

## BYRON TOWNSHIP PLANNING COMMISSION

July 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, July 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, & Brian Wegener, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Jeff Gritter

#### APPROVAL OF MINUTES

A motion was made by Schuitema supported by Stone that the minutes of the June 18, 2007 Special Work Session with the Township Board, the minutes from the June 18, 2007 regular meeting and the minutes from the Special Planning Commission Work Session held on June 27, 2007 be approved as written.

Yes - 7. No - 0.

#### PUBLIC COMMENTS

**Tom Burgess** - 6508 Pleasant Valley commented that he has lived in his home for 15 years. He commended the Planning Commission for all the hard work and time they have put into the Master Plan thus far. He is not in favor of a gas station running 24 hours a day to be located on the southwest corner of 64<sup>th</sup> & Byron Center Ave. He supports non-commercial uses south of 64<sup>th</sup> St.

**Mike DeVries** - 6739 Pleasant Hill stated his backyard backs up to Byron Center Ave., and the noise from the traffic is bad. Not only the number of vehicles but the speed they travel. He asked the Planning Commission to take a good look at this corner and ask if its going to help or hurt the residence with a gas station at the corner. Please be sensitive to the people. Help to keep commercial north of M-6.

**Judy Johnson** - 2331 stated that she is the one who disturbed pictures to the Planning Commission showing some nice looking office buildings that would look great on the

southwest corner of 64<sup>th</sup> & Byron Center Ave. She also commented that most residents are aware of the conflict of interest with two of its board members regarding the gas station situation. She thanked the Planning Commission for all the time and effort that they have put into this so far and really hopes that they make the right decision regarding this area.

**Nancy Hochstetler** - 2299 Van Single Lake pleaded to the Planning Commission to not make this a “you win and you loose” situation. There must be a compromise where everyone will win. She is begging to please not allow a 24 hour operation at that corner. It will have a domino effect!

**Jody Rodriguez** - 2323 Van Single Lake commented that one of the reasons they choose Byron Center to live in was because of a nice country type setting, and quieter area. She is concerned about her property value if a gas station is allowed to be built so close to their development. She is not in favor of that at all including a 24 hour operation that may include the sale of alcohol & tobacco.

**Kim Rolanic** - 2211 Van Single Lake stated when they were looking to build in Byron and thought Van Single Lake was nice, we asked a lot of questions and inquired about what was in the plan for the surrounding area. What they were told and now what is happening is different. They feel they have been screwed. They just moved here from Rockford.

**Sally Van Noord** - 2151 Pleasant Pond commented she has voiced her opinion in front of this Planning Commission before. She is concerned about the green zone (buffer) and keeping landscaping alive for environmental reasons. She asked that the Planning Commission not to allow a gas station at that corner.

**Susan Keyes** - 2296 Van Single Lake commented that good minds come up with good plans – why change now? This decision should not be about money. You have to look at what is best for this area and the residents.

**Bill Kitchen** - 2218 Pleasant Glen stated he just moved here and the speed of the traffic is really fast. The speed limit is 55 but maybe something can be done to slow the traffic down. He is not in favor of a gas station on the corner either. Keep it as it is.

**Mitch Dalman** - 6527 Pleasant Valley has lived in this area a long time. He was told how things were going to stay the same. Don't you think they should stay the same? Stick with the good planning accomplished so far.

**Joy Smith** - 2174 Pleasant Glen realizes that a lot has changed in this area but does agree with everyone else.

Chairman Zeinstra asked if anyone else desired to make a comment.

No further public comments were made.

## **BUILDING INSPECTOR REPORT**

Building Inspector Randy Zomerlei gave a brief report on the number of permits issued last month. The building inspectors report was received and placed on file.

### **SITE PLANS**

Larry Nix reviewed the Site Plan 07-17 for Houseman/Palmbos. He stated that Mr. Jack Palmbos and Paul Houseman have submitted a site plan to construct a parking area behind the existing structures located at 2536 & 2546 Sherwood St. The proposed parking area would presumably serve the establishments located along the south side of Sherwood Street and along the north side of 84<sup>th</sup> St., between Merton & Harlow Ave. The entire block is zoned B-1, Central Business District. This would be accessed from Harlow Avenue and may be viewed as an extension of the existing parking area south of Authentic Hair Design this area would be improved and 39 total spaces would be provided. The diagonal parking spaces along Harlow Avenue would be re-stripped to accommodate access to the proposed parking area. Parking space and maneuvering lane dimensions would comply with the requirements of Section 16.2. The two existing dumpsters behind Family Restaurant would be moved to a new location. Other issues that have to be addressed are the necessary screening, the grade difference on the property and lighting.

