

BYRON TOWNSHIP PLANNING COMMISSION
March 20, 2006
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, March 20, 2006, 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 Attorney Mark Van Allsburg, Township Planner Larry Nix, Township Building Inspector Randy Zomerlei, and Recording Secretary LaVonne Kuiper.

Prayer was offered by John Stone.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Stone that the minutes of the February 20, 2006 meeting be approved as written.

Yes - 7. No - 0. Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

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

Site Plan 06-01: A & D Mini Storage subject to receiving Drain Commission approval of the storm water system.

Site Plan 06-02: Bultsma Construction subject to the approval of the Kent County Road Commission for the curb cut, drainage approval by the Kent County Drain Commission and or Township Engineer, compliance with Township sewer and water requirements, approval by Gaines Township, and providing a financial guarantee of equal value to the cost of preparing and paving the parking area indicated on the site plan. The application for permits or approval shall accompany a building permit by all agencies noted above.

Site Plan 06-03: Terrytown Trailer subject to the approval of the Kent County Road Commission for the curb cut, drainage approval by the Kent County Drain Commission and or Township Engineer, and provide a financial guarantee of equal value to the cost of preparing and paving the parking area indicated on the site plan.

Site Plan 06-04: Kent Memorial Gardens as submitted.

Yes -7. No -0. Motion Carried.

Public Hearing - Carlisle Crossing – to consider amendment to Ordinance #457 approving Carlisle Crossings MRF PUD for property located at 1162 and 1280 -76th St. SW

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

Mr. Nix reviewed his memorandum dated February 3, 2006 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould closed the public portion of the meeting.

After some discussion a motion was made by Gritter supported by Slot to recommend Township Board approval of the proposed ordinance to amend the Ordinance #457 for Carlisle Crossing.

Yes - 7. No - 0. Motion Carried.

Public Hearing – Van Singel Holdings LLC – (Builders Village) – for final site development plan approval for property located at the southwest corner of 84th St. & Clyde Park Ave. (860 – 84th St. SW

Chairman Gould declared the public hearing open for Van Single Holdings LLC. 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 Quaklaar from Dykhouse Construction was present as well as Steve Hordyke from Dixon Environmental Architecture, and Steve Witte from Nederveld & Associates to explain some changes made to their site development plan.

Mr. Nix reviewed his memorandum dated March 8, 2006 of which a copy is attached and made part of these minutes. Mr. Nix stated the submittal is generally consistent with the approved preliminary site development plan and meets ordinance requirements thus recommends final site development approval with the following conditions:

1. Each first floor business with direct exterior access is permitted 1 individual wall or marquee sign up to 15 square feet I minimum of 10' above finished grade.
2. Sign illumination shall comply with Section 17.2 (j).
3. Note 6 on the site plan needs to be changed to reflect a maximum height of the sign not to exceed 8' as permitted by the PUD.

4. The “street facing sign” shall not exceed 80 square feet in area as illustrated on the building elevation plan.
5. A revised site plan shall be submitted reflecting a 10’ landscape area adjacent to Clyde Park Avenue as approved on the preliminary site plan.
6. The Kent County Road Commission shall approve curb cuts.
7. The provisions of sewer and water shall be consistent with the standards of Byron Township and approved by the Township Engineer.
8. The storm water management system shall be reviewed and approved by the Kent County Drain Commission and or the Township Engineer.
9. Uses permitted shall be related to the home construction and improvement industry. In the event a use is in question, the applicant shall seek the advise of the Zoning Administrator and Planner for a determination. No further advice, the applicant will be directed to the Planning Commission for a final decision.
10. There shall be no outside storage of any kind or the display of goods or merchandise outside the wall of the facility.
11. Building and parking lot lighting shall direct all light downward and not outward. The use of a shoebox type fixture with a flat lense is suggested to accomplish this objective. Specific light fixtures shall be reviewed and approved by the Zoning Administrator prior to issuing a building permit.

