

BYRON TOWNSHIP PLANNING COMMISSION

May 21, 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, May 21, 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, & Brian Wegener 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 April 16, 2007 be approved as written.

Yes - 7. No - 0.

PUBLIC COMMENTS

John Carlson – 7405 Cactus Cove made a comment that he has a problem with the sequence of agendas items.

BUILDING INSPECTOR REPORT

The building inspectors report was received and placed on file.

SITE PLANS

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

Site Plan 07-13: Dykhouse Construction – 7650 Clyde Park Ave., with 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. The Township Engineer shall determine the amount.

2. Comments by the Township Engineer shall be included in the final plan submitted for a building permit.

Yes - 7. No - 0. Motion Carried.

A motion was made by Elenbaas supported by Stone to approve **Site Plan 07-14: Expo Landscaping** - with 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. The Township Engineer shall determine the amount.
2. Comments by the Township Engineer shall be included in the final plan submitted for a building permit.
3. The existing concrete pad noted “to remain for storage/parking” shall be removed, no outdoor storage or parking shall occur on the site unless in compliance with the Byron Township Zoning Ordinance.
4. Sign and building-mounted illumination shall be fully cutoff and facing downward.
5. Evergreen trees shall be provided along the parking area pavement toward the rear of the property to screen the vehicle storage area from adjacent properties and the roadway.
6. A future site plan shall be reviewed and approved prior to construction of any future greenhouses’ on the property.
7. If any additional buildings are desired on the property a site plan must be filed for approval consideration.

Yes - 7. No - 0. Motion Carried.

A motion was made by Gould supported by Slot to table the following site plan due to the variance approvals needed from the Township Board of Appeals and various other issues as noted in the Planners report.

Site Plan 07-15: Premiere Construction & Development – 1144 – 73rd St..

Yes - 7. No - 0. Motion Carried.

To Set Public Hearing – Marathon Petroleum Company – requesting to rezone 6419 Byron Center Ave. SW (southwest corner of 64th & Byron Center Ave..) from R-R Rural Residential to B-2 General Business.

An application for Marathon Petroleum Company was reviewed.

Commission member Schuitema felt we were putting the cart before the horse if we set a public hearing for this in June. In a joint meeting with the Township Board prior to the meeting revealed the subject property and surrounding area deserved further discussion prior to adapting the Master Plan. He feels the Master Plan should be in place before we start rezoning property.

Gould agreed with Schuitema. June is too early to hold a public hearing.

Slot disagreed. He felt we should hear this request and receive public comments prior to making a decision on either situation.

Gritter commented he can see it both ways. It would be nice to have the Master Plan in place but they are requesting a rezoning so this is really putting the cart before the horse. He felt for the best interest of the applicant to wait.

Schuitema believes we should wait until September or even October. This corner is very critical.

Elenbaas felt that this public hearing is premature.

Stone agreed that it would be nice to have the Master Plan in place first. He asked the Township Attorney if we are under any obligation as to the timing of this request.

Attorney Brown responded by saying it has to be in a reasonable time, since we are working on the Master Plan which involves this request.

Attorney James Telman who represents the applicant for this rezoning request made a few comments. He asked that this move as quickly as possible and did agree with Attorney Brown regarding holding the public hearing in a reasonable time.

Slot commented that in the last few months he thought the Master Plan would pass. He can't guarantee that when the Master Plan is completed that it will be approved.

After much additional discussion a motion was made by Schuitema supported by Gould to set the public hearing for the September 17, 2007 meeting.

Stone then commented that he felt it would be better to table this rezoning request.

Schuitema withdrew his motion and Gould withdrew his support.

A motion was made by Schuitema supported by Gould to table this request to set a public hearing until a future date.

Yes - 6. No - 1. (Slot) Motion Carried.

Proposed amendment changes to the Township Sign Ordinance

Chairman Zeinstra stated this was tabled at the April 16, 2007 meeting.

A motion was made by Stone supported by Gould to remove this from the table for discussion.

Yes - 7. No - 0. Motion Carried.

Chairman Zeinstra stated he has driven around the Township and have noticed various signs as well as banners. He stated that personally they don't bother him. Regarding the changeable message signs how are you going to enforce those.

Slot commented that we should control and regulate the speed and content of reader board signs. The new sign at United Bank hurts his eyes. He does not want to see more of this in the Township. We also need an ordinance to regulate banners.

Gould stated the area adjacent to 76th St. west of US 131 on the south side of 76th St. removed signs and the area really looked a lot better. He asked how can we police and regulate the reader board signs? Some banners don't look bad the way they are attached to the side of buildings. It's hard to control.

Stone commented he is not big on regulating things. But realizes it has to be controlled.

Schuitema agreed that it is hard to regulate. But if a business is conscience of its appearance their sign will also be attractive.

Elenbaas commented banner signs that drape down over a building can be very attractive.

