

BYRON TOWNSHIP PLANNING COMMISSION
August 21, 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, August 21, 2006, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Seymour Gould, Dutch Zeinstra, Bernie Schuitema, Jeff Gritter, Carroll Elenbaas, and John Stone. Absent: 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 Carroll Elenbaas

PUBLIC COMMENTS

Chairman Gould commented that due to the large number of residents present for public comments, Item 12 would be moved ahead on the agenda.

Sally Van Noord – who resides in Van Single Farms stated that as a resident she would not like to see the property on the corner of 64th & Byron Center Ave. SW rezoned to Multi-family residential/Office Service. They choose to live in Byron Center because of the small town feeling. Please reconsider rezoning this corner to MFR/Office Service.

Chairman Gould commented a public hearing will be conducted on the draft Master Plan in the next few months. The draft plan may be changed based on public comments.

Township Planner Larry Nix also commented that as of this time we have no proposals for the property at Byron Center Ave & 64th St. He did speak to John Van Singel who had various ideas for that corner but nothing has been submitted. The public hearing for the Master Plan will probably be held in October or November. The plan may be altered depending on the public comments received at that hearing. The Master Plan is a guide for the future development and used to evaluate rezoning applications.

Jim Clark - who moved into Van Singel Farms last year opted to moving to Jamestown Township first, but liked Byron Township better. He lived in Kentwood for a number of years and saw what multi-family housing can do. He feels his home is an investment and that is another reason why they choose to live in Byron Township.

Tom Burgess - was curious as to what exactly is allowed in the MFR-OS zoning. His biggest concern is apartments. Really does not want to see that area go into apartments. He is against anything except residential/single family. He also asked if we had any proposal for the 64th St. corridor.

Township Planner Larry Nix commented that we have nothing proposed at this time for the 64th St. corridor.

Bob Carlston - 2269 Pleasant Pond also has a concern if we would allow apartments or duplexes on that corner.

Cindy Lenger - 2523 Marfield is against any rezoning of the corner of 64th & Byron Center Ave. SW. She would like to see it remain as single family residential.

Judd Meyer - who lives on 64th St. stated he also grew up in Kentwood and he to saw what rental property can do to an area. He is opposed to any multi family in that area.

Nancy H. - moved here from Gaylord due to a job transfer for her husband and they choose Byron Township because of the small town size which is a lot like Gaylord.

No further public comments were made.

Chairman closed the public comments portion of the meeting.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Zeinstra that the minutes of the July 17, 2006 meeting be approved as written.

Yes - 4. No - 0. Absent - 1 (Slot). Abstained - 2 (Gould & Stone absent from the July 17, 2006 meeting). Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

A motion was made by Zeinstra supported by Stone that the following site plans be approved as per the Township Planners conditions as stated:

Site Plan 06-07: Michigan Kenworth subject to the following conditions:

1. The building height of the addition shall comply with height restrictions of the D-1, Industrial zoning district.
0. Additional area shall be paved to accommodate adequate parking and maneuvering area, and a financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site. Plan. The additional paving is subject to Planner review and approval.
3. Truck or trailer parking spaces shall be delineated with striping.

Site Plan 06-08: Northwest Hardwoods subject to the following conditions:

1. The height of all proposed buildings and structures shall comply with the height limitations of the D-1 Industrial District.
2. Proposed signage shall comply with Section 17.5 and other applicable provisions of the ordinance.

3. Maneuvering lanes shall be 26 feet in width.
4. Parking area lighting shall be provided in a manner which illuminates parking areas while minimizing glare onto any neighboring properties or 76th St. if these areas are to be utilized in the night time hours.
5. Landscaping shall comply with Section 4.44 and 14.4 (2) c).

Site Plan 06-09: Great Lakes Heavy Haul subject to the following conditions:

1. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site plan.
2. Planting along the north and west buffer area shall be a minimum of 8 feet in height at time of planting, shall be staggered, and shall obscure visibility into the parking area.
3. Shrubs shall meet the requirements of Section 4.44 (5) (c).
4. The 5 foot greenbelt label shall be deleted from the west buffer area.
5. Under “Not for Construction” on the left side of the site plan, the note indicating that design and quantities are subject to change shall be deleted.
6. A sign plan shall be submitted and shall comply with Section 17.5.
7. The Township Engineer shall review and approve the proposal.
8. A revised site plan shall be submitted documenting the above changes and become the official record of the approved plan.

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

To Set Public Hearing - Trinity Development to rezone Phase III of Cooperfield Development from R-U Urban Residential to R-U PUD Urban Residential Planned Unit Development for the property located at 8110 Burlingame Ave. SW

An application for Trinity Development regarding the rezoning request 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 September 18, 2006.

