

# BYRON TOWNSHIP PLANNING COMMISSION

June 19, 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, June 19, 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 Township Attorney Jim Brown, Township Planner Larry Nix, Building Inspector Randy Zomerlei, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Bernie Schuitema.

### APPROVAL OF MINUTES

A motion was made by Schuitema supported by Stone that the minutes of the June 19, 2006 meeting be approved as written.

Yes - 7. No - 0. 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 - Milbrook Tack & Trailer – request for a major change to the PUD for property located at 510 - 68<sup>th</sup> St. SW.**

An application for Milbrook Tack & Trailer requesting a major change to the PUD was reviewed.

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

Yes - 7. No - 0. Motion Carried.

**To Set Public Hearing – Jim Kegle Construction & Land Development/Design Plus Inc. – requesting to rezone property located on the NW corner of 84<sup>th</sup> St. and Division from D-1 Industrial to B-2 General Business PUD.**

An application for Jim Kegle Construction & Land Development requesting to rezone property at the NW corner of 84<sup>th</sup> and Division was reviewed.

A motion was made by Zeinstra supported by Elenbaas to set a public hearing for the next regular meeting to be held on July 17, 2006.

Yes - 7. No - 0. Motion Carried.

**To Set Public Hearing – Saint Mary’s Health Care – requesting to amend the PUD for signage for the property located at 2369 – 64<sup>th</sup> St. SW**

An application for Saint Mary’s Health Care requesting to amend the PUD for signage was reviewed.

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

**Maclind Development/Exxel Engineering** - requesting a major change to expand the PUD for Providence Lake and a rezoning request to rezone property from R-S Suburban Residential to MFR PUD Multi Family Residential Planned Unit Development for property located at 6922 Burlingame Ave. SW and part of 7330 Burlingame Ave. SW. **(tabled at the May 15, 2006 meeting)**

A motion was made by Schuitema supported by Gritter to remove this request for Maclind Development from the table for discussion.

Yes - 7. No - 0. Motion Carried.

Mike Baker from Exxel Engineering was present to explain some of the changes. He commented that the signage that was proposed on the south entrance on Autumn Drive has been eliminated. The signage at Providence Landing will be a single two sided sign. The setbacks are consistent with surrounding condo project. The proposed front yard setback is 30’, the distance between the buildings shall be no less than 20’ and the rear yard setback shall be no less than 40’.

Mr. Nix reviewed his memorandum dated June 8, 2006 of which a copy is attached and made part of these minutes. Mr. Nix commented they are suggesting that the Planning Commission recommend approval of the following from the Township Board:

1. The proposed modification to the Providence Lake PUD to allow 3 additional single family lots, for a total of 158 single family lots. The 158 lot have been reviewed and they meet the minimum approved stipulation for the PUD.
2. The proposed modification to the Providence Lake PUD with the provisions of two

- access points to the part area at the south end of the lake.
3. The requests to rezone the 21.44 acre site from RS to MFR PUD and approve the preliminary site development plan for Providence Landing condominiums with the following deviations to the underlying zoning standards:
    - a. The front yard setback shall be reduced to 30' as measured from the proposed pavement.
    - b. The distance between buildings shall be no less than 20' as illustrated on
    - c. The rear yard setback shall be no less than 40' as illustrated on the preliminary plan dated June 8, 2006.
  4. The proposed modification on the Providence Lake PUD to append Providence Landing condominiums to the Providence Lake PUD.

Additional items discussed by the Commission members were the setbacks and entrance signs. It was also noted that it should be documented that each condo unit in Providence Landing is to be owner occupied only.

After some additional discussion a motion was made by Slot supported by Stone to recommend Township Board approval for the Providence Lake & Providence Landing per plan submitted and with the stipulation set forth by the Township Planner.

Yes - 7. No - 0. Motion Carried.

**Public Hearing – Proposed amendments to the Zoning Ordinance to amend various provisions of the Zoning Ordinance so as to comply with the new requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006.**

Chairman Gould declared the public hearing open for the Michigan Zoning Enabling Act, Public Act 110 of 2006. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance and a notice posted at the Township 48 hours prior to the public hearing.

Mr. Nix commented he has reviewed the resolution that Township Attorney Jim Brown has drafted and whether we adopt this or not we have to abide by the law. This law goes into effect July 1, 2006. A couple items will be changing under this new law. One involves the notifications of all property owners within 300' even if some of those properties are located in another Township. Under the Act, the 300 foot radius does not stop at municipal boundaries. Notice must be provided outside of a municipality's boundaries, within the 300' radius. The publications of the Notices of Public Hearings will also be changed. The procedure for publication of a notice of public hearing on all types of zoning applications has been simplified and made uniform. A notice of public hearing must be published only once and at least 15 days prior to the date of the public hearing. This procedure applies to applications for rezoning, special land use approval, planned unit development approval and to applications for decisions by the Zoning Board of Appeals. Another change will be with the granting of Use Variances. Townships will continue

to have the right to grant use variances under the new Act. However the authority of the township ZBA to grant use variances will be more restricted.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould closed the public portion of the meeting.