Attorney Mark Van Allsburg commented on a couple clarifications and changes that should be made on the drafted resolution for Builder’s Village. On page two number 1 under the Final Site Development Plan should read as follows: “having a last revision date of March 2, 2006 and a landscape plan dated March 6, 2006 such approval being subject to the terms and conditions of this resolution.” Also under number 2 (g) signage

- (i) should read as follows: Each first floor business with direct exterior access shall be permitted one individual wall or marquee sign, which sign shall not exceed 15 square feet in area or a minimum of 10 feet in height and shall otherwise comply with the signage requirements for the B-2 District as shown on the building elevation plan submitted with the final PUD plan. Sub-title to be added (j) Storage or Display Areas. There shall be no outside storage of any kind or the display of goods or merchandise outside the walls of the building.

Chairman Gould opened the hearing to the public.

Dan Schafsma – 8454 N. Center Park commented the proposed building is very attractive. Since he lives directly behind this proposed site he was wondering if the rear of the building would be dressed up as well. He also voiced his concern about the trucks using the truck docks and if the hours would be controlled.

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

Gritter commented that the rear of this building should be dressed up. There are many options to do this. Even with the landscaping the people living in the Condos behind this project will look over the top of those trees.

Ron Quaklaar commented on the rear elevation of the building and stated they are working on different ideas on how to dress the rear of the building up. Possible by carrying the theme around to the back would be appealing. He stated this is a top notch Builders Village and they want it to look nice.

Gould asked Randy the Building Inspector if the applicant came with plans showing what the rear of the building will look like, would he feel comfortable approving it prior to issuing a building permit.

Nix stated that he could meet with Randy and go over the plans and help him make that decision. There are a lot of different options to make the rear of the building look interesting.

Gould commented the resolution should include the hours for the use of the truck docks as well as no outside storage or displays.

After some additional discussion a motion was made by Schuitema supported by Slot to approve the final site plan for Builders Village per the Township Planners conditions and the resolution presented with the requested changes made to that resolution to include limiting the loading dock area to be 7:00 am – 5:00 pm., Monday thru Saturday, the addition of no outside storage or display areas to be added to the resolution, a rear elevation plan must be submitted and approved by the Township Building Inspector and the Township Planner prior to the issuance of a building permit.

Yes - 7. No - 0. Motion Carried.

Public Hearing – Proposed zoning ordinance amendments on accessory buildings, D-1 Industrial district changes and sign provisions.

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

Mr. Nix gave a brief overview of the proposed changes. He stated the first of the proposed ordinances would amend provisions in the zoning ordinance with respect to accessory buildings, including amendments in Section 2.1, 4.2, 4.41 and other provisions in the zoning ordinance. Among other matters, the amending ordinance would add regulations for particular accessory buildings. Other provisions include amendments for purposes of consistency and clarity in the accessory building provisions. The second of the amending ordinances include amendments in Article XIV, pertaining to the D-1 Industrial District, including among other provisions, Sections 14.3, 14.4 and 14.5. The ordinance also includes amendments in Article XVI, pertaining to off street motor

vehicle parking and loading. The amending ordinance would add a requirement that in the D-1 district a landscape buffer at least 10 feet wide shall be maintained adjacent to the front property line and shall be used for plantings and other landscape materials. Other provisions concerning landscape buffers, parking, storage and loading areas in the D-1 district are included. In the MFR, B-1, B-2, B-3, O-S and D-1 districts, an off street parking area may not be located within 10 feet of the property line, and such 10 foot wide area shall be maintained with plant materials, earthen berms or a combination. The third of the amending ordinances would include amendments in Article XVII of the zoning ordinance, pertaining to signs. The amending ordinance includes amendments in Sections 17.1, 17.2, 17.3, 17.4 and other provisions pertaining to signs. A definition of changeable copy sign is included. A changeable copy sign would be permitted in the B-2 and B-3 districts, as a part of a ground sign and subject to size limitations. With some exceptions a changeable copy sign would be limited to the advertisement of services and products available on the site where the sign is located.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould closed the public portion of the meeting.

After some discussion a motion was made by Stone supported by Schuitema to recommend to the Township Board the approval of the proposed changes to the Byron Township Zoning Ordinance concerning accessory building provisions, sign provisions and D-1 District regarding outside storage, landscape buffers and parking and loading amendments.

