

## **BYRON TOWNSHIP PLANNING COMMISSION**

**June 27, 2007  
8:00 a.m.**

### **SPECIAL WORK SESSION MEETING MINUTES/REPORT**

#### **CALL TO ORDER**

Chairman Dutch Zeinstra called the special Work Session of the Byron Township Planning Commission to order at 8:00 a.m., on Wednesday, June 27, 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 Jim Brown, Planners Larry Nix & Brian Wegener, and Recording Secretary LaVonne Kuiper.

Also present was H. James Telman and Abe VanderWoude.

Chairman Dutch Zeinstra stated that this special meeting is to try and fine tune the results of the special joint meeting held with the Township Board regarding the Master Plan. This has been a most difficult job. He commented there is only one area of concern left which is 64<sup>th</sup> St. & Byron Center Ave. All the other areas have been agreed upon. At that joint meeting we were presented with three options for this area. Many favored Option B. Brian & Larry worked on some possible options and language to hopefully please everyone. Dutch then asked Larry & Brian to present those changes.

Larry Nix stated that after the joint meeting it became very clear that the Township Board wants commercial on the corner of 64<sup>th</sup> & Byron Center. The Planning Commission communicated a different opinion. They would like to see Office Service in that area and more of the commercial north of 64<sup>th</sup> St. maybe something PUD. The Planning Commission has worked on this Master Plan for 2 years. We have to get closer together with the Township Board on this. This area will establish a visual impact on our community.

Brian Wegener then explained his memorandum dated June 27, 2007 of which a copy is attached and made part of these minutes. He first explained the present commercial future land use narrative as it is today. He explained some design features that may not be encouraged for commercial uses, regardless of whether the future land use map changes, namely, pole signs, bright paint colors that do not act as a confluence between the building and the natural surroundings and nearby residential, "small box" appearance with no articulation, parking in the front yard with no landscaping as well as boring flat roofs. Another design type that are not encouraged are a long, flat wall with the same design elements for each tenant's frontage, and no landscaping. Items that are encouraged would be canopy and pumps for a gas station placed behind the

building or in a location with the least visibility, buildings with a residential appearance, minimal signage, large trees, and significant window coverage. These are just a few items that could make a big difference in the appearance of a building project. Also the Planning Commission may consider adding language pertaining to the south side of 64<sup>th</sup> Street. Some ideas may be:

- Development should strive to utilize the site so as to be as low-impact as possible from the south; “beacons” are not encouraged: buildings, structures should be one story with a maximum height may be suggested.
- Lighting must be screened
- The grade of the site must be lowered significantly
- Office uses should be incorporated into the southern portion of the site as a buffer to the residential uses to the south
- Large evergreen must be planted as a screen.

These are just some ideas to consider whether or not the map changes.

Larry Nix then stated that these are a few ideas for the Planning Commission to think about. We need some ideas how to bridge the gap. Keep in mind we are not rezoning this property. We could go commercial on the south side of 64<sup>th</sup> St. but sensitive to the stipulations placed on it. A PUD compared to a traditional zoning concept. We are trying to achieve the best for everyone. Larry stated he sat down and talked with Audrey about the Master Plan. He feels the Planning Commission should sit down again with the Township Board and explain this to them. Maybe if we take an extra effort and listen to their objections.

Chairman Zeinstra asked each commission member what they were thinking.

John Stone stated we have to look at where we are coming from and why we are here. We are not on the same page with the Township Board. Both groups are up against each other and we are coming in different directions. But if the Township Board oversees what we do it could be easy. Maybe we should look at the highest possible tax base we can get. That seemed to be the primary concern of the Board.

Larry Nix stated from a tax stand point the Township is there and has been there for years. We have a good balance. Look at the school system. It is one of the best in the state. Some people say what is the most I can get out of my property. Planners don't look at that. We look at and plan for what is the best for the residents of the Township. We have resolved the other areas of concern. This is the only area we are far apart on.

Bernie Schuitema commented that we have spent over a year and a half on this property. The Planning Commission is responsible for the community. We have to answer to the residents not the Township Board. This has to have a public hearing and you know what the public is going to say. We represent the community not a real estate agent.

Seymour Gould agreed with John Stone. We are miles apart. A tax base should not be considered. We have made some mistakes in the past, we are human. There is a plat to the west and south of this property where do we stop? If we can't make the Board happy maybe we should send it to every resident and say here what do you want us to Master Plan your property to.

Carroll Elenbaas also agrees with John completely. Property owners, property lines, and property value should never be considered. We as a Planning Commission should not be forced to change. She is not in favor of commercial at all for that corner. We have to come to understand why we look at this so differently.

Jeff Gritter agrees with everyone so far. If we are planning for the reason of a tax base, that is not right. The Board may not want to understand and he doesn't know why. Commercial coming down Byron Ave. would be very poor planning. We are trying to create higher standards for the Township.

Tim Slot stated he is not in a position to speak for the board but he does understand the Planning Commission's position. He agrees that the last 30 years the Planning Commission has done an excellent job. Remember he is speaking for himself and not the Board. The Township was run in a good fiscal manner. But money does talk and that has to be taken into consideration. If the Planning Commission does not consider this, within the next 10 years our Township will not be the same place it is today because of state revenue sharing. You can see it in business he sits on the Township Board he talks to people he sees what is going on. Time changes things. The Planning Commission looks at design and the way things work together. The Township Board is no longer looking at things that way. We are butting heads here. He feels the Township Board has not watched the Planning Commission enough. They should attend Planning Commission meetings. At the last joint meeting only one member attended the meeting. We can come together. It's going to take the Township Board to come to the Planning Commission and tell the Board this is what we want done. Also a comment was made that someone should have abstained. The Planning Commission was wrong when they did not speak their opinions & feelings at that joint meeting. We have hurt feelings here and he can see it in your faces. He felt very uncomfortable coming to this meeting. This is a republic not a democracy – not what all the people want. If they want to vote us out, so be it! Can't always look at what people want. We have a problem and we have to get it out in the open! If you are wondering why the Board wants this area commercial ask them. Ask Carol, Joel, anybody. Tim said Boverhof will never vote for him! He is not making a dime on this piece of property.

