

**ALPINE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
November 15, 2018**

**18-54 CALL TO ORDER / APPROVAL OF THE REGULAR MEETING MINUTES OF
OCTOBER 18, 2018, AND THE / PUBLIC COMMENT ON NON-AGENDA
ITEMS**

The Alpine Township Planning Commission held its regular meeting on November 15, 2018 at 7:00 p.m. at the Alpine Township Center, 5255 Alpine Ave., NW, Comstock Park, MI 49321. Present: Chair Bruce Lee, Vice Chair Mike O'Malley, Secretary Lisa Frizzell, Chuck Jakems Steve Thome, Ron Cordes. Dawn Swafford arrived at 7:05. Planner Susan Becker was also present. Chair Lee called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

APPROVAL OF MINUTES

Jakems moved, with support from O'Malley to approve the minutes of the Regular Meeting of the Alpine Planning Commission on October 18, 2018.

Ayes: 6 Nays: 0 Motion Carried

Chair Lee opened the meeting up for Public Comment on any non-agenda items. No comments were received.

**18-55 PUBLIC HEARING: A COMMERCIAL PUD AMENDMENT REQUEST BY DAN
HENRICKSON TO ALLOW FOR THE CONSTRUCTION OF A 7,895 SQUARE
FOOT RETAIL/RESTAURANT BUILDING. THE PROPOSAL IS LOCATED ON
UNIT 3 OF THE ALPINE RIDGE SITE CONDOMINIUM AT 4064 ALPINE AVE.**

Planner Becker gave her review for the request to amend the C-PUD for Unit 3 of the Alpine Ridge Commercial Site Condominium at 4064 Alpine Avenue. The sidewalk easements and agreements for collective storm water management, cross access and cross parking for the Site Condominium have been established and recorded.

Becker stated the uses within the C-PUD/Site Condo are 3,637-sq. ft. Freddy's Frozen Custard & Steak Burgers with drive through, 6,887-sq. ft. Alpine Liquor Store, and 7,895-sq. ft. Retail/Restaurant building (2 suites) with a drive-thru restaurant which was previously planned to be a 7,040-sq. ft. 4-suite retail strip center including a drive-thru restaurant. The depth of the proposed building will be 75.7 foot and the width will be 106 foot, along with a 5 foot wide sidewalk on the west side of the building.

Becker explained for Unit 3, a drive-thru restaurant, requires 24 surface spaces and 13 drive-thru spaces, and a sit-down restaurant requires 75 spaces or 0.4 spaces per seat. The numbers of seats are unknown at this time, however based on 75 parking spaces no more than 189 seats would be allowed in a restaurant. As arranged, the site is 29 parking spaces shy across the entire PUD. Before Alpine Liquor, the site was approved with 8 parking spaces shy and the Planning Commission has the ability to approve parking less than required with a PUD.

Matt Cole of Paradigm Design said the reason they would like to enlarge the building is because the most interest they have had in lease space is from restaurants. They would like one large sit-down restaurant that would anchor the building and a smaller restaurant with a drive-thru.

Lee asked if there is currently a tenant for the large space and Mr. Cole said they do not have a contract with anyone yet. They previously had a tenant, but the deal fell through. Cordes asked if they are speculating the space will be a large restaurant and Mr. Cole said yes and that will require more parking than a retail space.

Jakems asked if the previous tenant they thought they had was aware of the 189 seat limitation and Mike Houseman owner of the property, stated there has been interest for a large restaurant and have two users competing for the space. He said both users know there is a maximum of 189 seats. Mr. Houseman added that Jimmy John's Restaurant will be the smaller restaurant going into the building. The larger space is 6,000-sq.ft.and most fast casual restaurants have between 120-160 seats.

Lee asked if a restaurant didn't need space for 189 seats, then the retail portion would be larger and Mr. Houseman said that is correct.

Lee asked if the two buildings on that site going to be the same level and Mr. Cole said there will be about a foot difference in height.

Becker added the applicant is asking for a slightly bigger building, approximately 800-sq. ft. and if the Planning Commission is comfortable with 220-225 parking spaces for the site. They want the flexibility to have a sit-down restaurant and a small retail space in addition to Jimmy John's Restaurant. She stated it's in the owner's best interest to pay attention to the tenant mix and their parking needs.

