

# BYRON TOWNSHIP PLANNING COMMISSION

June 18, 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, June 18, 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 Carroll Elenbaas.

### APPROVAL OF MINUTES

A motion was made by Schuitema supported by Elenbaas that the minutes of the May 21, 2007 be approved with corrections made to page 4 regarding comment made by Elenbaas stating "banner signs that drape down over a building are unattractive".

Yes - 7. No - 0.

### PUBLIC COMMENTS

No public comments were made.

### BUILDING INSPECTOR REPORT

The building inspectors report was received and placed on file.

### SITE PLANS

Planner Larry Nix commented that **Site Plan 07-17** – for Houseman/Palmbas has been withdrawn until changes are made to the site plan. He also commented that Site Plan 07-15 for Premier Construction have been resubmitted to construct a 25,900 square foot building along the south side of 73<sup>rd</sup> Street and immediately east of Sierrafield Condominiums in the Dan Koster Industrial Park. The site is zoned D-1 Industrial. The applicant has made adjustments to bring the proposal into greater compliance with the Zoning Ordinance. Dimensional requirements for a building in the D-1 District would not be met. The applicant's letter of June 5, 2007 confirms that the proposed trailer

parking area would be paved and that the proposed ground sign would be a minimum of 2 feet from the right of way, in compliance with ordinance requirements. Site Plan 07-16 for Dykhouse Construction have submitted a site plan to construct a 5,400 square foot, one story building on a 5 acre parcel along the west side of Clyde Park Avenue generally between 84<sup>th</sup> Street and the railroad (the site address is 8187 Clyde Park Avenue) the existing dwelling and garage would be removed as stated on the site plan. The property is zoned D-1 Industrial and dimensional requirements for a building in the D-1 district would be met. Parking standards would also be met. A freestanding sign is not proposed but three wall signs would be provided. Section 17.4 limits each wall sign to the lesser of 50 square feet or 15% of the wall surface. The middle wall sign appears to be 80 square feet, in excess of the permitted sign area. An evergreen tree and a landscape tree would be required to meet the minimum planting requirements of the ordinance. These plantings should be along the side property lines in the front yard. Several sheets within the site plan package illustrate several future buildings on the subject property. Any future development will require site plan review in accordance with Article XIX.

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

**Site Plan 07-15: Premier Construction & Development – 1144 – 73<sup>rd</sup> St.** with the following conditions:

1. Recommendations by the Township Engineer shall be included in the final plan submitted for a building permit.
2. 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.
3. The applicant's June 5, 2007 letter shall be included as part of the site plan approval.
4. Prior to issuance of any permits, the applicant shall work with the Township Zoning Administrator and Planner on a revised landscape plan which reflects the provisions of Section 4.44 (4)(f) and Section 4.44 (5)(d): and which allows certain existing trees to count toward the buffer requirements and which provides an adequate buffer along the subject site's west property line.

**Site Plan 07-16: Dykhouse Construction – Clyde Park Farms** 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. Recommendations by the Township Engineer shall be included in the final plan submitted for a building permit.
3. Proposed signage shall comply with Article XVII.
4. Any future development on the property shall require site plan review in accordance with Article XIX of the Zoning Ordinance.
5. Identification should be made as to who owns the 15 trees along the property line.

Yes - 7. No - 0. Motion Carried.

**Proposed amendment changes to the Township Sign Ordinance**

Chairman Zeinstra stated this was tabled at the May 21, 2007 meeting.

A motion was made by Gritter supported by Slot to remove this from the table for discussion.

Yes - 7. No - 0. Motion Carried.

Mr. Nix stated Attorney Jim Brown has drafted a proposed zoning ordinance amendment regarding Farm and Crop Signs, Temporary Banner Signs and Signs in Commercial Establishments as well as a proposed amendment change to regulate changeable copy signs.

Attorney Jim Brown proceeded to explain the proposed changes to the ordinance.

It was commented that the Planning Commission members are looking for a clear definition regarding a changeable/flashing sign.

Larry Nix stated there is really not a clear definition of how long a sign can have a message displayed before it changes. We have to remember that when considering a sign the purpose of that sign is for identification not to attract attention.

