secretary Barb Griswold were also present. Thome called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

APPROVAL OF MINUTES

Frizzell moved, with support from Swafford to approve the minutes of the Regular Meeting of the Alpine Planning Commission on June 16, 2022 with 2 corrections. Jakems abstained from the vote due to not being at the meeting.

Ayes: 6 Nays: 0 Motion Carried

Frizzell motioned, with support from Cordes to amend the September 16, 2021 Planning Commission minutes for Finding of Facts #2 for the M-PUD rezoning and Preliminary Development Plan for *The Range at Alpine* development to read as follows:

2. The PUD

- Will not result in a significant increase in the need for public services and facilities,
- Will not result in unsafe traffic movements and
- Will not place a significant burden upon surrounding lands or the natural environment unless the resulting adverse effects are adequately provided for a mitigated by features of the PUD as approved.

Jakems and Griswold abstained from the vote due to not being members of the Planning Commission in September 2021.

Ayes: 5 Nays: 0 Motion Carred

22-41 PUBLIC HEARING: BEN AND KELLI KARAS HAVE REQUESTED TO REZONE THE SOUTHERN PORTION OF PROPERTY ADDRESSED 4357 CORDES AVENUE FROM R-1, LOW DENSITY RESIDENTIAL TO A, AGRICULTURAL

Planner Becker gave her review of the rezoning request from R-1, Low Density Residential to A, Agricultural on the southern portion of 4357 Cordes Avenue. Ben and Kelli Karas, on behalf of property owner Fred Schweizer, have requested to rezone the 8.56-acre southern portion of the 15.82-acre property. The property is located on the west side of Cordes Avenue between Henze and Alpine Church Streets.

The vacant property is wooded and contains the headwaters of York Creek that flows south to north through the property. In 2017, the previous property owners, Marc and Christine Huizinga rezoned the property from Ag to R-1 in order to divide their home at 4325 Cordes Avenue off and enable them to sell the remaining acreage for development. They sold the remaining acreage to adjoining southern neighbor Fred Schweitzer.

Becker stated Ben Karas (grandson of property owner Fred Schweitzer) intends to buy the northern portion of the property to build his family's home on. Property owner Fred Schweitzer is requesting to rezone the property back to Agricultural so that when he "sticks" the southern portion to his adjoining property to the south, he doesn't create a dual-zoned property. The property has "to be stuck to" the adjoining property to the south since it does not have its own road frontage. The balance of his land to the south is zoned A, Agricultural.

A land division request was approved in early June. The northern portion must remain zoned R-1 because there is only 170 feet of road frontage. Agriculturally-zoned lots require 330 feet of frontage. Sanitary sewer is available approximately 1,600 feet to the north along Cordes Avenue and is master planned along the frontage. Public water is master planned along the Cordes Avenue frontage and is currently just north of Henze Street in Cordes Avenue.

Becker said the request to rezone the property from R-1, Low Density Residential back to A, Agricultural is not in conformance with the 2015 Alpine Township's Master Plan Update's future land use designation of LDR, Low Density Residential. The LDR future land use designation is analogous to the R-1, Low Density Residential zoning district. The Master Plan states: *Future LDR areas are expected to develop east and west of Cordes Avenue south of Alpine Church Street as utilities become available (page 46 2007 MP).*

The property is wooded acreage, and the Commissioners should consider that a property rezoned to Ag could redevelop with any permitted use allowed in the district. The rezoning request is not in compliance with the current Alpine Township Master Plan Map's future land use designation of LDR. However, the property owner does not want a dual-zoned farm and desires to rezone the property back to Agriculture.

The primary use in the Agriculture district is farmland. The woodlands on the property are intended to remain per the property owner. The surrounding area consists of homes, farmland and woods.

Becker said the property may be able to accommodate the permitted or special land uses in the Ag district. The request is consistent with zoning and the uses of properties along Cordes Avenue in the immediate vicinity. The current use of the property is not proposed to change at this time.

Although it serves to benefit one landowner rather than the broad public interest; it is consistent with the existing use and is consistent with surrounding uses. The requests prevents the creation of a dual-zoned property. There have been no significant changes in the area since the adoption of the 2015 Master Plan Update. The neighbor's property to the south was rezoned in 2014 to R-1. The property involved in this request was rezoned to R-1 in 2017.

Becker said the request is consistent with the intent of the Ag zoning district since it is occupied by woods. The rezoning would not change the characteristics of the area and would not have any effect on municipal costs or services.

Applicant Ben Karas said Planner Becker covered everything for them and did not have anything additional to add.

Motion made to open public comment by Cordes, supported by Potter.

Ayes: 7 Nays: 0 Motion Carried

Mark Huizinga, 4325 Cordes Avenue said he was the previous owner of the property and asked for the rezoning to enhance the sale of the property for future homes. He does recommend the property does go back to being zoned Agricultural.

Motion made to close public comment by Frizzell, supported by Potter.