Jakems asked when Freddy's Restaurant went in, did it meet the parking requirements at that time or was there sharing going on with Freddy's and what was going to be a bank or credit union and Mr. Cole said the parking was always going to be shared. Jakems said parking for Freddy's is now shared with the building Alpine Liquor is going into and Alpine Liquor parking will now be shared this proposed building. He feels across the entire development, everyone will be fighting for parking spaces and still not meeting the parking requirements for a restaurant.

Motion made to open the Public Hearing by Cordes, supported by O'Malley.

Ayes: 7 Nays: 0 Motion Carried

No comments received.

Motion made to close the Public Hearing by O'Malley, supported by Thome.

Ayes: 7 Nays: 0 Motion Carried

<p>MOTION: C-PUD AMENDMENT AND ASSOCIATED REVISED FINAL DEVELOPMENT PLAN AT 4064 ALPINE AVENUE FOR RETAIL STRIP CENTER</p>

Based upon representations made by the applicant, Cordes made a motion, supported by Thome to recommend to the Alpine Township Board to *approve* the requested CPUD amendment for a portion of the parcel addressed 4076 Alpine Avenue (PP# 41-09-36-151-015) also known as Unit 2 of the Alpine Ridge Site Condominium as publicly noticed together with the

Final Development Plan dated May 17, 2018 drawn by Paradigm Design and architectural elevation drawings dated May 18, 2018 drawn by Hendrickson Architecture as it *does* meet the requirements set forth in Chapters 14C, 18, 19 and 22 of the Alpine Township Zoning Ordinance.

Findings of Fact:

Based upon representations made by the applicant during PUD rezoning/development plan review and upon the standards of approval found in Chapter 22 of the Alpine Township Zoning Ordinance and the 2015 Alpine Township Master Plan Update, we find that the proposed PUD rezoning:

1. The PUD will not result in a significant increase in the need for public services and facilities or will not result in unsafe traffic movements.
2. The PUD will be compatible with the Master Plan of the Township and consistent with the intent and purpose of the C-PUD zoning district.
3. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
4. The PUD is designed to ensure compatibility with adjoining land uses.

Ayes: 6 Nays: 1 (Jakems) Motion Carried

18-56 PERMIT RENEWAL: A REQUEST FROM MIKE RUSCHE FOR A 3-YEAR EXTENSION OF AN EXISTING SPECIAL LAND USE PERMIT FOR SAND MINING AT 4173 AND 4381 BAUMHOFF AVENUE. THE MINE IS COMMONLY KNOWN AS THE DEBOER/FEEBACK MINE.

Planner Becker gave her review for Mike Rusche's request for a 3-year extension of an existing Special Land Use Permit for sand mining. Mr. Rusche is the operator of the mines commonly known as the DeBoer/Feedback mine. In 1993 the Planning Commission approved a Special Land Use Permit for the sand mining operation at 4083 Baumhoff Avenue on property now owned by the DeBoer and Feedback families and the current permit expired October 31, 2018.

Since the last renewal in 2016, the mine has received one complaint from a neighbor. The letter received August 27, 2018 was given to the Commissioners. Mr. Rusche stated he is willing to install "No Jake Breaking" signs at the mine entrance as a reminder.

Becker said the Township Engineer and herself inspected the mine on November 7, 2018 along with Mr. Rusche and Commissioner O'Malley. The base of the mine face at the southeast corner of the DeBoer Mine has come up in grade since the last visit. The applicant is required to restore grades as mining progresses. The mine face is still a steep drop, but not as far. Staff will visit the mine next fall to verify progress towards reclamation.

Becker explained per the conditions, the limits of the working mine face at the southeast corner of the DeBoer mine shall be at least 50 feet from the existing property lines of the homes addressed at 4083 and 4055 Baumhoff Avenue.

In 2005, Nancy DeBoer split off a 3.7-acre lot from her property and sold it to James DeBoer who built a home on the property addressed 4191 Baumhoff Avenue. Although this land was originally included in the mine, the construction of Mr. DeBoer's home necessitated a change to the mining and reclamation plan since the Ordinance does not allow mining within 150 feet of a structure.

