

BYRON TOWNSHIP PLANNING COMMISSION

September 17, 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, August 20, 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, John Stone and Carroll Elenbaas. Absent: Tim Slot. Also present were Township Attorney James Brown, Township Planner Larry Nix, and Recording Secretary LaVonne Kuiper.

Prayer was offered by John Stone.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Gritter that the minutes of the August 20, 2007 meeting be approved as written.

Yes - 6. No - 0. Absent - 1.

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 Schuitema supported by Stone to approve **Site Plan 07-19 Byron Center United Methodist Church 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. Any comments of the Township Engineer shall be addressed and any requirements of the Township Engineer shall be met.

3. The 14 trees shown along the south property line shall be installed before a certificate of occupancy is issued.
and approve **Site Plan 07-20 Technical Energy Solutions 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. Any comments of the Township Engineer shall be addressed and any requirements of the Township Engineer shall be met.
 3. The applicant shall submit a revised site plan showing that the parking area would be at least 10 feet from the front property line and showing the required plantings of 9 canopy trees, 6 evergreen trees, 6 landscape trees, 15 shrubs and 300 square feet of garden bed. The Township Planner and Zoning Administrator shall approve the site plan prior to issuance of any Township permits.

Yes - 6. No - 0. Absent - 1. Motion carried.

Commission member Schuitema commented that he has seen a structure like the one the United Methodist Church is proposing and he has no problem with it.

Commission member Gould asked Mr. Roger Lamar who was present on behalf of the United Methodist Church if they have decided on the color of the building yet and if it is available in other colors besides the stark white.

Mr. Philip Swainston also from the United Methodist Church stated that there are other color options available. The congregation has not made the decision on the color yet.

Chairman Zeinstra asked for the time frame to putting this building up.

Mr. Lamar stated that there is no specific time since they are just looking into this type of building. In the future they would like a brick and mortar building. It will depend on the bids that come in.

To Set Public Hearing – T-Mobile requesting a project to construct a 170’ monopole cell tower in the southwest portion of Bicentennial Park located at 8085 Byron Center Ave. SW

An application for T- Mobile was reviewed.

A motion was made by Gould supported by Gritter to set a public hearing for the next regular meeting to be held on October 15, 2007.

Yes - 6. No - 0. Absent - 1. Motion Carried.

Public Hearing – Wizard Wash Ventures – requesting to amend the Special Use permit to expand the existing car wash for the property located at 7599 Clyde Park Ave. SW.

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. Tom Houseman of Wizard Wash Ventures was present on behalf of Spartan Stores Fuel. He commented that they are proposing to take the existing car wash and add 24' to it. This would make it capable to wash more cars. The building would look the same, same color, just expanding it from 56' to 80'.

Township Planner Larry Nix reviewed his memorandum dated September 5, 2007 of which a copy is attached and made part of these minutes. He commented that the proposed expansion would include 435 sq ft., addition to the north side of the existing wash structure. Also the direction the motor vehicles entering the structure would change. Presently the cars enter through the north side and exist out the south side of the structure, the applicant wished to require vehicles to enter through the south side. It may be appropriate for the applicant to provide pavement striping and or directional signage so customers are instructed to swing to the north (as shown on the site plan) to wait for entry into the wash facility. It is recommended that the Planning Commission approve the amendment to the special use permit subject to the following conditions:

1. The five parking spaces shown adjacent to the car wash building must be striped at 9 feet by 20 feet.
2. The Zoning Administrator and Township Planner shall approve a pavement striping plan which shall instruct motorists to move to the north to wait for entry into the car wash, prior to issuance of any permits.
3. 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.
4. Any comments of the Township Engineer shall be addressed and any requirements of the Township Engineer shall be met.

Chairman Zeinstra opened the hearing to the public.

No public comments were made.

Chairman Zeinstra closed the hearing to the public.

A motion was made by Elenbaas supported by Gould to approve the request to amend the Special Use permit per the resolution presented.

Yes - 6. No - 0. Absent - 1. Motion carried.