Ayes: 7 Nays: 0 Motion Carried

<p>MOTION: REZONING THE SOUTHERN PORTION OF PROPERTY ADDRESSED 4357 CORDES AVENUE</p>
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Frizzell made a motion, supported by Jakems to recommend to the Alpine Township Board to *approve* the requested rezoning for the 8.56-acre southern portion of property addressed 4357 Cordes Avenue (PP# 41-09-35-100-027) as publicly noticed from R-1, Low Density Residential to A, Agricultural.

Findings of Fact:

Based upon representations made by the applicant during rezoning review and upon the standards found in Chapter 5 and 24 of the Alpine Township Zoning Ordinance and the 2015 Alpine Township Master Plan Update, we find that the proposed rezoning:

- 1) Is not consistent with the Low Density Residential future land use recommendation of the 2015 Alpine Township Master Plan Update. However, it was zoned Ag until 2017, and it is consistent with the Township's unofficial policy of preventing the creation of a dual-zoned properties.
- 2) Is compatible with adjoining land uses and zoning types.
- 3) The location is appropriate for all the allowed uses in the A, Agricultural zoning district.
- 4) Is consistent with the allowed uses of the A, Agricultural zoning district.

Ayes: 7 Nays: 0 Motion Carried

22-42 PUBLIC HEARING: FRANK AND AMY STABILE OF ABANDONED ACRES FARM HAUNTED ATTRACTION HAVE REQUESTED A TEXTX AMENDMENT TO THE ZONING ORDINANCE TO ADD ESCAPE ROOMS AS AN ALLOWABLE USE FOR RURAL RECREATION / AMUSEMENT ENTERPRISES IN CONJECTION WITH A PRIMARY ACTIVE FARM OPERATION IN THE A, AGRICULTURAL ZONING DISTRICT.

Planner Becker gave her review of the request for an amendment to the Zoning Ordinance to allow *Escape Rooms* as a permitted use in the Agricultural zoning district in conjunction with a primary, active farm operation. In 2006, the Township amended the Agricultural district to allow for several new uses and amended the requirements of several existing uses. The focus appears to have been on recognizing as a permitted use farm markets that sell products grown/raised on site and limited other goods accessory to that. A special Land Use permit would be required for uses that had obvious external effects or where composition of products being sold was largely derived from off site.

Becker explained the Planning Commission in 2006 discussed Special Land Uses that would benefit farming in the community and discussed that such uses should be operated in conjunction with an active farm operation. In 2019, the Township added breweries as a special land use and refined the provisions for wineries, bed and breakfast, and rental of farm facilities for events.

The Planning Commission is being asked to refine what was done in 2006 for agri-entertainment uses by adding *escape rooms* to the list of allowable uses. It appears the Commission was striving to allow agri-entertainment uses to supplement a farm which produces food for wholesale markets. Without further refining to the ordinance, agri-entertainment options could become the farm, which is a completely different business model.

The language of principal use and accessory use is likely not sufficient to ensure a larger agri-entertainment operation could not somehow develop. Additional language such as minimum acreage (easily verifiable) or language such as wholesale production of food (not easily verifiable) should be added to the current request.

Becker said an *escape room* is a room in which participants are locked into and game participants must discover clues and solve a series of puzzles within a certain amount of time to find the key to unlock the room.

The applicants operate Abandoned Acres Farm Haunted Attraction and Apple Valley Corn Maze & Family Fun for kids at 7737 Fruit Ridge Avenue at the northwest corner of 9 Mile Road and Fruit Ridge Avenue. The 40-acre property is occupied by a home, four barns, and a smattering of various other structures associated with the crop maze and farmland.

Becker stated staff, along with the Township Attorney previously concluded *escape rooms* are not similar in use to other allowed listed rural recreation enterprises because it is a use that would be appropriate in the commercial zoning district. Almost all escape rooms in Michigan are in urban areas.

With corn mazes, the crop creates the maze and hayrides and petting of farm animals use existing farm equipment and animals for rural entertainment / education. Crop mazes, hayrides, horse rides and petting farms would not be appropriate in a commercially-zoned area.

If the Planning Commission would like to amend the ordinance to include escape rooms, the Planning Commission needs to decide if this is a commercial use in the agricultural district or an agricultural use in the agricultural district. For example, Schwallier's and Dunneback's operate commercial uses in the agricultural zone and adhere to the State Building Code for structures, toileting requirements, etcetera. The decision impacts whether or not the State Building Code regulations apply or not. The Building Official asked the applicants be reminded that tents greater than 100-square foot in size require a building permit.

Jakems asked Becker if the proposed text amendment is for a single escape room, or could someone build several escape rooms? Becker answered, yes several could be built and further refinement of the language may be needed.

Applicants Frank and Amy Stabile, 7737 Fruit Ridge Avenue addressed the Commission. Mrs. Stable said customers would not be locked in an escape room and could leave at anytime they wish to. Customers would have 60 minutes to find clues and 8 people at a time could participate. They would use space within an existing barn on the property to house the escape room and it would be under 1,000-sqaure feet in size. It would be in conjunction with their primary active farm operations.