The Township hold two letters of credit for \$40,000 apiece to cover necessary restoration costs. Permit renewals should coincide with the required fall submission of a topographic survey. Fall is the ideal time of year to establish grades in a mine to make sure the slopes are stable at the end of the season.

The 51-acre total mine area is planned for Rural Estate (analogous to the RA zoning district) and lies within the water and sanitary sewer service districts. There are 16-inch water mains planned for both 5 Mile Road and Baumhoff Avenue. During the annual mine inspection each fall, staff will be looking for work efforts towards final grades at the Feedback mine and especially at the southeast corner of the DeBoer mine.

Becker stated the Township's Engineer said the Feedback mine topsoil spoils along with asphalt spoils have been brought into the north portion over the past year for processing and utilization on-site. There is some debris in the topsoil pile and Mr. Rusche explained that he will screen out the debris and landfill it. The DeBoer Mine in the south portion several thousand cubic yards of spoils have been brought to the site and will be used to fill areas that are below the planned reclamation grades.

Lee said Commissioner Cordes also has sand mines and after discussion in the past, it was established he could hear and vote on mining request. Lee asked if anyone had any objection to this, and no objections were made.

Mr. Rusche said he was shy on fill, so he brought some in for the DeBoer pit. He has started to fill in the corner and will work his way around. He wasn't able to fill as much due to a wet fall season.

Lee mentioned a complaint letter from Gerald and Susan Roersma that stated there is crushed asphalt being hauled in. Lee asked Mr. Rusche what he used the crushed asphalt for and he said they put in a new road with it in the mine. Lee asked if the asphalt is used for fill and Mr. Rusche said no.

Thome asked what the expected life for the pit is and Mr. Rusche said it depends on what the demand is. Thome asked if there is more area to mine and Mr. Rusche said yes. He said they haven't taken anything out of the Feedback mine over the past 3 years, only the DeBoer mine.

Lee mentioned the complaint letter also stated there were 40 trips an hour from trucks entering and exiting the mine. Mr. Rusche said they had a big job where that may have happened for a span of a week, but that is rare to have that many trips. Lee said they have not had complaints about excessive traffic from the mine before.

Swafford asked if Mr. Rusche had certain hours of operation and he said 7:30 to 5:30. Swafford said the complaint letter mentioned there was trash and debris and asked if this was back in the pit or if it was visible for the residents to see. Mr. Rusche said it was in the pit.

Susan Roersma, 2175 5 Mile Road addressed the Commission. She stated her husband Gerald wanted to be at the meeting also, but had surgery so he was unable to attend. She said they have lived on 5 Mile Road for 25 years and this past summer had the busiest traffic ever. She feels like it is living in an industrial zone and they aren't taking material out of the pit, they are dumping into the pit. It is supposed to be a neighborhood and the road has deteriorated because of all the trucks coming and going from the pit.

Mrs. Roersma said the letter was sent in August and in the past 3 months, no one has acknowledged the letter or addressed their concerns and that has left her feeling frustrated. She stated Mr. Rusche does not keep to the hours of 7:30 – 5:30 either. In the summer the dust is so bad, they have to keep the windows closed too.

Lee said when Mr. and Mrs. Roersma wrote the letter, the Commissioners are acknowledging it and the meeting is the proper place to do so. Lee said the pile of asphalt that was mentioned in the letter will get sold and not stay on site forever.

Lee asked Mrs. Roersma where the trash was and she said it is in the dirt piles. Lee said he understands the Roersma's complaints and they are the first ones to have a complaint since 1993.

MOTION: DEBOER / FEEDBACK SAND MINE OPERATION EXTENSION OF THE 3-YEAR SPECIAL LAND USE PERMIT

Based upon the representations made by the applicant, Frizzell made a motion, supported by Jakems to *approve* the requested extension of a 3-year Special Land Use permit for the removal of natural resources located at 4173 Baumhoff Ave. (PP #41-09-34-100-069) and 4381 Baumhoff Ave. (PP #41-09-34-100-055), based on Section 21.02(h) and 21.05(f) of the Alpine Township Zoning Ordinance as it *does* meet the requirements set forth in Chapters 18 and 21 of the Alpine Twp. Zoning Ordinance with the following Findings of Fact and conditions of approval:

Findings of Fact:

1. The continuing sand mining operation will be operated, maintained and restored in a manner consistent with the intent of the R-A, Rural Agricultural zoning district.
2. The continuing sand mining operation will not create excessive cost burdens on public infrastructure.
3. The sand mining processes and materials will not produce excessive noise, dust or traffic and will be adequately buffered from adjacent land uses.

