

# BYRON TOWNSHIP PLANNING COMMISSION

March 19, 2007

## MINUTES

### CALL TO ORDER, ATTENDANCE & PRAYER

Vice Chairman Seymour Gould called a regular meeting of the Byron Township Planning Commission to order at 6:00 p.m., on Monday, March 19, 2007, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

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

Vice Chairman Seymour Gould then introduced Mr. Dave Geiger of MDOT who proceeded to make a presentation on a new Traffic Noise Abatement policy and introducing the Commission to participate in a pilot study based on a new guidebook developed by MDOT. The purpose of this policy is to clarify MDOT and local government responsibilities regarding highway noise. The primary reason for highway noise issues results from residential and other noise sensitive land uses being built to close to freeways. Since local government has authority to allow such development outside the highway right-of-way, the Federal Highway Administration and MDOT noise policy places responsibility on local government for highway noise prevention and mitigation for new development adjacent to a federal highway. Since adoption of this policy MDOT assembled a committee to focus on the abatement approaches that involve local government. The committee has been directed to develop a pilot corridor where use of the guidebook would be beneficial to both MDOT and the local unit of government. He commented that this effort should hold a variety of benefits to Byron Township as planning and development efforts move forward in considering use types adjacent to M-6. It should also be noted other communities adjacent to M-6 are also involved with this pilot study including Jamestown Township, Gaines Township and Cascade Township.

No decision was made by the Planning Commission to participate or not.

Prayer was offered by Seymour Gould.

## **APPROVAL OF MINUTES**

A motion was made by Schuitema supported by Gritter that the minutes of the February 19, 2007 be approved with the corrected resolution for Marlo Farms. A corrected copy of that resolution will be attached and made part of those minutes.

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

## **PUBLIC COMMENTS**

No public comments were made.

## **BUILDING INSPECTOR REPORT**

The building inspectors report was received and placed on file.

## **SITE PLANS**

**07-04: T-Mobile** – Mr. Nix commented that Mr. Wally Haley from Haley Law Firm was present on behalf of T-Mobile to explain the site plan for the new wireless communication tower. He stated that T-Mobile is proposing to build a 175' monopole wireless facility on the Van Solkema Produce facility located at 2630 Prescott. The object is to provide residential coverage, strengthen in-car and on-street coverage to the area along Byron Center Ave and the Railside Golf Club to the north. The existing tower on the property holds four carriers, the highest on top of the pole and the lowest at 120'. The next available height for mounting antennas would be 110', which would not meet T-Mobile's objectives. Because wireless signals travel by line of sight, large buildings, hills and tall trees can limit signal strength. The tower height plays a key role in meeting the necessary objectives. The greater the height, the greater the coverage area. The 175' tower requirement will satisfy the necessary in-building coverage needed to help the residents of Byron Center and it will help T-Mobile customers have contiguous coverage as they drive through Byron Center. If they are denied at this location they will locate a tower at another location in the Township.

Township Planner Larry Nix then reviewed his memorandum dated February 6, 2007 of which a copy is attached and made part of these minutes.

After much discussion by the commission members a motion was made by Schuitema supported by Slot to table this action until proper documentation can be prepared.

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

A motion was made by Slot supported by Gritter to approve the following

**Site Plans 07-07: Pete's Tavern** as presented with the following stipulations:

1. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the plan. The amount shall be determined by the Township Engineer.
2. The light source on the 16' tall pole shall be fully shielded and shall not be visible, and the light fixture shall be oriented downward.
3. Township Engineer review and approval of the proposed storm water improvements.
4. The applicant shall coordinate the proposed improvements with the Sewer and Water Department prior to starting construction.

**Site Plan 07-08: South Kent Veterinary Clinic** with the following conditions:

1. Township Engineer review and approval of any storm water improvements.
2. The applicant shall coordinate the proposed improvements with the Sewer and Water Department prior to starting construction.

**Site Plan 07-09: Clearwire Co-location** as presented with no conditions.

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

**To Set Public Hearing – Michigan Consolidated Gas Company – a special use request to construct a meter station facility for the property located at 6147 Burlingame Ave. SW.**

An application for DTE Energy was reviewed.

A motion was made by Schuitema supported by Stone to set a public hearing for the next regular meeting to be held on April 16, 2007.

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

**Public Hearing – Dykhouse Construction – rezoning request for the property located at 1410 – 84<sup>th</sup> St. SW from R-S Suburban Residential to O-S Office Service.**

Vice Chairman Gould declared the public hearing open for Dykhouse Construction. 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 Quakkelaar was present to explain the rezoning request. He commented they hope to build a professional office building on the site. He did meet with Byron School officials and they did agree to have a shared drive with the school. He felt this would be a good use for this property and it will make the township look better with a added tax base.

Larry Nix reviewed his memorandum dated March 7, 2007 of which a copy is attached and made part of these minutes. He is recommending this be sent to the Township Board for their approval based on the following:

1. The application is consistent with the future land use suggestions of the Master Plan approved by the Planning Commission January 15, 2007.
2. The rezoning to OS District would be logical given proximity to non-residential uses including the Byron Center High School to the west and office and industrial uses to the east and the 84<sup>th</sup> Street corner location.
3. The rezoning to OS District is not likely to permit uses obtrusive to the Byron Center High School or residential uses within the vicinity.

Vice Chairman Gould opened the hearing to the public.

No public comments were made.

Vice Chairman Gould closed the public portion of the meeting.

After some discussion a motion was made by Slot supported by Schuitema to recommend Township Board approval for this rezoning request based on the reasons contained in the Planners report.

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

### **Miscellaneous**

■ **Carlisle Commons** (tabled October 16, 2006)

Mr. Nix commented this property is located at the NE corner of Clyde Park & 76<sup>th</sup> St. This was tabled with the anticipation of the adoption of a new Master Plan. Mr. Dave Apol would like for this to remain on hold for now. He does have a different buyer interested in the property and would like no action taken at this time.

■ **Township Board Report**

Tim Slot gave a brief report regarding the Master Plan being sent back to the Planning Commission for further study on three specific areas in the Township Those areas being: 64<sup>th</sup> St & Wilson & Kenowa  
64<sup>th</sup> St. & Byron Center Ave.  
84<sup>th</sup> St. & Clyde Park area

Attorney Mark Van Allsburg stated that any proposed changes to these areas will require another public hearing before it can be approved.

It was the consensus of the commission members to wait until next month or at a special meeting to discuss this issue and determine a method to address the request of the Township Board.

■ **Zoning Board of Appeals Report**

Seymour Gould reported that the ZBA will be going directly to the Township Board for a specific definition and size requirements for play houses, dog houses.

■ **Sign Ordinance**

Mr Nix reviewed Mr. Wegener's memorandum regarding the change in the sign ordinance. A public hearing will need to be scheduled.

A motion was made by Slot supported by Gritter to set the public hearing for the next regular meeting to be held on April 16, 2007.

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

■ **DDA**

Mr Nix stated he had met with the DDA committee and they are interested in seeing new site plans, rezoning requests, etc., when they are submitted to the Township involving the DDA area. They meet on the first Wednesday of the month.

■ **MDOT**

It was the consensus of the Planning Commission members to take this item up for discussion in April.

**Adjournment**

A motion was made by Slot supported by Gritter that the meeting be adjourned.  
Yes - 5. No - 0. Absent - 2. Motion Carried

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Bernie Schuitema  
Planning Commission Secretary