Public Hearing – Plant 1 Landscaping Supply (David DeHamer) – requesting to rezone the property located at 3741 – 64th St., from R-R Rural Residential to B-2 General Business.

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.

Dave DeHamer was present to explain his rezoning request. He stated that his business is a wholesale distributor and supplies landscaping items to many people and companies.

Mr. Nix then reviewed his memorandum dated September 5, 2007 of which a copy is attached and made part of these minutes. Mr. Nix stated that Plant 1 Landscape Supply has submitted an application to rezone approximately 15 acres from R-R Rural Residential to B-2 General Business District. The property is located south of M-6 at the 64th Street cul-de-sac north of the Ironwood Golf Course. The land is bisected by a 132' wide Consumers Power Company right of way. The property is currently used as a green house and nursery, which is permitted by Section 6.1 (4) of the Zoning Ordinance. The present R-R zoning designation of the subject site and surrounding properties is meant for agricultural and single family residential use. Greenhouses, nurseries, accessory landscaping firms, riding stables and veterinary clinics are examples of other permitted uses. The 1998 Township Master Plan recommends a Rural Residential future land use designation for the subject site. The draft Master Plan under consideration by the Township Board that was approved by the Planning Commission on August 20th suggests a Suburban Residential future land use. It is suggested that the Planning Commission recommend denial of this rezoning application to the Township Board based on the following findings:

1. The subject property is located at the 64th Street cul-de-sac and is very isolated with the only access to the site being from the intersection of Homerich Avenue and 68th St. Rezoning the property to B-2 would permit many uses which would require excessive traffic to travel through this comparatively rural intersection.
2. The proposed zoning district would permit uses by right that are incompatible with the surrounding rural residential area.
3. The applicant's August 2, 2007 letter requests B-2 zoning to reflect the commercial use of these parcels. The present use on the property, presumably a greenhouse and nursery operating within the confines of the Zoning Ordinance is a permitted by right and therefore it can be concluded that the property can be used as zoned.
4. The proposed zoning district is not consistent with the recommendations of the 1998 Master Plan, the current document used to guide development and zoning decisions in the Township. The proposed zoning district is incongruous with the Master Plan that the Township has spent over two years to write.

Chairman Zeinstra opened the hearing to the public.

Steven Veldboom – 3623 - 64th St. SW stated that he agrees with the comments that Mr. Nix has made. He stated that he has known Dave DeHamer for a long time, but it

is a dead end road and the road is not designed for heavy traffic.

No further public comments were made.

Chairman Zeinstra closed the hearing to the public.

Chairman Zeinstra commented that one letter was received regarding this rezoning request. He asked Bernie to read the letter from Roger & Marilyn Elliott. A copy of that letter is attached and made part of these minutes.

Commission member Stone asked what the purpose was to get this rezoned. He can operate the business with the present zoning.

Gritter stated he saw no reason to change the zoning now.

Gould commented they can operate the way it is zoned. He could think of no reason to change it now.

Schuitema stated that if the B-2 zoning is allowed there are many of the permitted uses that would not be compatible with the rural residential area at this location.

Elenbaas saw no reason to change since it can be used as it is. Also this would be considered spot zoning.

Chairman Zeinstra saw no reason to change it either.

A motion was made by Gould supported by Gritter to recommend to the Township Board denial of this rezoning request because many of the uses permitted in B-2 would not be compatible with the rural residential area and the proposed B-2 zoning would amount to spot rezoning.

Yes - 6. No - 0. Absent - 1. Motion carried.

Miscellaneous

□ FAMILY FARE PUD – Minor Change

Mr. Nix stated that Mr. Rob Postma has submitted for consideration changes to the façade of the existing Family Fare shopping center. This involves a new building front for space occupied by Rite-Aid and users east, but not the Family Fare grocery center. There is also some aisle adjustments in the front of the building and the adjustment of parking spaces. Given the nature of the changes he feels this should be considered as a minor change to the approved PUD. This would be a good change in this area.