Conditions of Approval:

1. This 3-year permit extension will expire on October 31, 2021. After this time period, the mine must either cease operations or be granted another extension per Chapter 21 of the Alpine Township Zoning Ordinance.
2. This approval also incorporates by reference all previous conditions of approval attached to this sand mine special land use, unless modified herein.

3. The applicant shall submit written verification to the Township within 30 days of this approval showing the two \$40,000 Letters of Credit held by the Township are active. The Letters of Credit to the Township shall expire at least six months after the expiration of the permit (April 30, 2022).
4. The applicant agrees with all conditions noted in the Township Engineer's letter dated November 8, 2018, including item E.
5. A topographic survey of the site shall be submitted on October 31st of each year to the Township showing topsoil piles and current site grades to verify compliance with the approved plan. The Township continues to reserve the right to require, at the operator's expense, additional topographic surveys if the Township deems they are necessary to ensure compliance with approved conditions.
6. On the next topography survey, the survey must be revised to label the internal mine contours and slide over the 150-foot buffer arrow on the home at 4191 Baumhoff Ave. to start at the rear of the home.
7. The applicant to install "No Jake Braking" signs at the mine entrance. The site plan must be relabeled and resubmitted.
8. If the applicant violates the conditions of approval as originally granted in 1993 or as stated here, this Special Land Use Permit will be revoked in accordance with the procedures set forth in the Alpine Township Zoning Ordinance.
9. Any trash brought in with fill material must be removed from the site.

Ayes: 7 Nays: 0 Motion Carried

Cordes recused himself, and sat in the audience.

**18-57 PERMIT RENEWAL: A REQUEST FROM RON CORDES FOR A 3-YEAR
EXTENSION OF AN EXISTING SPECIAL LAND USE PERMIT FOR SAND
MINING AT 5555 ALPINE AVENUE. THE MINE IS COMMONLY KNOWN AS
THE CORDES MINE.**

Planner Becker gave her review from Ron Cordes of RBC Development LLC, for a 3-year extension of an existing Special Land Use Permit for sand mining. Mr. Cordes is the owner and operator of the 41-acre mine Cordes Mine. In 2001, the Planning Commission approved a Special Land Use Permit for the sand mining operation and the current permit expired October 31, 2018. Becker said not a great deal of mining has occurred since staff last toured the mine and no complaints from neighbors have been received since the last permit was approved.

Becker explained as part of restoration, topsoil must be spread a minimum of 4 inches deep over the mined area. The applicant is reminded to retain enough topsoil on site to accomplish such. The Township hold a \$20,000 bond to cover any necessary restoration costs and the applicant shall supply the Township with written verification that the bond is active.

Permit renewals should coincide with the required fall submission of a topographic survey. Fall is an ideal time of year to establish grades in a mine to make sure the slopes are stable at the end of the season. Vitality Drive is master planned to connect to Clarence Road and the applicant has rough graded the northwest corner of the lot in anticipation of that.

Frizzell asked Mr. Cordes if he was creating a pit when he was done mining and Mr. Cordes said no, it will be an industrial park and the southwest part will be a retention basin area.

Lee asked about the crushed asphalt on site and Mr. Cordes said he will wait until he gets a bigger pile and then he will process it in the spring when it's still cold and then then sell it.

Frizzell asked why Mr. Cordes didn't do a mass grading instead of a mining permit and Mr. Cordes said he it was active in the past with mining, not as much currently. The only reason he has pulled out sand from this pit during the last 3 years is for emergency purposes for Plainfield Township Water Department and Consumer's Energy.