Commission member Gould felt a flashing sign is one that changes every few seconds. If it doesn't change for 45 seconds it really not a flashing sign.

Attorney Brown stated that we could put some time limitations on flashing signs.

Larry Nix discussed the sign at the nearby United Bank which changes every 3 seconds. The message comes onto the display board in many ways.

It was the consensus of the Planning Commission to go with the draft ordinances as printed and try it to see how it goes.

A permit process will be needed for signs and the enforcement will have to be constant. We will have to watch when the sign (banners) go up and when they come down.

Schuitema stated that this could be an enforcement nightmare. He also asked if people come in for a permit will there be a fee for that permit.

A fee amount will have to be determined and approved by the Township Board.

Gould commented this will take time to enforce but if we don't have something in place we could have a lot of problems.

Chairman Zeinstra thought we could regulate this as long as permits were issued and

closely monitored.

After some additional discussion a motion was made by Stone supported by Gould to set a public hearing for the July 16, 2007 meeting to consider the adoption of the proposed Zoning Ordinance changes for Temporary Banner Signs, and Changeable Copy Signs.

Yes - 7. No - 0. Motion Carried.

### **Miscellaneous**

#### **□ M & K Truck**

Ron Meyering from M & K Truck was present to have the Planning Commission consider a request to transfer a pylon sign right to 8800 Byron Commerce Drive from an adjoining parcel of property. If this is approved a deed restriction for the property would be obtained.

Larry Nix questioned the commission members if this is considered a major or minor change.

The Commission members felt that a properly recorded deed restriction is needed stating that no sign shall be placed on the property located at 8788 Byron Commerce Dr., due to this transfer.

A motion was made by Slot supported by Gritter to approve this sign transfer provided a proper deed restriction is recorded for the property located at 8788 Byron Commerce Dr.

Commission member Gritter did comment that we have to be careful we don't transfer a lot of signs. This is located in same PUD development with the same owner. This is a special case.

A motion was made by Slot supported by Gritter to approve this sign transfer with the stipulation that an approved deed restriction on the property be approved by the township Board and Township Attorney Jim Brown.

Roll call vote: Slot - yes. Gritter - yes. Stone - no. Gould - yes. Elenbaas - no. Zeinstra - yes. Motion Carried.

#### **□ RIDGESTONE CONDOMINIUM STORAGE UNITS**

Commission member Tim Slot stepped down due to financial conflict.

Chairman Zeinstra asked Secretary Bernie Schuitema to read another 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.

Mr. DeKleine was present to clarify some of the questions that were raised at last

months meeting. He stated the issue regarding the post cards that were sent offering these garages as available rental units to the community was ceased immediately. That was not allowed and the problem was addressed. That happened 4 or 5 years ago. The use has not changed for these buildings. DeKleine always intended to use a couple of the buildings. Only one person has an issue out of the 95 units. Mr. DeKleine stated he will also be a resident of Ridgestone very soon. Paying monthly fees like every one else.

Zeinstra stated the biggest question here is the minor change of 2' of building height.

Secretary Schuitema then read a letter of approval regarding these storage building from the Ridgestone Condo Board.

After some additional discussion a motion was made by Schuitema supported by Stone to approve the minor change of the 2' additional height.

Yes - 6. No - 0. Abstained - 1. (Slot) Motion carried.

Slot then returned to his position on the Planning Commission.

□ **TOWNSHIP ZONING BOARD OF APPEALS REPORT**

Commission member Seymour Gould reported that last month a billboard was approved. They were requesting setbacks and square footage. The setback was approved but not the square footage of the sign. They wanted to go bigger. Next month we have a couple house moving request to address.

□ **TOWNSHIP BOARD REPORT**

Tim commented that the Board had a special meeting earlier regarding the Master Plan. The CID board has been appointed, and he stated he was not able to attend the DDA meeting that was held.

□ **MASTER PLAN**

Larry Nix commented that the joint meeting between the Planning Commission and Township Board held on May 21, 2007 was very productive in helping us understand how to move forward. Based on the comments made at the joint meeting, the Planning Commission provided further instruction on amending the proposed draft Plan during the regularly scheduled meeting.