Gritter stated he does not like banners. Maybe for special events it would be okay. Enforcement would be an issue. It would add a lot of additional work for the staff. Either do away with them or allow them with permits.

Township Attorney Brown stated if we have to regulate this the only practical method would be through a permit process. The permit would state when it starts and when the sign/banner has to come down. This would all be kept and recorded in the building department.

Township Planner Larry Nix thanked everyone for their ideas and concerns. He will work with Jim Brown on the sign ordinance.

No action will be taken until an update sign ordinance is reviewed.

John Carlson - 7405 Cactus Cove asked if he could ask a few questions and stated that there are others present at the meeting who would like to make comments regarding the Township Sign Ordinance.

Slot asked the Township Attorney for a legal opinion regarding the undo pressure being put on Chairman Zeinstra.

Township Attorney Brown stated that comments can be accepted but should limit the time.

John Carlton stated he did not intend to belittle anyone so he will target all the commission members. Tim Slot you are a realtor, Jeff Gritter you are a professional engineer, Seymour Gould you are a bookkeeper/CPA with a sign in your front yard bigger than what you are allowed. John Stone – excavator, the other 3 members of the planning commission are retired. There is no one on this commission who has a retail business. That lack of representation should be taken care of. He stated the Planning Commission should look at Gaines Township Sign Ordinance it is excellent. The entire Byron Township Ordinance should be redone!

Joan – owner of Piccione’s Pizzeria located at 530 – 76th St., was present and addressed commission member Gould regarding the clean up of sign on 76th St, west of US 131. The reason the signs were cleaned up is because if they did not they would be fined \$1500. She is speaking for everyone located in that area. Every action she takes results in a reaction. She has to advertise her business because she is not getting the volume that she needs. She really hopes good changes will be made to the sign ordinance allowing a business to advertise without being threatened.

Tracy – from Railside Living stated that she puts banners up from time to time with upcoming events. She is hoping they will be able to continue using the banners for that purpose.

Michigan Kenworth owner commented that due to the M-6 project along US131 his business is now literally buried and hard to see. He asked the Planning Commission to look at this from a retail side. Banners & signs are important for a retail business owner.

A motion was made by Stone supported by Gould to table the sign ordinance giving Township Attorney Jim Brown and Township Planner Larry Nix an opportunity to meet and make possible changes.

Yes - 7. No - 0. Motion Carried.

Micellaneous

□ RIDGESTONE CONDOMINIUM STORAGE UNITS

(A minor deviation to the existing PUD)

Chairman Zeinstra asked Secretary Bernie Schuitema to read a letter that was received from **Leon Van Oeveren** who is a residence of Ridgestone Condo. A copy of that letter is attached and made part of these minutes. Schuitema also read a letter from **Andrew Wicke** who resides at 2891 - 84th St. stating his approval of the taller building that are being built.

Larry Nix then commented that the minor deviation to the existing PUD is to consider 12’ walls which will host a 10’ overhead door on the third & fifth buildings. These are situated to the north and west of the property and are already up and

sided.

After hearing the letter read from Mr. Van Oeveren a point was made that these units are for the condo residence only.

Slot commented that they keep the storage area and surrounding property very neat.

Attached to the letter of Mr. Oeveren, was a copy of a postcard offering these units as rental units to the public.

Gould then asked Mr. DeKleine if these postcards had been mailed out to the public offering these to anyone to rent the garages for \$100.00 a month.

Jacob DeKleine stated that they are not renting any unit out.

Schuitema stated he does not want to see these become rental units!

Sharon DeKleine did comment that the flyers were sent out several years ago but they received a call from the Township stating this is not allowed so it was ceased.

After much discussion it was decided to wait for Jay DeKleine to return from New York to answer a lot of the unanswered questions. We will discuss it at the next meeting.

□ **TOWNSHIP ZONING BOARD OF APPEALS REPORT**

Commission member Seymour Gould reported that there were two variance request last month. One was for American RV regarding signage for Camping World who sub leases a part of American RV. And the other one was for a house moving permit for Bill Sterk.

□ **TOWNSHIP BOARD REPORT**

Tim commented that if any Planning Commission member had any questions regarding the Master Plan to please call any one of the Board members.

□ **MASTER PLAN**

Larry Nix explained that a joint workshop with the Township Board was held at 6:00 prior to tonight's meeting to discuss the Master Plan. Areas discussed at that meeting were Division Ave. & 84th St. down to 100th St., 64th St. & Byron Center Ave., and 84th & Clyde Park Ave. A lot of good comments were made at that meeting.

After much discussion Larry commented that the #1 concern of the residence in Byron Township was to "maintain rural character".

Larry Nix commented he will work with the Mr. Wegener to put all the ideas together and try and come up with something that the Board and Planning Commission can accept for the best interest of all Township residences.

Adjournment

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

Bernie Schuitema
Planning Commission Secretary