

BYRON TOWNSHIP PLANNING COMMISSION

July 17, 2006

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Vice Chairman Dutch Zeinstra called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, July 17, 2006, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

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

Prayer was offered by Dutch Zeinstra

APPROVAL OF MINUTES

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

Yes - 5. No - 0. Absent - 2. Motion Carried.

The building inspectors report was received and placed on file. Randy gave a brief report on a 6 month survey comparing the number of home permits & condo permits that were issued in the years of 2004, 2005 and 2006.

SITE PLANS

A motion was made by Slot supported by Elenbaas that the following site plan be approved as per the Township Planners conditions as stated:

Site Plan 06-06: Dykhouse Construction subject to the following conditions:

1. The applicant receiving the necessary variance from the Zoning Board of Appeals requesting a variance not to construct the required 10' landscape buffer within the front and side yards.
2. Coordinate with the Water and Sewer Department for utility connection.
3. Drainage approval by the Kent County Drain Commission and or the Township Engineer prior to a building permit being issued by the Building Department.

Yes - 5. No - 0. Absent - 2. Motion Carried.

To Set Public Hearing - Carlisle Commons LLC – rezoning request for the property located at the NE corner of 76th St. & Clyde Park Ave. SW from D-1 Industrial to B-2 General Business.

An application for Carlisle Commons LLC requesting to rezone property was reviewed.

Township Planner Larry Nix commented he could not make a favorable recommendation at this time since this rezoning request is not consistent with the present Master Plan. The new Master Plan hopefully will be approved by the Township Board in September. He suggested to hold off with the public hearing until the October meeting and at that time this rezoning request may be consistent with the new Master Plan. After some discussion a motion was made by Schuitema supported Slot to set a public hearing for the October 16, 2006 meeting.

Yes - 5. No - 0. Absent - 2. Motion Carried.

To Set Public Hearing – Dykhouse Associates – special land use request for a veterinary clinic to be located in the D-1 Industrial District.

An application for Dykhouse Associates regarding the special land use request was reviewed.

Mr. Nix commented the new ordinance to allow a veterinary clinic to be placed in the D-1 Industrial District under a special land use goes to the Township Board on Monday night for approval. Contingent upon that approval we can go ahead and set the public hearing for the next regular meeting to be held on August 21, 2006 if you so desire.

After some discussion a motion was made by Slot supported by Schuitema to set a public hearing for the next regular meeting to be held on August 21, 2006 provided the Township Board approves the Ordinance Amendment.

Yes - 5. No - 0. Absent - 2. Motion Carried.

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. (tabled at the June 19, 2006 meeting.

Larry Nix commented that the public hearing was held last month and no public comments were made at that meeting. During the June meeting commission members had some discussion regarding Section 10, the adoption of Consistent Numbering and Lettering System and wondered if this was necessary. Also the proposed new ordinance sets new standards for the publication and delivery of Notice of Public Hearing. Another area of discussion was use variance authority.

Zeinstra asked Attorney Jim Brown if Section 10 is necessary.

Attorney Brown responded by saying it is only a housekeeping issue. Chapter 15 and Chapter 17 are not consistent with the lettering and numbering.

Slot made a comment on the use variance authority. He has a real concern about taking away the right of a person to apply for a use variance. It would make it easier for the Zoning Board of Appeals but is it the right thing to do. He felt we should leave it as an option.

Elenbaas stated that use variances are spot zoning. There are some Townships that do not allow consideration of a use variance at all.

Mr. Nix stated use variances are very common in big cities. Byron Township at this time does consider a use variance request. He could not recall when one was ever approved. So we have to decide if we want the burden to fall on the Zoning Board of Appeals alone or eliminate the option and not allow a property owner the opportunity to request a land use variance.

Township Attorney Jim Brown stated it is not a good idea to have the Planning Commissions input. The Township Zoning Board of Appeals is an independent unit.

Slot commented if we give the Board of Appeals sole authority for the decision of a use variance then we as a Planning Commission are depending on the wisdom of the Zoning Board of Appeal to make that decision.

After some additional discussion a motion was made by Elenbaas to recommend approval to the Township Board of Version I of the Zoning Ordinance Amendment with the elimination of use variance requests. Motion not supported.

Commission member Gritter noted that there are two commission members absent and felt it would be a good idea to table this until next month giving those members an opportunity to give their input. There really is no hurry and it should have further study.

A motion was made by Gritter supported by Slot to table this until the next regular meeting to be held on August 21, 2006.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Public Hearing – Millbrook Tack & Trailer – requesting a major change to the PUD for the property located at 510 – 68th St. SW.

Vice Chairman Zeinstra declared the public hearing open for Millbrook Tack & Trailer. 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.

