

**ALPINE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
November 16, 2023**

**23-42 CALL TO ORDER AND APPROVAL OF THE REGULAR MEETING MINUTES
OF OCTOBER 19, 2023.**

The Alpine Township Planning Commission held its regular meeting on October 19, 2023 at 7:00 p.m. at the Alpine Township Center, 5255 Alpine Avenue NW, Comstock Park, MI 49321. Present: Chair Steve Thome, Vice Chair Tom Griswold, Ron Cordes, Lisa Frizzell, Paul Dunneback, Gary Potter and Dawn Swafford. Planner Susan Becker was also present. Thome called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

APPROVAL OF MINUTES

Potter moved, with support from Swafford to approve the minutes of the Regular Meeting of the Alpine Planning Commission on October 19, 2023.

Ayes: 7 Nays: 0 Motion Carried

**23-48 PUBLIC HEARING: EI BURRITO LOCO SPECIAL LAND USE AT 4720 ALPINE
AVE.**

Engineer Dave Hanko of Feenstra Associates presented El Burrito Loco's request for a special land use and site plan approval to construct a restaurant with outdoor patio alcohol service and separate retail suite at 4720 Alpine Ave. The previous approval granted in August 2022 has expired and El Burrito Loco has changed the building and site layout extensively since August 2022. There will be a drive-through front entrance canopy, patio seating on the north side of the building, landscaping along Alpine Ave., and anticipated spring 2024 construction. The tenant for the retail suite is not known at this time.

Frizzell mentioned the house to the south (767 Marlene St.) which is also owned by the applicant. In the future, if the house is removed, the space could be used for future parking. However, the grades to the east as currently proposed are steep.

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

Ayes: 7 Nays: 0 Motion Carried

No comments received.

Motion made to close public comment by Cordes supported by Griswold.

Ayes: 7 Nays: 0 Motion Carried

Cordes comment that the plans, although different, are just as good as the plans from August 2022.

Discussion took place regarding the greenbelt adjacent to the non-conforming home at 767 Marlene Street and the applicant's submitted "Unconditional Real Property Waiver" dated and signed November 13, 2023. In it, the applicant expresses that the greenbelt will be required to remain and can be only modified by replacing the existing shrubs with a privacy fence.

MOTION: El Burrito Loco Restaurant Special Land Use at 4720 Alpine Ave.

Based upon representations made by the applicant, Griswold made a motion, supported by Cordes, to *approve* the Special Land Use permit requested for a restaurant with outdoor patio with alcohol service at 4720 Alpine Ave., PP# 41-09-25-301-052, as it *does* meet the standards set forth in Chapter 21 of the Alpine Township Zoning Ordinance.

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.
3. The proposed use is consistent with Master Plan and the intent and purpose of the zoning district.
4. The proposed use will not set a precedent for development which could adversely affect the long term plans and policies of the Township since restaurants with outdoor patio alcohol service are special land uses in the commercial district

MOTION: El Burrito Loco restaurant & separate retail space Site Plan at 4720 Alpine Ave.

Based upon representations made by the applicant and the information contained in the staff report, Griswold made a motion, supported by Potter, to *approve* the site plan dated November 6, 2023 and drawn by Feenstra & Associates, architectural drawings dated Jan. 31, 2023 by Speed Architects, and a photometric plan dated Sept. 20, 2023 by Visual for a restaurant with outdoor patio with alcohol service at 4720 Alpine Ave. as it *does* meet the requirements set forth in Chapters 12, 18, 19 and 21 of the Alpine Township Zoning Ordinance with the following conditions of approval:

Conditions of Approval:

1. The applicant shall provide 2 copies of revised plans illustrating:
 - Revised photometric plan to include all proposed parking lot lights (staff approval required)
2. The Planning Commission acknowledges the applicant's submitted "Unconditional Real Property Waiver" dated and signed November 13, 2023. The greenbelt between 4720 Alpine Ave. and the non-conforming house at 767 Marlene Street is required to remain and can be only modified by replacing the shrubs with a privacy fence.
3. If the two existing silver maple trees along Alpine Ave. illustrated on the landscaping plan do not survive the construction process, they must be replaced with new trees.
4. All conditions outlined in the Township Engineer's letter dated November 10, 2023.
5. The applicant shall establish into a vehicular access easement agreement benefiting the properties to the north and east. The applicant or subsequent property owner will be

responsible for the costs of future grading and cross access drive connection to the east at such time as the Township deems necessary.

