

# BYRON TOWNSHIP PLANNING COMMISSION

November 21, 2005  
MINUTES

## CALL TO ORDER, ATTENDANCE & PRAYER

Chairman Seymour Gould called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, November 21, 2005, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

Commission members present were: Seymour Gould, Bernie Schuitema, Jeff Gritter, Carroll Elenbaas, Dutch Zeinstra, and Tim Slot. Absent: John Stone. Also present were Township Planner Larry Nix, Township Building Inspector Randy Zomerlei, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Mr. Seymour Gould

## APPROVAL OF MINUTES

A motion was made by Zeinstra supported by Schuitema that the minutes of the October 17, 2005 meeting be approved as written.

Yes - 6. No - 0. Absent - 1. Motion Carried.

The building inspectors report was received and placed on file.

## SITE PLANS

A motion was made by Slot supported by Gritter that the following site plans be approved as per the Township Planner's conditions as stated:

**Site Plan 05-13: Jonker Land Survey** with the following conditions:

1. A letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the parking area.
2. Any outstanding issues with the sewer and water department be resolved prior to a building permit being issued.
3. Subject to engineering review comments.

**Site Plan 05-15: TES Properties, LLC** with the following conditions:

1. A letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the parking area.
2. Any outstanding issues with the sewer and water department to be resolved prior to a building permit being issued.
3. Subject to engineering review comments.
4. Paving the storage area unless a variance is granted by the Zoning Board of Appeals.
5. The equipment stored on the lot will not exceed a height of 45'.

Yes - 6. No - 0. Absent - 1. Motion Carried.

**Public Hearing - Automotive Associates & Restorations – Special Use request for the property located at 7974 Clyde Park Ave. SW.**

Chairman Gould declared the public hearing open for Automotive Associates & Restorations. Bernie Schuitema read the public notice and affirmed that the notice was published once in the South Advance and mailed to all property owners within 300' of the proposed site.

Ron Quakalaar from Dykhouse Associates was present on behalf of Automotive Associates. He stated they own this building and his proposed tenant would like to do restoration and minor repairs of classic vehicles. All work will be done inside and nothing will be stored outside.

Mr. Nix reviewed his memorandum dated November 7, 2005 of which a copy is attached and made part of these minutes. Mr. Nix commented the subject site is located along the east side of Clyde Park Ave., between CSX Railroad and 84<sup>th</sup> St. This applicant would lease approximately 1,800 square foot in the building. Vehicle restoration would take place inside the building and nothing would be stored outside. Also there will be no vehicles parked outside for sale. There are also a couple items of concern that the applicant should clarify. The number of vehicles that may be stored within the building, or repaired, at any given time. The applicant should address the possibility of having to park vehicles outside due to potential indoor space constraints. Also the amount of traffic to and from the facility and if there are any potential needs for additional landscape buffering.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould declared the public hearing closed.

Commission member Zeinstra stated if there is no outside storage he does not have a problem with this request.

Slot stated the landlord does police his tenants pretty good.

Chairman Gould asked the applicant about increase in traffic. Mr. Quakalaar responded by saying it should not increase traffic. They deal with specific clients via the internet. He also stated they agree there will be no outside storage.

After some additional discussion a motion was made by Schuitema supported by Zeinstra to approve this special use request with the stipulation that no outside storage shall occur on the site.

Yes - 6. No - 0. Absent - 1. Motion Carried.

**Byron Woods Plat – preliminary plat approval.**

Jeff Brinks from DCI Engineering was present on behalf of Hidden Acres Development Company. He stated this is a 9.7 acre subdivision site. It is located south of 64<sup>th</sup> St. adjacent to Culterville Orchard West. The streets will be public streets thus maintained by the Kent County Road Commission. There are 20 lots proposed and this project will be done in one phase.

Mr. Nix review his memorandum dated November 8, 2005 of which a copy is attached and made part of these minutes.

After some discussion a motion was made by Slot supported by Elenbaas to recommend to the Township Board approval of this preliminary plat with the stipulation that paragraph 7 of the proposed resolution be deleted, the opening paragraph and paragraph 1 reflect the plat date of November8, 2005, and each lot will be required to have one tree in accordance with the Byron Township Zoning Landscape Ordinance, Section 4.44 (6).