Mr. Stabile said the goal of this entertainment is to get more customers to come out and visit the farm to purchase their fall products that they grow on the farm. This will allow them to expand their farm to grow other crops to harvest throughout the year, making their farm more sustainable. Mr. Stabile added the escape room in not a scary attraction.

Mrs. Stabile said they have put in another orchard for apples and added corn and pumpkins and are farming on the property everywhere they can.

Mr. Stabile said they do not want multiple escape rooms, just one room in an existing barn. He thinks this will help expand and help sustain the primary farming / agricultural business. They will have no summer concert series or a beer garden.

Thome asked if their farm is seasonal or year-round and Mrs. Stabile said they are a year-round farming business and farming is how they make their living.

Griswold asked about what facilities they have for bathrooms and Mrs. Stabile said they have porta-potties which are serviced every week.

Cordes asked Becker is the proposed text amendment was approved, does it stay with the farm property? Becker said it would cover the entire Township, not just the Stabile property.

Motion made to open public comment by Jakems, supported by Swafford.

Ayes: 7 Nays: 0 Motion Carried

Marta Brechting, 1275 6 Mile Road said the proposed escape room sounds more like a commercial thing and doesn't think it fits with the zoning ordinance. The Planning Commission should use caution on this.

Tony Brechting, 1307 6 Mile Road said he doesn't think the escape room would work for building codes and the use in agriculture zoning districts should be limited. He said the Planning Commission should use caution.

Motion made to open public comment by Jakems, supported by Griswold.

Ayes: 7 Nays: 0 Motion Carried

Jakems asked is the request an Agricultural use or a commercial use? He doesn't think the Commission should amend the Agricultural Zoning Ordinance as it could spread to other requests for more amendments.

Griswold asked where does the Commission draw the line? Breweries are now allowed in the Agricultural Zoning District. Swafford said breweries in the Agricultural Zoning District use crops from their farms to produce a product.

Thome said he doesn't see how it fits in for Agriculture preservation. Swafford added she likes what they are trying to do, however the request effects every single farm in the Township.

Cordes said it would fit for a business on Alpine Avenue in the commercial district, but not in agriculture district.

Jakems made a motion, supported by Griswold to DENY the request for Zoning Ordinance Text Amendments to the Township Board.

Ayes: 7 Nays: 0 Motion Carried

22-43 DISCUSSION: MASTER PLAN DISCUSSION, FUTURE LAND USE MAP

Planner Becker gave a brief review of Future Land Use maps from 1975, 1988, 1998, 2007, 2015 and 2021 with a history of each map. Chris Khorey from McKenna said they have increased the number of residential zoning categories with the goal of making a gentle transition from Ag, Agricultural land to residential zoned land.

Mr. Khroey said Bristol and Cordes Avenues would be shown as a moderate density residential category where there would be neighborhoods, but not high density, tying in business and commercial on 4 Mile Road. This area would have water and sewer connections available. The orchards to the south would be zoned to preserve the agricultural land.

There are no additional mobile home parks or high density areas added other than where those uses currently exist.

The Planning Commissioners discussed holding an open house/special meeting for properties that are involved with the proposed changes in future land use designations of parcels and those involved with proposed changes in master planned roads (Lamoreaux Drive extension for instance). Planner Becker will send an email with possible dates to hold an open house/special meeting in September.

22-44 PUBLIC COMMENT

Peggy Brechting, 1275 6 Mile Road said she is opposed is any new residential category that would allow 5 units per acre. She feels there has been discussion or decisions have been

made about the Master Plan and Future Land Use map among the Commissioners outside of the regular Planning Commission Meetings.

Marta Brechting, 1275 6 Mile Road said she thinks an increase in development is being shown for the Master Plan and asked what percentage is the increase being based on?

Tony Brechting, 1307 6 Mile Road said Mr. Khroey stated they have decreased development from 10% to 8% for the Master Plan, but he thinks this is a deceptive argument. He thinks development should be brought down even farther and that did not happen. He asked if the Commissioners should approve the meeting minute amendments from September 2021.

Mike Brechting, 4700 Gibbs Street said there needs to be less development for the Township. If an area is Master Planned for development, it will happen.

22-45 COMMISSIONER AND STAFF UPDATES

Becker said the Commissioners received an updated Capital Improvement Plan, along with the Township Finance Primer in their packets and it is posted on the Township website also. Becker shared there is a Fire Station #1 Open House and ribbon cutting ceremony on July 22nd and a celebration for the Township's 175th anniversary on July 23rd.

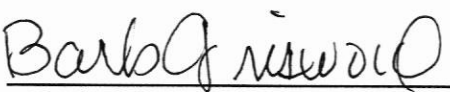
ADJOURNMENT

Potter motioned, supported by Swafford to adjourn the meeting at 9:15 PM.

Ayes: 7 Nays: 0 Motion Carried



Lisa Frizzell, Planning Commission Secretary



Barb Griswold, Recording Secretary