6. The applicant shall enter into a Site Development and Storm Water Maintenance Agreement with the Township to memorialize the approvals given.

Ayes: 7 Nays: 0 Motion Carried

23-49 PUBLIC HEARING: TEXT AMENDMENTS FOR THROUGH LOTS & TRIPLE FRONTAGE LOTS

Engineer Zach Voogt of Moore & Bruggink explained Fritz Wahlfeld Jr. has requested text amendments to allow for through lots and triple frontage lots to have different front yard setback requirements than what is required on the principal street within the C-2 zoning district.

Planner Becker explained that she expanded on the applicant's request to ensure through and triple frontage lots are treated the same in all commercial, office and industrial districts and amended the definition of Through Lots.

Potter had a question about Marlene Street.

Frizzell explained the applicant had recently been before the Zoning Board of Appeals with a setback variance request. The ZBA denied his request and expressed that it made more sense to address the issue through a Zoning Ordinance change instead of a variance.

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

Ayes: 7 Nays: 0 Motion Carried

No comments received.

Motion made to close public comment by Griswold supported by Cordes.

Ayes: 7 Nays: 0 Motion Carried

Griswold mentioned he would like to table the request because he doesn't have a firm understanding of some about the text.

Frizzell expressed that she understood Griswold's struggle. She reads Zoning Ordinances regularly and shared it's best to break the text down into pieces.

Planner Becker reviewed the following proposed text amendments:

Proposed Amendments to Chapter 1, Definitions:

~~**Lot, Double Frontage.** Any lot, excluding a corner lot which fronts on two (2) streets which do not intersect.~~

Lot - Through. An interior lot having frontage on two (2) streets which do not intersect.

Lot - Triple Frontage. See definition of Lot, Corner.

Proposed Amendments to Chapter 2, General Provisions:

Section 2.25 Required Area or Space

~~(d) *Through Lots—Rear yard requirements on “through lots.” When lots run through from streets, in lieu of the requirements for a rear yard, an equivalent open space may be furnished in lieu of a rear yard. Reserved*~~

Proposed Amendments to C-1, Commercial district

Section 11.04 District Regulations

(b) Front Yard -

For a corner lot, ~~through lot, or triple frontage lot,~~ the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street ~~and tertiary street~~ shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which is the principal ~~street~~ and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.

Proposed Amendments to C-2, Commercial district

Section 12.04 District Regulations

(b) Front Yard -

For a corner lot, ~~through lot, or triple frontage lot,~~ the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street ~~and tertiary street~~ shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which ~~is~~ the principal street ~~is~~ and which ~~is~~ the secondary street ~~is~~. Generally, the principal street will have a greater volume of traffic than the secondary street.

Proposed Amendments to C-4, Commercial district

Section 13B.04 District Regulations.

(b) Front Yard -

For a corner lot, ~~through lot, or triple frontage lot,~~ the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street ~~and tertiary street~~ shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which ~~is~~ the principal street ~~is~~ and which ~~is~~ the secondary street ~~is~~. Generally, the principal street will have a greater volume of traffic than the secondary street.

Proposed Amendments to O-S, Office Service district

Section 15.05 Yard And Lot Width Requirements. No building or structure nor any enlargement thereof shall be hereafter erected unless the following yard and lot width requirements are maintained in connection with such building, structure, or enlargement:

- (a) Front Yard - There shall be a front yard of not less than fifty (50) feet.
For a corner lot, through lot, or triple frontage lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street and tertiary street shall be a minimum of twenty-five (25) feet. The Zoning Administrator shall determine which is the principal street and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.
- (b) Side Yard -
- (1) Where the side of a lot in this zoning district abuts upon the side of a lot in any R zoning district, the side yard abutting such lot shall be not less than fifty (50) feet;
and
 - (2) ~~There shall be a side yard of not less than twenty-five (25) feet on the street side of a corner lot; and~~
 - (3) ~~In all other cases, a~~ A side yard of not less than fifteen (15) feet shall be required.

Proposed Amendments to I-1, Light Industrial district

Section 16.04 Area Regulations. No building or structure nor the enlargement of the same, shall be erected unless the following requirements are met:

- (a) Front Setback - There shall be a minimum front setback of seventy-five (75) feet according to the requirements of Section 2.13.