Yes - 6. No - 0. Absent - 1. Motion Carried.

**Land Use Variance – John & Carol Reynolds for property located at 3360 – 84<sup>th</sup> St. SW**

Mr. Nix reviewed his memorandum dated November 10, 2005 of which a copy is attached and made part of these minutes. He stated John & Carol Reynolds have submitted a land use variance application. The subject site is located along the south side of 84<sup>th</sup> St, about one half mile east of Homerich Ave. The site falls within the RA, Rural Agricultural District and the application states that the property contains 2.85 acres. Section 21.7 of the Zoning Ordinance provides the process that the Zoning Board of Appeals must follow when reviewing a land use variance petition. This process requires a report and recommendation from the Planning Commission on the request. The applicants wish to put a trucking business at this location. The current property owners received a land use variance in May 1991 for non-residential activity. The stipulations of that variance included the following:

1. Trucks, vehicles, and equipment shall be stored indoors.
2. Hours of business shall be limited to 7:30 am to 5:30 pm.
3. No trucks or vehicle service shall be performed in the building.
4. Signage advertising the business is not permitted.
5. No retail sales shall occur on the property.

Stipulation number three would have to be removed since light maintenance would occur at this site. The applicant is requesting a similar variance to operate a trucking company consisting of 4 trucks. The application states that a continuance of the existing variance is sought for trailer parking, but previous restriction relating to parking and servicing of vehicles would be removed under the proposal. Section 21.6 provides general guidance for the Zoning Board of Appeals in the evaluation of variance requests. The proposal in connection with the ordinance concludes that the land use

variance request do not achieve the distinctive conditions necessary for issuance of a variance. Mr. Nix suggested the Planning Commission recommend to the Zoning Board of Appeals denial of the land use variance application.

Commission member Schuitema has a real concern for added truck traffic on 84<sup>th</sup> St. With the new M-6 we got rid of a lot of truck traffic. He does not like the idea of a trucking business there.

After some discussion a motion was made by Schuitema supported by Zeinstra to recommend the Zoning Board of Appeals deny this request based on the planner's report dated November 10, 2005.

Yes - 6. No - 0. Absent - 1. Motion Carried.

**Public Hearing – Amendment to the Zoning Ordinance – Changeable copy signs.**

Chairman Gould declared the public hearing open. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance.

Larry Nix explained the proposed ordinance amendment. At present we have some ground mounted reader board signs and some are pylon reader boards. This type of sign is becoming more and more requested. We have to have this type of sign clarified.

Chairman Gould opened the hearing to the public.

**Jeff Brinks – a resident of Byron Center and a member of the Zoning Board of Appeals wants to make sure the ordinance is clear for people to understand. The ordinance needs to define how often this type of sign should change. Also blinking, oscillating & flashing signs should be clarified. This has to be clear for people to understand. Also we have to make it clear that the reader board portion of a sign is part of the sign permitted on the property.**

No further public comments were made.

Chairman Gould agreed that we have to make it clear that the reader board sign is part of the sign allowance.

After much discussion it was decided this ordinance needs more work. The Board of Appeals needs this to be very clear.

A motion was made by Zeinstra supported by Slot to table this proposed ordinance change for amendment by Mr. Nix until the December 19, 2005 meeting.

Yes - 6. No - 0. Absent - 1. Motion Carried.

**Public Hearing – Amendment to the Zoning Ordinance – Required landscape buffer in D-1 Industrial zoning district & location of certain off-street parking areas.**

Chairman Gould declared the public hearing open. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance.

It was noted by Larry Nix that Section 16.5 regarding the location of off-street parking areas was not included in the notification.

Chairman Gould commented that Section 16.5 concerning the off-street parking was not previously discussed among the commission members. We will have to renotify that part of the proposed amendment.

Chairman Gould opened the hearing to the public.

**Jeff Brinks – a resident of Byron Center and a member of the Zoning Board of Appeals stated this proposed ordinance change concerning landscape buffering also needs a clear definition determined by the Planning Commission.**

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

After much discussion Mr. Nix commented that since this is not a pressing issue and doesn't call for immediate action he advised that this discussion be continued at the next regular meeting. Section 16.5 could be discussed as well and then possibly a public hearing could be set for January 2006.