Yes - 7. No - 0. Motion Carried.

Miscellaneous

*** Land Use Variance**

Commission member Tim Slot stepped down due to conflict of interest.

Mr. Nix reviewed his memorandum dated March 10, 2006 of which a copy is attached and made part of these minutes. Mr. Nix commented that Mr. Don Bratt has submitted a variance application to the Zoning Board of Appeals dated February 14, 2006. According to Article XXI 21.7 of the Township Zoning Ordinance the Board of Appeals can make no decision until a report is received from the Planning Commission. No land use shall be granted by the Board of Appeals unless it finds that the property cannot be reasonable used for uses allowed within the district in which the property is located. The applicant owns an existing duplex currently located at 2253 - 84th St. SW. The applicant is seeking to move that duplex to 7390 Byron Center Ave., located at the southeast corner of Byron Center Avenue and Whistleton Drive. The duplex would front along Whistleton Dr. The Byron Center Avenue site falls within the R-R, Rural

Residential District and is 29,403 square feet in area. Duplexes are not permitted by right or special use in the R-R district thus the proposed variance requires consideration of Section 21.7, Land Use Variance. The property in that area has changed but the zoning has not. This decision was tough as the area has changed so much. Mr. Bratt is present for a brief presentation. A copy of that presentation is attached and made part of these minutes.

Gould commented and asked the commission members if they thought this particular property could be used as zoned.

Mr. Nix stated the applicant did bring up items that he did not consider. Things are a lot different in that area today. Would he build a home there himself? Probably not. Is it a bad location for a duplex? No not really. We do have a need for rental property in the community.

Elenbaas commented the public hearing was held at the Zoning Board of Appeals. There were objections from the surrounding neighbors at that meeting.

Schuitema stated there are other lots in the Township available and zoned correctly. The Zoning Board of Appeals has to deal with criteria regarding this. All we has the Planning Commission has to do is recommend approval or denial. They still make the final decision.

Gritter commented this would be a nice place for a duplex, but it is the wrong zoning.

Attorney Van Allsburg stated it is fair to say the Planning Commission has more knowledge of Land Use Variances. The three conditions are something the Commission can provide guidance to the Zoning Board of Appeals.

After some additional discussion a motion was made by Elenbaas supported by Schuitema to recommend this request be denied as the land can be used as it is zoned for a single family home.

Yes - 6. No - 0. Motion Carried.

Commission member Tim Slot resumed his position on the Planning Commission.

***Byron Center Office Building (Campbell Insurance)**

Mr. Nix stated Byron Center Office Building has asked for another one year extension of the Site Plan which was approved for three office buildings located at 1877 – 84th St. SW, 1833 – 84th St. SW, and 1845 – 84th St. SW. This site plan was originally approved by the Township Planning Commission on July 19, 2004, and a one year extension was granted on April 18, 2005. He suggested having the applicant submit a Landscaping Site Plan for this property since the Township has adapted this new ordinance.

A motion was made by Elenbaas supported by Stone to grant the one year extension on the approved site plan including a submittal of a Landscaping site plan per Township Ordinance Section 4.44.

Yes – 7. No – 0. Motion Carried.

***Spartan Stores
(to set public hearing for Final Site Plan Approval)**

Mr. Nix stated everything is in order and suggest we set this for a public hearing for April.

Schuitema commented it would be nice to have the final agreement on the road location prior to the public hearing.

A motion was made by Schuitema supported by Gritter to set the public hearing for the next regular meeting to be held on April 17, 2006.

Yes - 7. No - 0. Motion carried.

Miscellaneous items discussed:

>Letter received from Darryl & Denise Barkel voicing their concerns to the mess that surrounds their property because of Cooperfield Development. Copy of letter can be found in the Cooperfield Development file.

>Correspondence letter from Allegan County regarding the Growth Management meeting to be held in April.

Public Comments

No public comments were made.

Adjournment

A motion was made by Stone supported by Gritter that the meeting be adjourned.

Yes - 7. No - 0. Motion Carried

Bernie Schuitema
Planning Commission Secretary