MOTION: CORDES SAND MINE OPERATION EXTENSION OF THE 3-YEAR SPECIAL LAND USE PERMIT

Based upon the representations made by the applicant, O'Malley made a motion, supported by Swafford to *approve* the requested extension of a 3-year Special Land Use permit for the removal of natural resources located at 5555 Alpine Ave. (PP #41-09-23-401-001), based on Sections 21.02(h) and 21.05(f) of the Alpine Township Zoning Ordinance as it *does* meet the requirements set forth in Chapters 18 and 21 of the Alpine Township Zoning Ordinance with the following Findings of Fact and conditions of approval:

Findings of Fact:

1. The continuing sand mining operation will be operated, maintained and restored in a manner consistent with the intent of the I-1, Light Industrial zoning district.
2. The continuing sand mining operation will not create excessive cost burdens on public infrastructure.
3. The sand mining processes and materials will not produce excessive noise, dust or traffic and will be adequately buffered from adjacent land uses.

Conditions of Approval:

1. This 3-year permit extension will expire on October 31, 2021. After this time period, the mine must either cease operations or be granted another extension per Chapter 21 of the Alpine Township Zoning Ordinance.
2. This approval also incorporates by reference all previous conditions of approval attached to this sand mine special land use, unless modified herein.
3. The applicant shall provide written verification to the Township showing the \$20,000 bond held by the Township is active. The Bond to the Township shall expire at least six months after the expiration of the permit (April 30, 2022).

4. The applicant agrees with all conditions noted in the Township Engineer's letter dated November 9, 2018.
5. A topographic survey of the site shall be submitted on October 31st of each year to the Township showing topsoil piles and current site grades to verify compliance with the approved plan. The Township continues to reserve the right to require, at the operator's expense, additional topographic surveys if the Township deems they are necessary to ensure compliance with approved conditions.
6. If the applicant violates the conditions of approval as originally granted in 2001 or as stated here, this Special Land Use Permit will be revoked in accordance with the procedures set forth in the Alpine Township Zoning Ordinance.
7. Subsequent plans must be professionally sealed.

Ayes: 6 Nays: 0 Motion Carried

18-58 DISCUSSION: AGRICULTURAL SPECIAL LAND USE DISUCSSION

Becker stated recently the Township has received two inquiries to establish a brewery and winery in the Agricultural zoning district (one in conjunction with an active farm and one not) and a third inquiry to establish a wedding barn not in conjunction with an active farm.

The first issue discussed was wedding barns and reception halls. The Township received an inquiry about starting a wedding barn rental business on agriculturally-zoned property that is not part of a farm. The individual was told no since it wasn't part of land in commercial farm production. The Planning Commission decided the language in the Zoning Ordinance must be refined to make it clear such use is ancillary to the primary use of commercial farm production on the property.

The second issue discussed is regarding wineries and breweries. The question, in light of the requests that are now coming in, is whether to allow agricultural processing activities in the agricultural zone not being located on and operated in conjunction with an active farm.

Becker said 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 products grown/raised on site and accessory uses to the same (farm markets for those products and limited other goods). 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.

Wineries which involve the sale and or tasting of grapes grown or wine made on the premises is a special land use in the Agricultural district. Becker believes the intent was for grapes to be grown on site; however the ordinance isn't clearly set up for these uses to be "in conjunction with an active farm operation".

The Planning Commission discussed Becker's review on the Agricultural zoning district and clarified wineries in the Agricultural district must be operated in conjunction with an active farm operation and directed staff to make the necessary changes. The Commission then discussed

breweries and took a different direction than consideration of the question whether to allow not in conjunction with an active farm operation. The Commission collectively discussed and decided that breweries belong in the Commercial and/or Industrial zoning districts only, not the Agricultural zoning district. The Commission directed staff to draft amendments to the Zoning Ordinance to allow breweries in the Commercial and/or Industrial zoning districts only.

18-59 COMMISSIONER AND STAFF UPDATES / ADJOURNMENT

Becker said she has received a few call regarding marihuana and the proposal that recently passed.

ADJOURNMENT

Swafford motioned, supported by Frizzell to adjourn the meeting at 9:43 PM.

Ayes: 7 Nays: 0 Motion carried



Lisa Frizzell, Planning Commission Secretary



Barb Griswold, Recording Secretary