

# BYRON TOWNSHIP PLANNING COMMISSION

April 16, 2007

## MINUTES

### CALL TO ORDER, ATTENDANCE & PRAYER

Chairman Dutch Zeinstra called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, April 16, 2007, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

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

Prayer was offered by Tim Slot.

### APPROVAL OF MINUTES

A motion was made by Schuitema supported by Slot that the minutes of the March 19, 2007 be approved as written.

Yes - 5. No - 0. Abstained - 2 (Elenbaas & Zeinstra absent)

A motion was made by Slot supported by Gritter that the minutes of the special work session held on April 12, 2007 be approved as written.

Yes - 7. No - 0. Motion Carried.

### PUBLIC COMMENTS

No public comments were made.

### BUILDING INSPECTOR REPORT

The building inspectors report was received and placed on file.

## SITE PLANS

A motion was made by Slot supported by Schuitema that the following site plans be approved as presented with stipulations:

**Site Plan 07-10: Superior Stone** with the following conditions:

1. Prior to installation, signage shall be approved by the Zoning Administrator and shall comply with the requirements of the approved Byron Commerce Center PUD. Approved PUD restrictions state that freestanding signs shall be up to 50 square feet in sign area and up to 20 feet in height, and wall signs shall be smallest of up to 3.5% of the wall area to which it is attached or 250 square feet in sign area.
2. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site plan. The Township Engineer shall determine the amount.
3. Building elevations, illustrating building height and materials, shall be approved by the Zoning Administrator prior to issuance of a building permit.
4. An underground irrigation system shall be installed as required by ordinance.
5. Comments by the Township Engineer will be included in the final plan submitted for a building permit.
6. The applicant/owner will need to coordinate sewer and water improvements/connections with the Sewer and Water Department prior to seeking a building permit.

**Site Plan 07-11: Dykhouse Construction** with the following conditions:

1. Signage shall be approved by the Zoning Administrator in accordance with the Zoning Ordinance.
2. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site plan. The Township Engineer shall determine the amount.
3. Sidewalk construction may be deferred provided a deed restriction is recorded indicating the property owner is responsible for construction of the sidewalk.
4. The buffer area along the west and south property lines may be permitted on the school district provided a signed easement between the School Board and the property owner is presented to the Building Inspector prior to a building permit being issued.
5. Comments by the Township Engineer will be included in the final plan submitted for a building permit.

**Site Plan 07-12: First Companies** with the following conditions:

1. If dumpsters are proposed, the applicant shall submit information pertaining to dumpster locations and the screening mechanism.
2. Signage shall be approved by the Zoning Administrator in accordance with the Zoning Ordinance prior to installation.
3. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site plan. The amount shall be determined by the Township Engineer.

4. Utility connection will need to be coordinated with the Sewer and Water Department prior to the Township issuing a building permit.
5. Utility improvements will need to be reviewed and approved by the Township Engineer.
6. Given the size of the building, the Fire Department will need to review and approve fire access prior to the Township issuing a building permit.

Yes - 7. No - 0. Motion Carried.

**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.**

Chairman Zeinstra declared the public hearing open for Michigan Consolidated Gas Company (DTE). 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. Tom Dahlman of Michigan Consolidated Gas Company was present to explain they are proposing the construction of a 30" natural gas pipe line to serve the expanding southwest Grand Rapids metropolitan area. This pipeline will be constructed within the strip of land traversing Byron Township owned by Consumers Energy. Along the pipeline a meter station is proposed transferring natural gas from the 30" pipeline into the existing distribution system. The meter station facility will consist of above grade equipment and buildings.

Mr. Nix reviewed his memorandum dated April 5, 2007 of which a copy is attached and made part of these minutes. Mr. Nix stated that the subject property is located along the north side of M-6, west of Burlingame Ave., and falls within the RR Rural Residential district. The applicant would not purchase the property but would acquire an easement for construction of the facilities. The applicant is proposing to gain access to the site from property located on Crossroads Commerce Dr. in Wyoming. Access to the property would be via a 14 foot wide gravel drive. They are proposing to construct 3 small buildings, the tallest of which would be 12' high. Meter station structures would be built and would not exceed 24' in height. A 6' tall fence would enclose the site. He suggests that the Planning Commission approve this special use request.

Chairman Zeinstra opened the hearing to the public.

No public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

Commission member Slot asked the applicant if any of these facilities have ever been vandalized.

Tom Dahlman commented that they have not had a problem in the past with any of their facilities. The buildings are locked and a 6' chain link fence will be installed. It is possible to put barb wire on the top of the 6' fence.