Bernie Schuitema stated you sat here month after month & agreed with us, then you sat with the Township Board and voted against what we agreed on. We told the Township Board why we don't want it commercial our rationale is in place. They tell us it has to be commercial because it fits. That's not good enough. Saying we need an "option D" without an explanation is not good enough.

Larry Nix then commented that Tim suggested we get back together again, but it's already been done twice. If you think it's a good idea we will have to do that. This is very important. Obviously many think this is important. The Township Land Use is the key guide we use in the community. Michigan economy sucks, but downtown Grand Rapids there are cranes everywhere. All types of activities going on. We have the highest gas prices compared to other areas. If we need to get the two groups together again, the Planning Commission is willing to meet and work with the Township Board if we know what and why commercial.

Chairman Zeinstra commented that when he left the joint meeting that was held on the 18 of June he asked himself "what is my job?" When Norm Wustman made a comment saying "that any property owner can sell their property as they see fit,"

I asked myself “why am I here?”

Tim Slot then asked the Township Attorney if the Planning Commission is an advisory board to the Township Board? He said that he is not saying that the Planning Commission is not important.

Attorney Brown stated that prior to a bill past the Planning Commission did have the final say but that has changed because the Board passed the resolution to adopt the plan. The Township Board has the final say. The Planning Commission only makes recommendation. This process has to be repeated until completed. Really not a nice way to go.

Tim Slot again stated why can't the Planning Commission come to the Township Board and say exactly what they want. At the last joint meeting the Planning Commission should have said more. You have to have tough skin – you have to get used of it. This is a problem and we are miles apart.

Chairman Zeinstra thought the Planning Commission did that! We gave our rationale at the first joint meeting and in the planner's text.

Tim Slot said we have to sit down and simply ask why commercial in that area. Find out what the Township Board is thinking. For some reason it is not getting through to the Township Board.

Chairman Zeinstra commented maybe everyone on the Township Board should put their own comments and feeling in writing.

Seymour Gould commented if we are just an advisory to the Township Board – then they have to get some damn guts and Master Plan it Commercial and the Planning Commission will not be responsible for that decision. It's the Boards problem not ours!

Carroll Elenbaas stated what was presented is our rationale. She asked if we could tell the Board this is what we want and we don't want it back.

Attorney Brown commented that we don't have to do what they want us to do. The Planning Commission is to review objections from the Board and amend the plan to address the objections, not necessarily do what they want.

John Stone stated that we are disagreeing on 3 ½ acres of ground! This doesn't make sense.

Attorney Brown commented that our goal is to have a good Master Plan and it is necessary to convince the Township Board. Maybe have another joint meeting or meet one on one. A huge amount of work has been done on this Master Plan and you want to get it passed. It's a hard issue. Maybe the Township Board will reject it again it would be to bad if we would have to lose the whole thing and start over again.

Seymour Gould wanted to clarify the statement made about Tim having the conflict of interest. The Nevin's have the conflict of interest here!

Carroll Elenbaas commented that she had heard (rumors) that the Supervisor did have relationship with the property owners. No zoning or planning should be influenced

especially when there is a conflict of interest.

Tim Slot stated that at the Planning Commission the other night he stepped down due to a financial conflict. He has no idea what the results were and will probably not know until he reads the minutes. Now if the Nevins have a conflict of interest they have to abstain as well.

Township Attorney Jim Brown commented that anything that affects your judgment including relatives should step down. It is a good political judgment

Chairman Zeinstra asked what have we accomplished?

Larry Nix said he felt we accomplished a lot. We had a good airing of feelings & emotions. Maybe Tim thinks that he is an obstacle. He has heard that Larry runs the Planning Commission. He steers the Planning Commission. But I think my views reflect those of the Planning Commission. He stated that he can certainly take a back seat and let the Planning Commission give their wishes. Not sure where we go from here. Maybe lock the two groups in a room, get the SEV values on some properties and compare and see who gives the greater revenue. Since they are concerned about tax base planning this would be something that would have to be looked at. Maybe Dutch, Tim, Audrey and Seymour could sit down and look at both sides and get more clarifications. Maybe we as the Planning Commission didn't do enough. It's our fault. There is only one area to be solved.

Tim commented that he would be willing to meet with Audrey, Dutch and Seymour to hear both sides. There is too much frustration and that was noticeable last time. It was like the Planning Commission wanted to give up. Please schedule this meeting a couple weeks from now. After that meeting maybe Audrey can talk to the other Board members to inform them of the results.

Chairman Zeinstra asked if this is a cut and dried altercation.

Tim Slot said we have to convince the Board! Take the Boverhof's out of the picture altogether!

John Stone commented if the land around the Boverhof property was developed this probably would not be a problem. We would know what direction to go. But this is the first step regarding this corner. To have this Master Planned commercial will reflect to what goes around it!

Seymour Gould stated that every meeting they have had with the Township Board regarding the Master Plan he felt the opinions of the Planning Commission have fallen on deaf ears.

Larry Nix stated that each of you have in your mind ideas and thoughts as to what you would like on this corner. Write it down and give it to Dutch. With Saint Mary's coming in it set the tone for this corner and the Planning Commission would like to see that continue.

Tim Slot commented that he felt frustration against him.

Meeting ajourned