Brian Wegener then gave a brief report of the joint meeting which was held with the Township Board prior to tonight's meeting regarding the proposed changes that were requested to be made to the Master Plan.

The comments made regarding the area of **Wilson & 64<sup>th</sup> St.**, the Township Board felt the revised map showing a portion of the 64<sup>th</sup> St. corridor as Mixed Use PUD is an acceptable change.

Chairman Zeinstra asked each commission member how they felt about this proposed change to the Master Plan for that area.

Carroll Elenbaas stated that area looked good and since we will be relooking at the Master Plan in 5 years to leave it as Mixed Use PUD. She commented that on page 146 of the Future Land Use Plan where it states that any development in the area along 64<sup>th</sup> Street should achieve the design recommendations of the Mixed Use PUD future land use designation, with several exceptions as described in this paragraph. Commercial uses should comprise no more than 80% of the land use area. She feels this is a large amount in a mixed use area.

Brian then explained that applies to the north side of M-6. He would combine the two paragraphs to make it easier to understand.

John Stone is inclined to go ahead with this proposal since it will be looked at again in 5 years.

Seymour agreed with Carroll concerning the 80% statement.

Brian again said that this should be clarified, and reminded commissioners of his recommendation to designate this area OS/Commercial PUD at the last meeting.

Tim Slot commented he would like to see that area Mixed Use and would like to see it go further west on 64<sup>th</sup> St. This is better than what was first presented for that area.

Jeff Gritter is also ok with the Mixed Use PUD.

Bernie Schuitema likes the Mixed Use. He feels we should not go further to the west on 64<sup>th</sup> St.

Dutch Zeinstra is ok with the Mixed Use as well. But a lot of road improvements have to be done in that area.

Carroll Elenbaas stated a Village Center would work well at this location. We could do something far more attractive than to have all four corners of an interchange in commercial buildings.

The area of **84<sup>th</sup> & Clyde Park** was then discussed. Some of the Township Board members feel commercial use along with other types of uses would be good in this area. No one wants another 28<sup>th</sup> St., along this corridor.

A presentation was made during the joint meeting by Mr. Abe VanderWoude who resides at 8530 Clyde Park Ave. SW. After making his points the Township Board members were in agreement that the four corners should be master planned

commercial with a mixed use.

Tim Slot would like to see mixed use PUD in this area. That way the Township is able to control it.

Bernie Schuitema stated that if this is with a PUD he has no problem with commercial on all four corners.

Carroll Elenbaas agreed with Bernie that all four corners could be Mixed Use PUD with some commercial.

John Stone also agreed with Bernie.

Seymour Gould stated he has no problem with commercial on all four corners but not all the way east to Byron Gardens.

Chairman Zeinstra stated that with a PUD we can have control over it. He liked that.

Nix stated that we have to define as to how far north and south we go.

Comments were made that we can not go as far as Byron Gardens and to use the 1998 Master Plan as a guide.

Brian continued his report stating the next area discussed was **Division Ave. from 84<sup>th</sup> St. to 100<sup>th</sup> St.** It was the consensus of the Township Board that they liked the change from Rural Conservation to Suburban Residential for this area.

**100<sup>th</sup> St. & Clyde Park Ave.** was discussed. The Township Board commented that the change made to the western portion of the Office Service/Commercial PUD area along the north side of 100<sup>th</sup> Street be Rural Conservation.

Brian continued as he explained the Township Board's feeling for the area of **100<sup>th</sup> St. & Clyde Park.** He said it was the intent to change the NE corner from Office Service/Commercial to Rural Conservation. The entire board agreed with this change.

