

BYRON TOWNSHIP PLANNING COMMISSION

December 19, 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, December 19, 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, John Stone and Tim Slot. Also present were Township Planner Larry Nix, Township Building Inspector Randy Zomerlei, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Carroll Elenbaas

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Elenbaas that the minutes of the November 21, 2005 meeting be approved as written.

Yes - 6. No - 0. Abstained - 1 (Stone) absent from November 21, 2005 meeting. Motion Carried.

A motion was made by Schuitema supported by Zeinstra that the minutes of the special meeting held on December 7, 2005 be approved as written.

Yes - 5. No - 0. Abstained - 2 (Stone & Slot) absent from special meeting. Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

No site plans were submitted for consideration.

To Set Public Hearing - Carlisle Crossings request for Final PUD Site Plan approval.

An application for the final PUD Site Development plan for Carlisle Crossings was reviewed.

A motion was made by Zeinstra supported by Gritter to set a public hearing for the next regular meeting to be held on January 16, 2006.

Yes - 7. No - 0. Motion Carried.

Orchard Plaza – Private Street Application (K-Mart Plaza)

Don DeGroot from Exxel Engineering was present to explain the plan submitted. He commented they are requesting a private street to create Parcel D which is located at the southwest corner of the K-Mart parking lot.

Mr. Nix reviewed his memorandum dated December 8, 2005, of which a copy is attached and made part of these minutes. This is the first private commercial street in Byron Township. This is a developed area and the street was originally constructed as a driveway to the K-Mart Plaza development. The information provided by the applicant indicates compliance with the Private Street standards contained in the Zoning Ordinance. The applicant will need to comply with the Certificate of Compliance section of the Private Street provisions. Approval is recommended as proposed with the following conditions:

1. The applicant shall submit a recordable legal instrument describing the granting the private street easement.
2. A copy of a recordable private street maintenance or restrictive covenant that contains the following:
 - (I) Provisions that assure the private street will be maintained, repaired and snow plowed for the full width of the roadway in accordance with the standards of this Section and in a manner to assure the private street is safe for travel at all times.
 - (II) Provisions that assure that the costs of maintenance of the private street and its easement are paid for in an equitable manner.
 - (III) A legal description of the private street easement and a legal description of the individual properties to be accessed by the private street as of the date of recording.
3. The applicant shall agree, in writing, that it will assure that any properties then existing or thereafter created which are accessed by the private street shall be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and run with the land. A copy of said agreement shall be furnished to the Township Attorney prior to recoding. Prior to recoding, the street maintenance or restrictive covenant agreement shall be revised to address comments provided by the Township Attorney. A recorded copy of the final street maintenance or restrictive covenant agreement shall be provided to the zoning administrator and Township Attorney before building permits are issued for any property accessed by the private road.
4. The applicant shall agree in writing that it shall indemnify, save and hold the Township, and its officers, employees and agents, harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private street. Said indemnification shall be included in the maintenance agreement recorded for the private road.

After some discussion a motion was made by Slot supported by Stone to approve the Private Street application for Byron Plaza as per the Township Planner's recommendations.

Yes - 7. No - 0. Motion Carried.

Williams Sand Mine – permit renewal request

Tom Larabel from Pathfinder Engineering was present and gave a brief over view of the history of the sand mine.

Mr. Nix had one concern that had to be addressed which was the access to the site regarding the fence. This has been addressed by the applicant and the needed changes have been made. There have been no complaints over the past 12 months and approval is recommended for the permit renewal.

After some discussion a motion was made by Stone supported by Schuitema to allow the permit to be renewed for another year. The applicant will be required to return to the Planning Commission in December of 2006 for permit renewal for 2007.

Yes - 7. No - 0. Motion Carried.

Amendment to the Zoning Ordinance – Changeable copy signs.

(tabled at the November 21, 2005)

A motion was made by Schuitema supported by Zeinstra to remove this amendment to the Zoning Ordinance from the table for discussion.

Mr. Nix stated he reviewed the resolution drafted by the Township Attorney. Some changes have been made but feel it needs more clarity. Also this will probably have to have another public hearing and the public be re-notified, since the RA, RR, RS, RU, RD, OS and MFR districts have been included.

It was discussed by the commission members that this resolution has to be clear for the general public. As well for those who have to explain this ordinance.

Mr. Nix stated he would work with the attorney Mr. Brown and bring it back to the Planning Commission for consideration.

A motion was made by Zeinstra supported by Schuitema to table this proposed amendment change until the January 16, 2006 meeting.

Yes - 7. No - 0. Motion Carried.

Amendment to the Zoning Ordinance – required landscape buffer in D-1 Industrial zoning district.

A motion was made by Schuitema supported by Zeinstra to remove this amendment to the Zoning Ordinance from the table for discussion.

Mr. Nix explained the original idea involved requiring a landscape strip of a minimum of 10’ wide for industrial use. At this time an applicant can pave or build up to any property line. Consider a standard requiring a 10’ landscape area along the front lot line and along the side lot line up to the setback (front) of the building. This would allow a landscape area in the front of the building and permit utilization of the area behind the building.