Larry stated Mr. Heyboer who lives at 2554 Sherwood is present tonight and has some concerns about this site plan. He would like the opportunity to ask some questions tonight and get some answers to his concerns.

Chairman Zeinstra then called on Mr. Heyboer to voice his concerns and questions.

Mr. Heyboer stated one of his first concerns is the drainage. When we get heavy rainfall it backs up. His other concern is with the dumpsters. He would like to see a fence behind them to hide them from his view. He would like to see the 10' green area go all the way up to his house with 8' trees. He doesn't want to step out of his house and have people eating ice cream sitting right there. He was told they would put a fence up for privacy, but he doesn't want a 4' fence. He will put up his own fence. Kids hang out in the back of the lot all the time and now they will just go further back in the lot. He feels the value of his house is going to go down. Who would want to buy his house?

Chairman Zeinstra asked what type of fence he would put in.

Mr. Heyboer stated he is thinking of a nice white vinyl fence 8' high.

Mr. Nix commented that Mr. Heyboer has valid points that need to be addressed since he does live adjacent to the proposed parking area.

Issues discussed were the landscape berm, fencing regulations, drainage issues, dumpster locations and snow disposal.

It was decided that the Mr. Palmboos and Mr. Houseman meet with Mr. Heyboer and the Township Planner to come to an agreement on some of the issues.

A motion was made Stone supported by Gould to approve **Site Plan 07-17** subject to 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. The light fixtures shown on the site plan shall be installed within 20' above the ground surface and shall be fully cutoff shoebox fixtures.
3. The requirements of Section 16.8 (1) shall be met by the applicant; and the applicant shall meet with the property owner of 2554 Sherwood Ave, located at the southeast corner of Merton Ave. and Sherwood St. and the Township Planner to ensure that compliance is achieved.
4. The Township Engineer shall work with the applicant to determine the best method to transition the existing and proposed parking area.
5. Submit a revised Site Plan showing the resolution regarding the landscaping and berming between the proposed parking lot and Mr. Heyboers property.

Yes - 7. No - 0. Motion carried.

**Public Hearing – to consider the adoption of the Zoning Ordinance Amendment on Temporary Banner Signs; Farm and Crop sign; Signs in Commercial Development & proposed Zoning Ordinance Amendment on Changeable Copy Sign Regulations.**

Chairman Zeinstra declared the public hearing open. Bernie Schuitema read the public notice and affirmed that the notice was published once in the South Advance.

Mr. Nix reviewed the sign changes as presented.

Chairman Zeinstra opened the hearing to the public.

**John Van Singel** – 2110 Pleasant Pond stated that business' need signs. They need them to get people in the door. Please don't put a limit on signs. Flashing and neon signs get your attention. Be careful to try not to limit the use of these types of signs. He could not find in Byron Ordinance anything about time & temp signs. With banner signs some put it up for a few days and then take them down. He feels that some use the banners to get around the ordinance and he would like to see changes made to banners. If we do adopt these changes regarding signs they should be enforced equally. Everyone treated the same. He asked that the Planning Commission remember business owners when it comes to signage.

No further public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

Commission Gould commented on the time & temp regulations. He stated that our ordinance reads that the time changes every minute and the temp changes as needed. Banner signs are one of the reasons we are changing the ordinance. At this time the Township has no control over banner signs.

The Planning Commission agreed that they like the changes that have been presented.

A motion was made by Gritter supported by Gould to recommend to the Township Board the approval of the sign ordinance as written.

During the discussion period after the motion, Chairman Zeinstra asked each of the Planning Commission members if they were comfortable with the changes made to the sign ordinance. All indicated they were in agreement.

Yes - 7. No - 0. Motion carried.

### **Miscellaneous**

#### **□ TOWNSHIP BOARD REPORT**

Tim Slot had no report.

#### **□ TOWNSHIP ZONING BOARD OF APPEALS REPORT**

Seymour Gould reported that the Board of Appeals has had a couple of special meetings the last few weeks and both had to do with house moving permits. One of the houses was moved into the township from Wyoming.

#### **□ MASTER PLAN**

Larry Nix commented that the last meeting held regarding the Master Plan the discussion centered around the corner of 64<sup>th</sup> & Byron Center Ave. This is the only area which has become a struggle. Chairman Zeinstra stated that he met with the Township Supervisor and asked her for a common ground. She responded by saying a Mixed Use with 30% commercial. What do you want to do?

Chairman Zeinstra then asked each Planning Commission member for their thoughts.