Slot also asked if this facility could possibly blow up.

Tom Dahlman responded by saying anything can blow up.

Commission members Stone & Gould agreed this is a good location for this type of use. The sound issue is within the Township Ordinance.

After some additional discussion a motion was made by Schuitema supported by Elenbaas to approve this special use request for the property located at 6147 Burlingame Ave.

Yes - 7. No - 0. Motion Carried.

Further discussion noted the addition of barbed wire on top of the 6' fence would be permissible.

**Public Hearing – Proposed amendment changes to the Township Sign Ordinance concerning Section 17.1 (12), Section 17.3 (5), Section 17.4 (2) (h) and Section 17.4 (2) (i).**

Chairman Zeinstra declared the public hearing open for the proposed amendment changes to the Township Sign Ordinance. Bernie Schuitema read the public notice and affirmed that the notice was published once in the South Advance and posted at the Township Offices.

Mr. Nix then explained the proposed changes to the Sign Ordinance regarding banners, customary farm signs and signage for multiple establishments.

Chairman Zeinstra opened the hearing to the public.

**John Carlson – 7405 Cactus Cove said he had a lot of questions that had to be answered. He commented on the following:**

- 1. If this sign ordinance changes does another board review that change.**
- 2. Who asked for these revisions?**
- 3. Who wrote the revisions?**
- 4. Are there any other revisions added?**
- 5. Signs advertise business - there are no business representatives on the Planning Commission. Why not?**
- 6. The sign ordinance is incomplete and hard to read and interpret. It is a mess!**
- 7. The chairman of this Planning Commission should form a committee**

**comprised of two business owners and a member of the Planning Commission to totally rewrite this sign ordinance.**

**8. In his opinion this should be tabled until it is rewritten.**

**9. The ordinance says there has to be permits issued for all signs. Are banners required as a sign? It is his understanding that not a single permit is issued for a banner.**

No further public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

Larry Nix was asked to address some of the questions of Mr. Carlson.

He stated the normal process that is the Planning Commission brings the changes to the Township Board for consideration and approval. The revisions were brought forward by staff. He stated that he and Brian Wegener wrote these ordinances and that no other changes are proposed at this time. Another issue that Mr. Carlson made was regarding no business representation on the Planning Commission. Mr. Slot is a business person as well as Seymour Gould and John Stone. Carroll Elenbaas is the former planner of Gaines Township, she comes with a lot of experience. Chairman Zeinstra is a retired school teacher, Bernie Schuitema is a retired tool & die maker and Jeff Gritter is an Engineer. Of course if the Chairman sees fit and desires to appoint a committee to study the sign ordinance is entirely up to him.

Mr. Carlson did make a lot of good comments regarding the sign ordinance especially concerning banners, window signs and abandoned signs.

Items discussed by the Planning Commission were various areas of the sign ordinance which should be studied and made clearer in the ordinance.

It was suggested that maybe this should be tabled giving everyone on the planning commission time to do some field work. Ride around the township and see just exactly what we have out there. Report back to Attorney Jim Brown and Mr. Nix , give them some direction as to how and what adjustments should be made to the ordinance.

Planner Nix suggested to drive down Division Ave., and really look around!

After much discussion a motion was made by Stone supported by Gould to table this proposed amendment change to the sign ordinance.

Yes - 7. No - 0. Motion Carried.

### **Miscellaneous**

□ MDOT

A discussion was held concerning the possible involvement with the pilot program.

Mr. Nix commented that some townships have opted not to be involved in this program. The desire of the program is to work with communities to develop land use practices to avoid problems with the noise issues along M-6.

After much discussion a motion was made by Gritter supported by Gould to forward this to the Township Board for their input due to the financial cost obligation that could occur.

Yes - 7. No - 0. Motion Carried.

□ MASTER PLAN

The report from the special planning commission work session which was held on April 12 should be forwarded to the Township Board for review. It was decided to set a date to meet with the Township Board to discuss various planning issues. A tentative date of May 1<sup>st</sup> was set.

□ TOWNSHIP ZONING BOARD OF APPEALS REPORT

Seymour Gould commented the meeting held in March was short. He also stated that the ZBA is willing to meet with the Township Board and Planning Commission.

□ TOWNSHIP BOARD REPORT

Tim asked if it was possible to give him a report of the results of the Planning Commission meeting each month.

### Adjournment

A motion was made by Slot supported by Gould that the meeting be adjourned.  
Yes - 7. No - 0. Motion Carried

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Bernie Schuitema  
Planning Commission Secretary