Mr. Nix commented that the area for the decision is Section 21.7 Use Variance. If the ZBA (Zoning Board of Appeals) has jurisdiction to approve something that is not permitted in a certain zoning district.

After much discussion Mr. Nix commented that we have three choices, either make a recommendation that the Township Board approve this, deny or table until you have studied the proposed amendment changes to the Zoning Ordinance. No action has to be taken tonight.

Also discussed was Section 10 of the proposed Ordinance regarding the adoption of consistent numbering and lettering. Attorney Brown stated this is just a housekeeping project to keep every thing consistent.

Slot commented that after hearing all this discussion he does not feel comfortable moving forward and voting on this.

A motion was made by Slot supported by Zeinstra to table the proposed amendments to the Zoning Ordinance until the next regular meeting to be held on July 17, 2006.

Yes - 7. No - 0. Motion Carried.

**Public Hearing – Proposed amending ordinance would amend Section 14.2 of the Ordinance so as to provide that veterinary clinics may be authorized as a special land use in D-1 Industrial District if approved would add provisions to Section 18.4 of the zoning ordinance so as to provide minimum requirements and design standards for veterinary clinics as a special land use in the D-1 District.**

Chairman Gould declared the public hearing open for the proposed amending ordinance to Section 14.2 and Section 18.4. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance and a notice posted at the Township Offices 48 hours prior to the public hearing.

Mr. Nix commented the ordinance would add animal hospitals and veterinary clinics to the list of special land uses for the D-1 district (Section 14.2) and it would make appropriate changes in Section 18.4 (14) concerning minimum provisions for

the use.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould closed the public portion of the meeting.

It was noted this would still be considered a Special Use and a Public Hearing would be required for approval.

After much discussion a motion was made by Zeinstra supported by Elenbaas to recommend to the Township Board approval of the proposed ordinance to amend the Zoning Ordinance to add Veterinary Clinic to the D-1 District with the change made to Section 2 (d) to read as follows: Adequate, safe and convenient ingress from and egress to a major streets as shown in the Township Master Plan.

Yes - 7. No - 0. Motion Carried.

### **Miscellaneous**

- **Saint Sebastian Church**

Mr. Nix explained the original approved site plan had the drive way at a different location than where it is located now. The new location has been approved by the Kent County Road Commission for better visibility and clear vision. He stated he talked with the contractor to discuss the south end of the drive which has left an open area causing lights to shine on the existing house. It is suggested that they do some landscaping to help deflect some of the light.

- **Cooperfield Phase 3**

Bruce Brown from the Cooperfield Development was present to explain the problems that have occurred with Phase 3. With all the wetlands in Phase 3 the number of lots had to be reduced from 27 down to 21. He stated he would like to develop this phase with single family condo homes and put phase 3 under a PUD. These condo would be 1400 to 1900 sq ft. some walkout and some view out. Cost would range around \$200,000.00 to 220,000.00.

Mr. Nix commented that Bruce only wants your comments and concerns at this time. He will have to come back to the Planning Commission for approval. Also keep in mind that the Township does not allow individual condos on a private street. He will have to propose publicstreet for the project. The present zoning is R-U.

- **Plummers Environmental**

It was commented that this site located at 10075 Sedroc Industrial Dr. is in serious violation of their site plan. It was noted that Ron Sabin was working on this project but has not heard from Plummers for a couple months. It was suggested that Brian W. make contact again by letter to get this process going again. It was also recommended that the DEQ get involved regarding the raw sewage spilling on to the property and the road.

- **Attorney Jim Brown**

Commented under the new Public Act 110 of 2006 that a 2/3 vote will be required by law. Out of a 5 member panel 4 votes will be needed.

- **Mike Hukal**

A representative from CBS Advertising (formally Vicom) was present asking that the bill boards ordinance be revisited. Under the current zoning only a few billboards are allowed between 84<sup>th</sup> St. & 108<sup>th</sup> along US 131, and no billboards are allowed along M-6. He suggested the Township change the size of billboard to be 672 sq. ft.

- **Signed agreement between Maier & Spica** for a shared access drive was discussed. Enforcement on the agreement was questioned.

- **Master Plan**

Brian Wegner explained some of the changes to the Master Plan and he suggest that they recommend Township Board approval.

After some discussion a motion was made by Slot supported by Gritter to recommend Township Board approval for distribution of the proposed Master Plan.

Yes - 7. No - 0. Motion Carried.

### **Public Comments**

No public comments were made.

### **Adjournment**

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

Yes - 7. No - 0. Motion Carried

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Bernie Schuitema  
Planning Commission Secretary