Mr. Nix commented that no action is required at this time.

After some discussion a motion was made by Zeinstra supported by Gritter to table this until the January 16, 2006 meeting

Yes - 7. No - 0. Motion Carried.

Amendment to the Zoning Ordinance - Accessory buildings provisions.

It was decided that some issues with the Township Attorney’s resolution has to be worked out. This will remain on the table until the January 16, 2005 meeting. No action needs to be taken at this time.

Miscellaneous

► Viacom

Chairman Gould explained a few months ago Mr. Mike Hukal from Viacom Advertising came to the Township Zoning Board of Appeals and asked us to take a look at the Township Billboard ordinance, and how we compare to other surrounding Townships. Mr. Nix did do some research and reported that Byron Township is comparable to other Townships in the area. Also a letter was received from the Township Attorney dated December 13, 2005 which commented that the Township Ordinance concerning billboards is proper and he sees no reason for any action to be taken at this time.

Mike Hukal disturbed a map to the Planning Commission member showing only legal locations for future billboards along US 131. Nothing is allowed along M-6 at this time since there is no property zoned Commercial or Industrial. Mr. Hukal then thanked the Planning Commission for their time and consideration.

No action is needed at this time.

► Hospice of Holland Home

Carol Sitzer from Valley City Sign was present to explain that Hospice of Holland Home would like to add more signage than what was shown and approved on their site plan.

Due to conflict of interest commission member Tim Slot stepped down. He commented he is working with a client on another lot in the same area.

Carol handed out maps to the commission members showing where the proposed signs would be located along Pfeiffer Farms Dr. Since the facility is located way in the back of the property it will help to direct people to the facility since the facility. Carol also stated the sign allowance that is allowed for the face of the building will not be used due to the design of the building.

The size of the signs vary. Sign one is 8' tall and 48 sq ft., sign two is 5' tall and 48 sq ft. and the 3rd sign is 7' tall and 17 sq ft. in size.

It was noted the applicant is allowed a 50 sq ft. entry sign and two 4 sq ft. directional signs. It was the consensus of the commission members that this is a unique situation in the fact the facility is tucked away off in the woods.

It was discussed that this is a minor change to the PUD with sign 1 is ok, sign 3 is actually a wall mounted sign relocated on the ground and sign 2 should be reduced to 4 sq ft. instead of 17 sq ft.

Gould commented the second sign is a concern. If they can alter sign two this could be a minor change.

Carol then commented it is possible to downsize sign 2.

After some additional discussion a motion was made by Elenbaas supported by Gritter to allow this minor change to the PUD for Faith Hospice at Trillium Woods with sign 2 being 4 sq ft in size and approve signs 1 & 3 as presented.

Yes - 6. No - 0. Abstained - 1 (Slot). Motion Carried.

Commission Member Tim Slot resumed his position.

► **Spartan Stores**

Larry Nix stated he met with Spartan Stores representatives and they again are desiring to construct a convenient store in front of Family Fare. Changes have been such as the removal of one of the driveways, moving the building further to the east and north, and the elimination of signage along 84th St. Other changes have been proposed which will be discussed when plans are submitted.

► **Redstone Group**

A representative from the Redstone Group was present to explain they are seeking approval to relocate the sign which was to be located off of Burlingame Ave. Due to the location of the storm water detention basin which is where their sign was to be located will not work out. They would like to move the sign further to the east and closer to the sidewalk.

Mr. Nix stated it is a minor change. The sign will be the same in design and size.

After some discussion a motion was made by Elenbaas supported by Zeinstra to approve the minor change to relocate the sign due to the location of the detention pond.

Yes - 6. No - 0. Abstained - 1 (Stone). Motion Carried.

- Commission member Bernie Schuitema made a comment concerning Viacom. He wanted to clarify that the map that was presented showed the location of where 7 new billboards could be located. If we had the state regulations on billboards there could be a billboard every 1,000 ft.

► **Home Occupations**

Mr. Nix explained at this time there are home occupations operating out of accessory buildings which are not allowed per the Township Zoning Ordinance. Every once in a while the Township will receive a complaint concerning one of these business'. Of course it has to be acted upon once a complaint is received. With the continued growth in the Township we feel this has to be regulated in some way. Of course these business' are valuable to the community. Instead of shutting these people down we are suggesting to have those business owners who are operating illegally come to the Township, seek a special use permit with no fees. This special use would remain with the owner of the property and not the property itself. Over time the business changes owners, and they probably will not run the business as the previous owner did. Yes, probably some will buck the system but we want to think that they all would want to comply and be legal.

After some additional discussion it was decided to check into the way Gaines Township handles this situation. Further discussion on this issue will take place at the January 16, 2006 meeting.

► Miscellaneous items discussed were:

1. Master Plan Committee Meeting – February 1, 2006
2. Providence Lake development has changed Engineers.
It was Latitude and now is Exxel Engingeering.

Public Comments

No public comments were made.

Adjournment

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

Yes - 7. No - 0. Motion Carried

Bernie Schuitema
Planning Commission Secretary