**Byron Center Ave & 64<sup>th</sup> St. & M-6** Brian commented that during the joint meeting Dutch presented the 3 options to the Board Members regarding this unique property. Paul Nevins asked which option allowed for a service station. Dutch responded by saying none of the options allow for that. Paul then stated "we need an option D"! Joel Hondorp stated he likes the multi-use idea. He is in favor of a mixed use PUD. Carol Houseman agreed with the mixed use idea. Norm Wustman would like to see that area Master Planned Commercial. Tim Slot also would like all the corners commercial. Carol & Tim commented on the tax base that would be created. Jim Telman spoke reminding everyone of the time line he is up against with the

rezoning request he has in for the property on the southwest corner. Mr. & Mrs Boverhof then spoke during the joint meeting asking that their property be master planned commercial.

During the Planning Commission meeting Seymour Gould commented that one thing we have to be very concerned with when looking at the Master Plan and not look at zoning. People are trying to get property rezoned when the Master Plan does not change any zoning. He really felt that there is a conflict of interest here. A lot of comments that the Township Board members made earlier tonight reflect a desire for Commercial with mixed use in this area. We could go a million ways on this property, but we have to look at the Master Plan. A Master Plan is for the future. The Township Board and Planning Commission are looking at this in two different ways. The Planning Commission is looking at it for future use, and the Township Board is looking at the available tax base. We could go with mixed use PUD, with some beautiful landscaping. We don't want a bunch of ugly looking building's also how far south, west and east do we go?

John Stone stated that the 3 options submitted he is leaning to option B. Commercial PUD on the northwest corner. The southwest corner he could see commercial PUD. We have to remember the property around the development is proposed for a church.

Carroll Elenbaas stated she also likes option B. We don't need commercial on all the corners. We have a responsibility to protect the residences the best we can.

Bernie Schuitema commented that this is a confusing piece of property. The property owner requested this property be Master Planned to office service earlier. And now an Oil Company comes in with a lot of money and the property owner wants it to be Commercial. We are almost writing the master plan for big money. Yes, they are entitled to a profit there, but they want to rewrite the Master Plan for money. He felt Option B looks like the only option but the Township Board probably won't pass it.

Jeff Gritter also agreed that Option B was the best. We don't need commercial on all four corners. The southeast corner should not be commercial. We as the Township Planning Commission have every right to act in the best interest of the nearby residences.

Tim Slot commented that first of all he has no financial conflict on any of the corners. The way our PUD ordinance is written we can control it and make it an attractive service area. Developers have done some pretty nice stuff. This corner could be done it a very nice way. Is it needed? Yes. We can limit everything. It won't hurt.

Dutch Zeinstra stated Option B with some modifications would be good. Some mixed use in there as well, but where do we stop. How far south, east or west do we go. It

concerns him as to what impact to the nearby residences.

Larry Nix then stated the majority of the Planning Commission said Option B is preferred with modification and many of you said you could accept a commercial PUD with a lot of limitations. This will be very challenging to draft. He stated that he and Brian need additional direction.

Dutch took a straw vote to get the opinion of the commission members regarding the southwest corner of 64<sup>th</sup> & Byron Center Ave. to be master planned Commercial PUD.

Elenbaas - no. Stone - no. Gould - yes (with strict restrictions). Schuitema - no. Gritter - yes. Stot - yes. Zeinstra - no.

It was commented that 64<sup>th</sup> & Byron Center is a gateway to Byron Center. We have a lot to consider here. It has to look attractive. Regardless of what goes in its going to be seen.

Jeff Gritter commented on maybe requiring who ever purchases the property on the southwest corner to potentially lower the grade 15 feet. That would lower the site a lot and make a big difference on the visual appearance.

Bernie Schuitema stated that looking at this corner really does not affect him but feel he has to be concerned for the residents. Maybe lowering the property would help.

Carroll Elenbaas commented that Jeff's suggestion of lowering the property puts a new prospective on this corner. Would like to think about that more.

Mr. Nix suggested to take another field trip to the property, rethink this through. He noted a strong feeling of commercial from the Township Board at the meeting held earlier.

Chairman Zeinstra asked what the next step is?

Mr. Nix stated that he and Brian would put all these idea and thoughts together for your consideration. Maybe we should have a special meeting to discuss this corner further.

A comment was made by a commission member that "lets face it the Board is telling us it has to be commercial!"

## Adjournment

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

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Bernie Schuitema  
Planning Commission Secretary