A motion was made by Zeinstra supported by Elenbaas to table this until the December 19, 2005 meeting.

Yes - 6. No - 0. Absent - 1. Motion Carried.

**Public Hearing – Amendment to the Zoning Ordinance - Accessory buildings provisions.**

Chairman Gould declared the public hearing open. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance.

Mr. Nix explained the amendment change for defining accessory buildings and noted that paragraph C of the proposed resolution is to be deleted.

**Jeff Brinks – residence of Byron Center and a member of the Zoning Board of Appeals felt that the proposed change is going in the right direction but feels if we consider a dog house or a child playhouse as an accessory building it is to restrictive on the homeowners of the township. To enforce this it would be almost impossible. Just say a family moves into Byron Township buys a home in the R-U zoning district has a nice 150 sq ft. accessory building and wants to put up a child’s playhouse or dog house and they will not be permitted. They would have to take their accessory building down. This would be considered a real hardship. What the Board of Appeals is looking for is a clear definition of the size of a dog house and the size of a play house. We must have something clear in the ordinance and something easy for the public to understand.**

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

After some discussion a motion was made by Zeinstra supported by Elenbaas to table this until the Planning Commission receives a report from the Zoning Board of Appeals and suggestions from Mr. Nix.

Yes - 6. No - 0. Absent - 1. Motion Carried.

### **Miscellaneous**

- ▶ Bike Path Report - still in progress
- ▶ Community Opinion Survey report.  
Mr. Nix report thus far there has been a 25% return. He hopes to tabulate the results and have a preliminary report at the Advisory Committee Meeting which will be held on December 7, 2005 at 7:00 pm.
- ▶ Providence Lake (mining to create a 13.8 acre lake)  
Mr. Nix commented the Developer’s Guaranty needs a couple items clarified.
  1. The land area subject to the Guaranty needs to be defined. The Township Engineer has suggested a one mile radius.
  2. The duration of the Guaranty.
  3. The amount of the performance bond associated with the guaranty.

Commission members discussed the mile radius and concluded thie was a reasonable distance for the mining operation. They also discussed the private well guaranty and considered if a well is impacted by the mining operation and public water is available, the guaranty should specify the developer is responsible for all cost of connecting the property owner to the public water system. This would include all associated construction and Township fees. A \$100,000 value was found to be a reasonable amount in the form of a bank letter of credit or cash. It was noted that Mr.

Poland of McShane & Bowie representing the applicant in a letter dated November 10, 2005 provided an acceptable time frame for the guaranty.

A motion was made by Elenbaas supported by Zeinstra to clarify the developers guaranty as follows:

1. Paragraph D shall reflect all of Section 10, Section 11, the NW quadrant of Section 14, the SW quadrant of Section 2, and the SE quadrant of Section 3.
2. Paragraph 2 reflect the time of September 19, 2010 or a 3 year period following the completion of the work as set in the Special Land use approval as proposed by Mr. Poland in his letter dated November 10, 2005. Said letter is attached and made part of these minutes.
3. Paragraph 4 reflect a dollar value of \$100,000 in the form of a bank letter of credit or cash.
4. Developer is responsible for all connection & frontage fees for hook up to public water.

Yes - 6. No - 0. Absent - 1. Motion Carried.

- ▶ Mr. Nix stated Van Eerden Trucking has paid for a special meeting for a Site Plan review and action.

A motion was made by Schuitema supported by Zeinstra to set the special meeting for December 7, 2005 at 8:00 am.

Yes - 6. No - 0. Absent - 1. Motion Carried.

- ▶ Court House Lights

Mr. Nix stated the lights have been adjusted. Commission members found the adjustment to be acceptable.

- ▶ South Division Ave.

Improvements along Division Ave. from 60<sup>th</sup> to 76<sup>th</sup> St., are being planned by the Kent County Road Commission. The project is slated to start in the summer of 2006.

### **Public Comments**

No public comments were made.

### **Adjournment**

A motion was made by Zeinstra supported by Slot that the meeting be adjourned.

Yes - 6. No - 0. Absent - 1. Motion Carried

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Bernie Schuitema  
Planning Commission Secretary