For a corner lot, through lot, or triple frontage lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street and tertiary street shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which is the principal street and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.

Proposed Amendments to I-2, General Industrial district

Section 17.04 Area Regulations.

- (a) Front Setback - There shall be a minimum front setback of seventy-five (75) feet according to the requirements of Section 2.13.

For a corner lot, through lot, or triple frontage lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street and tertiary street shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which is the principal street and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.

MOTION: Zoning Ord. Text Amendments Regarding Through Lots & Triple Frontage Lots in Office, Commercial and Industrial Zoning Districts

Based upon representations made by the applicant and staff, Swafford made a motion, supported by Cordes, to recommend *approval* of the text amendments to Chapters 1, 2, 11, 12, 13B, 15, 16 and 17 of the Alpine Twp. Zoning Ordinance as laid out in the Planner's staff report dated Nov. 8, 2023.

23-50 SITE PLAN REVIEW: TWO ACCESSORY STRUCTURES AT 929 ALPINE COMMERCIE PARK CT., SUITE 800

Engineer Matt Cole of Roosien & Associates introduced the proposed project and confirmed the two freezer structures were already located on the property. He explained Matt Timon of West Michigan Baseball Franchising LLC is leasing Suite 800 and needs freezer space for ice cream.

Planner Becker explained their location on existing pavement in the rear of the property does not impinge on parking spaces, doesn't increase storm water flows, and will need foundations per building code.

MOTION: Dippin' Dots Site Plan at 929 Alpine Commerce Park Ct., Suite 800

Based upon representations made by the applicant, Swafford made a motion, supported by Cordes, to *approve* the site plan dated October 25, 2023 by Roosien & Associates for the placement of two 400-sq. ft. accessory freezer structures on property addressed 929 Alpine Commerce Park Ct., Suite 800 (PP# 41-09-35-454-001) as the request *does* meet the requirements set forth in Chapters 12 and 18 of the Zoning Ordinance with the following condition of approval:

Condition of Approval:

1. Once the two structures are no longer in use, they must be removed from the property along with their foundations and electrical connections

Ayes: 7 Nays: 0 Motion Carried

23-51 DISCUSSION: PRODUCE STORAGE BUILDINGS, MINIMUM ACREAGE

Becker stated the since the August PC meeting, she gave the proposed ordinance changes some additional thought and made some changes to ensure all existing produce storage buildings are in compliance with the Zoning Ordinance and proposed that future storage buildings must be built on land consisting of 2 acres minimum. The Commissioners agreed with the proposed changes and directed staff to arrange for a public hearing at the December PC meeting.

23-52 DISCUSSION: SELF-STORAGE FACILITY REGULATIONS

Becker shared the information she acquired from the 2023 Self-Storage Almanac regarding self-storage square-footage per capita data for Michigan, West Michigan and the Township. In Michigan, the self-storage square-footage per capita is 4.99 sq. ft. per person. In Alpine Township it is 20.90 sq. ft. per person. For next month, the PC would like to see a better definition of "warehouse", the language in ordinance format, and clarification that other existing zoning regulations would apply to proposed self-storage facilities in industrial zoning districts. Questions were raised about storage "pods".

23-53 PUBLIC COMMENT

Ken Sanders, 2634 Schindler Dr. NW, stated that based upon the election results he feels Township residents don't want the proposed size of development. He would like to know what is the Developer up to now. He believes the R-1 plan is a "scam plan" to scare Township residents. He did an interview recently with Crain's Business News and so did the developer. In it the developer stated he would come back in a few months with an R-1 plan. He stated that Zoning Ordinance chapters 14 and 18 are similar. The proposed plan was too much. The developer has to consider us.

Marta Brechting, 1275 6 Mile Rd. NW, Thanked the Planning Commission. She stated the whole process didn't sit well with a lot of the Township. The PC voted to deny and the TB voted to approve the proposed Wilder Crossings development. "*There is a lot of division in the Township.*" The developer changed the storm water plan without the Planning Commission's review.

23-54 COMMISSIONER AND STAFF UPDATES

Planner Becker shared basic information about newly adopted state legislation that removes local control over siting large-scale wind and solar facilities.

ADJOURNMENT

Swafford motioned, supported by Potter to adjourn the meeting at 9:20 PM.

Ayes: 7 Nays: 0 Motion Carried

Lisa Frizzell, Planning Commission Secretary Sue Becker, Planning Director