Carroll Elenbaas asked what portion of Mixed Use is used for Commercial. She was told that it is 30%. She stated she still is opposed to commercial on that corner and prefers to see office.

John Stone stated he has voiced his concern many times. As someone else has said here tonight it will have a domino affect on adjacent property. He too is

opposed to commercial on that corner.

Seymour Gould commented that he has visited the area many times looking in every direction, if we go commercial where do we stop?

Tim Slot asked Larry Nix about a Mixed Use PUD. Larry noted a PUD provides control over the design and layout of any proposed project. Tim stated he would like to see that area as Mixed Use with some commercial.

Jeff Gritter stated we have to draw the line somewhere! Saint Mary's has set a nice tone for that area. 64<sup>th</sup> St. should be that line. The northwest corner is a better fit for commercial and commercial uses should stay on the north side of 64<sup>th</sup> St.

Bernie Schuitema commented that he has made the same statements over and over again. The Planning Commission has spent a year and a half on this Master Plan. We are trying to do the best we can for our residence. He has heard talk about tax base which seems to be so important noticing the Dentist pays more than the Shell Oil Company pays in taxes. He to feels commercial does not belong there.

Zeinstra stated that they have spent a lot of time on this and feels as Jeff does. We have to draw the line somewhere and feels the area south of 64<sup>th</sup> should be used to enhance the community and keep commercial on the north side of 64<sup>th</sup> St. If we allow commercial at that corner where will it lead.

Chairman Zeinstra added that we still have not come to a conclusion. We have a rezoning request that we tabled because the Master Plan was not complete and in place. We were considering taking the request of Marathon Oil Co., off the table but it probably would be denied because of the situation with the Master Plan. He then asked Township Attorney Jim Brown for words of wisdom.

Mr. Brown stated as the Planning Commission you can send the Master Plan back to the Township Board for approval with a note of explanation stating that the Planning Commission have corrected four of the areas and have addressed the area of 64<sup>th</sup> & Byron Center Ave. Also add a comment as to how you addressed that area and why you did what you did.

Chairman Zeinstra stated that we have given our rationale to the Township Board a couple times already.

Attorney Jim Brown commented yes you have talked about it but it has not been returned to the Township Board yet for further consideration.

Chairman Zeinstra stated that we have resolved 4 out of the 5 areas and we have got to come to some kind of a conclusion. Do we send it back to the Township Board now?

Again Attorney Brown commented that yes you can send it back to the Township Board and say you have addressed that area even if you make no changes. If you as a Planning Commission feel that you have exhausted all possibilities.

Gould commented that we have made changes to four of the areas. Do we need another public hearing before we send this back to the Township Board? The text changes and map changes are the most critical.

Attorney Brown stated yes another public hearing is necessary. A copy of the text changes and map changes have to be made available for the public.

Stone stated so we need to set a public hearing and after that send it to the Township Board. If the Planning Commission submits the 4 changes made and stating that the 5<sup>th</sup> area has been addressed, does the Township Board have the power to change it and return it to us? Or can they simply reject it and return it to the Planning Commission.

Attorney Brown commented they can advise the Planning Commission but they can not change it.

Gould stated that we have had several meetings with the Township Board and we can sit and battle this until January of 2010. Somebody has to take a stand. Lets have the public hearing and receive additional public input.

Chairman Zeinstra asked commission member Tim Slot to encourage all the Township Board members to attend this public hearing and see and hear how strongly these people feel.

A motion was made by Gould supported by Stone to set a public hearing for August 20, 2007 with the changes made to the Master Plan and the rationale for the area located at 64<sup>th</sup> St. & Byron Center Ave.

Yes - 7. No - 0. Motion Carried.

### **Miscellaneous**

→ **CBS Outdoor** - Larry Nix commented that a letter was received from Michael Hucul requesting for a change or amendment to the Township ordinance 17.6 (5), regarding billboard regulations. He has requested this before.

No action was taken.

→ **RLZ Enterprises** - Larry Nix stated that a request has come in for RLZ Enterprises asking for an extension of their Site Plan approval. Larry stated his Site Plan approval does not expire until next month so it will be discussed at the August 20, 2007 meeting.

→ Seymour Gould then commented to those who were present at the meeting regarding the Master Plan. He thanked them all for handling themselves so well.

Tom Burgess who made a public comment earlier asked what can they possibly do regarding the 64<sup>th</sup> & Byron Center Ave., area?

Chairman Zeinstra commented to approach the board with your concerns.

### Adjournment

A motion was made by Schuitema supported by Gould that the meeting be adjourned.

Yes - 7. No - 0. Motion Carried

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Bernie Schuitema  
Planning Commission Secretary