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

To Set Public Hearing - Byron Center United Methodist Church - special use request to construct a recreation center for the property located at 8733 Homerich Ave. SW

An application for Byron Center United Methodist Church regarding the special use request was reviewed.

A motion was made by Stone supported by Zeinstra to set a public hearing for the next regular meeting to be held on September 18, 2006.

Yes - 6. No - 0. Absent - 1. 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 July 17, 2006 meeting)

A motion was made by Schuitema supported by Zeinstra to remove the proposed amendment changes from the table for discussion.

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

Township Planner Larry Nix brought the commission members up to date and handed out a report showing what other Township's offer in regards to use variances requests. This research shows 13 Townships offer use variance request and 8 that do not offer the option at all. His research also indicated most communities do not approve a use variance. It was commented that Byron has never approved a use variance request.

After much discussion a motion was made by Zeinstra supported by Stone to recommend to the Township Board approval of the proposed Amendment changes to the Zoning Ordinance pertaining to the Michigan Zoning Enabling Act, Public Act 110 of 2006 and Version I of the proposed resolution pertaining to Section 21.9 (7) Use Variances.

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

Jim Kegel Construction & Land Development (Design Plus Inc.) - requesting to rezone the property located on the NW corner of 84th St. and Division from D-1 Industrial to B-2 PUD General Business Planned Unit Development. (8379 South Division) (tabled at the July 17, 2006 meeting)

A motion was made by Gritter supported by Schuitema to remove the rezoning request for Jim Kegel Construction & Land Development from the table for discussion.

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

Larry Nix reviewed his memorandum dated August 3, 2006 (updated on August 21, 2006). He stated Mr. Peter Lazdins of Design Plus, on behalf of Jim Kegel Construction Company has submitted an application for Planned Unit Development and a revised preliminary site development plan. This application was tabled at the July 17th meeting due to the applicant's presentation of new plans at the meeting plus the request of the Commission for the applicant to fully explore the potential of creating a drive connecting the proposed site to the adjacent Talsma Furniture site. Last Wednesday afternoon, August 16, 2006, Mr. Nix met with Jim Kegel and Tim Talsma regarding the cross access easement. Both parties were in agreement of the benefits of having a drive connecting the parking areas. It was decided that Mr. Kegel would include this element in their Final Site Development Plan and would be responsible for drafting the necessary legal documents to cover engineering, construction, maintenance and cost

sharing. He suggested the Planning Commission recommend to the Township Board approval of the rezoning and Preliminary Site Development Plan as it complies with the standards of the Zoning Ordinance and include the appropriate language in the Ordinance to be completed by Township Attorney Jim Brown for the cross access easement.

After some discussion a motion was made by Schuitema supported by Elenbaas to recommend to the Township Board approval of the rezoning request for the property located at the NW corner of 84th St. and Division Ave.

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

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

Chairman Gould declared the public hearing open for Dykhous Associates. 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.

Mr. Ron Quakkellaar of Dykhous Associates was present to explain the special land use request for a veterinary clinic.

Mr. Nix reviewed his memorandum dated August 10, 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.

It was the consensus of the commission members that this type of use fits well in this area.

After some discussion a motion was made by Zeinstra supported by Elenbaas to grant the Special Use request for Dykhous Associates and the approval of the resolution including the cross easement agreement.

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

Miscellaneous

◦ **Bike Paths**

Discussed was the possibility of connecting these paths with surrounding Townships. Mr. Nix discussed the rough draft of a master plan for sidewalks and non-motorized trails. It was suggested that a sub-committee be established to do

some research and provide recommendations to the Planning Commission. Carroll Elenbaas, Dutch Zeinstra and Seymour Gould will be serving on this sub-committee and report back to the Planning Commission with their input.

- **Day Care Center along major streets**

It was decided by the Commission members that Mr. Nix should do some research as to what the surrounding communities are doing regarding the location and zoning for Child Day Care facilities. He will report back to the commission members.

- **Customary Farms Signs**

Mr. Nix brought it to the attention of the commission members that the explanation for Customary Farm Signs does not provide us with a lot of direction. Mr. Gould pointed out the definition of a farm.

- **Silo heights**

A question was raised regarding height restrictions for silos and Township rules, It was determined a silo was better than material being stored on the ground.

- **A letter was received from Carlisle Commons requesting an earlier public hearing date. The Commission determined that would not be appropriate.**

- **Plummers**

A civil infraction ticket may be issued on Tuesday. Building Inspector Randy Zomerlei stated that a new site plan has been submitted and Brian Wegener will be looking at it tomorrow.

- **Providence Lake**

Possible change to the truck route from the site will be presented in September.

Adjournment

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

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

Bernie Schuitema
Planning Commission Secretary