Mr. Rob Postma from Postma Associates was present and explained the proposed changes. He commented that the retail center next to Family Fare is old and in need of repair. They would like to make it more attractive with refacing and painting, raise the

roof lines and pull the sidewalk area out toward the parking lot. They would like to create a more of a street type center. They are proposing some parking in the front of stores add trees, planters and benches. The drive from Amber Creek would be shifted over to the south for a less straight run. This area gets a lot of cut through traffic which would help to really slow it down. At some point in the long range planning they would like to have a more town center look with additional buildings across from the mall. But that will come back at a later date for approval. They would like to start as soon as possible.

Elenbaas asked if the colors would be compatible with the Family Fare store.

Mr. Postma commented that with a town center type feeling he was hoping that Family Fare would update their façade as well. Family Fare is owned by someone other than the rest of the mall. It would be a great improvement.

Chairman Zeinstra asked what the rationale was for the proposed parking in the front of the stores.

Mr. Postma commented that customers like it because it is quick and convenient to park at the front door.

A motion was made by Schuitema supported by Elenbaas to approve the minor change to the Family Fare PUD encouraging business' to remain in the downtown area.

Yes - 6. No - 0. Absent -1. Motion carried.

□ **TOWNSHIP BOARD REPORT**

Chairman Zeinstra stated that since Tim Slot is absent there will be no report but he did want to remind everyone that the Board will address the Master Plan at the next Board meeting coming up on the 24th.

□ **TOWNSHIP ZONING BOARD OF APPEALS REPORT**

Seymour Gould explained the ZBA has been active with issues regarding billboards. We have another variance request coming up at our next meeting. The Township is already at its limit regarding billboards.

□ **PRIVATE STREETS AND ATTACHED GARAGES**

Mr. Nix stated that at the August 20, 2007 Planning Commission meeting it was requested that he research other community ordinances as they relate to allowing detached condominiums on private streets and as they relate to square footage limitations on attached garages. A copy of Larry's memorandum giving the details of the research is attached and made part of these minutes.

It was noted that Byron is the only Township around that does not allow private streets. Some communities really restrict how their private roads are built. Attorney Jim Brown felt that not allowing private streets is a benefit to the

community.

Larry Nix commented that we don't have private road issues like other areas. Its up to the property owner to maintain the private road. He stated they he understands the request for this but to allow private roads in a single family development will only harm a community. Private roads that were built many years ago and now have different people that have moved in, they must maintain these roads. It's hard to come up with money to repair private roads.

It was the consensus of the Planning Commission members to do nothing with this request.

Larry Nix then commented if anyone saw a need for a change to the square footage for attached garages.

Gould stated that he has talked to Randy Zomerlei, various builders, and rode in other Townships to see what various houses look like with bigger garages. He is ok with a ranch house with a bigger garage but when you get a 2 story and put a big garage on it, it looks like all garage. We still have to limit the size of the garage somehow.

Gritter stated that the size of the lot would help restrict the size of a garage. You have to meet setback and somehow the house you are proposing has to fit on the lot.

After some additional discussion it was decided to have Larry Nix work with Randy by going over various house plans to see what can be done.

Larry agreed to do this and would have a report by next months meeting.

□ **CBS OUTDOOR ADVERTISING**

Larry Nix commented on the request that was received from Mr. Mike Hucul from CBS Outdoor Advertising to consider different billboard regulations. He stated a letter was sent out to him stating that the Township does not have a desire to encourage all billboards be over 600 sq ft. in size. A copy of that letter is attached and made part of these minutes.

Public Comment

Al Postma – 6696 Highmeadow commented that he missed the opportunity to speak at the beginning of the meeting during the public comment portion of the meeting and would like to make a comment now. He was wondering if anyone had approached the Township regarding the Dome World property. He asked Mr. Nix if he knew Sid Smith. Mr. Nix stated he has met with a client from the Mt. Pleasant area but does not recall his name. Mr. Postma commented to please be cautious it you do know him. He has a deep concern with his involvement with casinos. He pleaded with the Planning Commission to not even consider something like this in the Township.

Adjournment

A motion was made by Stone supported by Gould that the meeting be adjourned.
Yes - 6. No - 0. Absent - 1. Motion Carried

Bernie Schuitema
Planning Commission Secretary