Bill MacDermaid the General Manager for Millbrook Tack & Trailer was present to explain the request. He commented they wish to amend the PUD to reflect 110 to 130 spaces for trailer display and storage behind the building instead of the current PUD number of 60 to 70. The paved area behind the building has been expanded to accommodate this increase and many of the trailers parked in the area are smaller than originally planned allowing for the increase. They also will be adding five trailer display parking spaces and outdoor product storage to the area east and south of the existing receiving doors and north of the southwest corner of the building. Also they will be removing the four handicap parking spaces indicated on the PUD and located up against the building just west of the front doors. These spaces have never actually existed except on the site plan. This area has always been used for trailer and product display and we are requesting that the site plan be amended to so indicate. Five handicapped parking spaces currently exist up against the front of the building (east of the front doors) and at the west end of the first double row of parking spaces. We are requesting that the site plan be amended to indicate the actual location of the handicapped parking spaces. The two end parking spaces shown on the site plan at the west end of this row have never actually existed and we are requesting that the site plan be amended to indicate so. We would like to remove the two parking spaces at the west end of the second row (from the front of the building) of double parking spaces. The existence of these parking spaces make it very difficult for Millbrook customers to safely maneuver around the parking lot, especially with a trailer in tow. They would also like to amend the PUD to reflect trailer display parking and new trailer drop off parking along the west side of the front parking lot beginning in front of the rear lot access gate and extending north to the west store entrance. This would not only give Millbrook more visible trailer display space but it would also insure compliance with all Fire Department codes. A “no parking” area (10 feet wide) in front of the fire department connection at the northeast corner of the building in keeping with the local fire Department codes should also reflect a change to the PUD. And lastly we are requesting approval to erect a lighted sign located on the west property line approximately 100 feet south of the store entrance. The proposed double sided sign would be 10’ in height by 15’ wide and stand 50’ tall.

Mr. Nix reviewed his memorandum dated July 5, 2006 of which a copy is attached and made part of these minutes. Due to some discrepancy in the application concerning the height of the sign, Mr. Nix asked Bill MacDermaid to clarify the height of the proposed sign. Bill MacDermaid stated it is proposed to be 50’ tall.

Vice Chairman Zeinstra opened the hearing to the public.

No public comments were made.

Vice Chairman Zeinstra closed the public portion of the meeting.

Commission member Slot asked the applicant if this proposed sign was going to

have changeable letters on it.

Bill MacDermid responded by saying yes.

Items discussed by the commission members were the height of other signs in the area, the variance that was granted in 1998 approving various signs on the property, including approval for signage on the west side of the building overlooking the expressway not to exceed 165 sq. ft., signage on the north side of the building not to exceed 119 sq ft. and entrance and exit signs not to exceed a maximum of 25 sq ft., combined. Currently there is a wall sign on the west side of the building overlooking US 131. Also discussed was the ongoing parking issues involving fire department requirements.

After much discussion a motion was made by Schuitema supported by Gritter to recommend Township Board approval for the PUD change as per the Township Planners recommendations and recommend to deny the 50' high pylon sign.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Public Hearing – Jim Kegle Construction & Land Development (Design Plus Inc.) – requesting to rezone the property located on the NW corner of 84th and Division from D-1 Industrial to B-2 PUD General Business Planned Unit Development. (8379 South Division)

Vice Chairman Zeinstra declared the public hearing open for Jim Kegle Construction & Land Development . 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.

Pete Lazdins of Design Plus was present on behalf of Jim Kegle Construction Company to explain the application. He stated he discussed the proposed changes with Mr. Nix and Attorney Brown. Changes have been made to reflect that discussion and Mr. Lazdins distributed a new site plan.

Mr. Nix reviewed his memorandum dated July 5, 2006 of which a copy is attached and made part of these minutes.

Items discussed by the commission members were the setback requirements, access connection with the Talsma Furniture lot and parking.

After much discussion a motion was made by Schuitema supported by Elenbaas to table this request until the August 21, 2006 meeting to provide the applicant time to address the access connection with the Talsma site.

Yes - 5. No - 0. Absent - 0. Motion Carried.

Public Hearing – Saint Mary’s Health Care – requesting to amend the PUD for signage for the property located at 2369 – 64th St. SW

Vice Chairman Zeinstra declared the public hearing open for Saint Mary’s Health Care. 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.

Ms. Roberta Jelinek of Saint Mary’s Health Care was present to explain the request. She commented the approved site plan did not include a signage plan. They are requesting to have 4 different signs. One is to be located on the north side of the building facing M-6. This sign would be approximately 352 sq ft. sign and would be interiorly illuminated and would project from the building by 7”. A 42.6 ft by 2’ wall sign is proposed along the east side of the building providing visibility for westbound motorist on M-6. This sign has the same design features as the sign just described. Another sign would be located near the intersection of Byron Center Ave and 64th St. and would be approximately a 64 sq ft. ground mounted sign. The sign would be 10’ tall in height. Then at the main entrance off 64th St. is proposed a 32 sq ft. ground mounted sign and be illuminated internally. She added the sign proposed for the corner would be reduced to 50 sq ft. as suggested by the Planner.

Mr. Nix reviewed his memorandum dated July 5, 2006 of which a copy is attached and made part of these minutes.

Vice Chairman Zeinstra opened the hearing to the public.

No public comments were made.

Vice Chairman Zeinstra closed the public portion of the meeting.

After some discussion a motion was made by Elenbaas supported by Slot to recommend the Township Board approve the proposed signage for Saint Mary’s Health Care per Township Planners recommendation as follows:

1. The sign located at the corner of 64th & Byron Center Ave. is to be limited in size to 50 sq ft.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Miscellaneous

◦ **Master Plan Open House**

Commission members discussed this idea and decided not to hold an open house.

◦ **Plummers Environmental**

Planning Commission would like to be kept informed regarding site plan violation.

Public Comments

No public comments were made.

Adjournment

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

Yes - 5. No - 0. Motion Carried

Bernie Schuitema
Planning Commission Secretary