

BYRON TOWNSHIP PLANNING COMMISSION

November 19, 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, November 19, 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, Tim Slot and Carroll Elenbaas. Also present were Township Attorney James Brown, Township Planner Larry Nix, and Brian Wegener, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Dutch Zeinstra.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Gritter that the minutes of the October 15, 2007 meeting be approved as written the minutes of the October 29, 2007 joint meeting with the Township Board be approved as written and the minutes of the special meeting held on October 29, 2007 be approved as corrected. (Correction made on page 2 reflecting a 6 - yes votes and 1 - no vote by Zeinstra.)

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

No site plans were submitted for consideration.

W. Sidney Smith requesting to rezone property located at 396 – 84th St. from R-A Rural Agricultural to B-3 Interchange Business and the property located at 400 – 84th St. & 424 – 84th St. SW from R-U Urban Residential to B-3 Interchange Business and property located at 8470 Byron Commerce, 430 – 84th St., 8498 Byron Commerce, 8500 Byron Commerce and 8550 Byron Commerce from D-1 PUD and R-U to B-3 Interchange Business.

Mr. Nix stated that a letter was received from Doug Stalsonburg who represents Mr. Smith requesting that the rezoning application that was filed on September 18, 2007 be withdrawn at this time. They have also requested a refund of their money. This request was tabled at the last meeting and suggests that we take this off the table and honor the request to withdraw.

A motion was made by Slot supported by Gritter to remove this request from the table and to honor their request to withdraw the rezoning application.

Yes - 7. No - 0. Motion carried.

To Set a Public Hearing – Ric Johnston (RTS) to rezone property located at 7160 Clyde Park Ave., from R-U Urban Residential to D-1 Industrial.

Planner Larry Nix commented that he had spoken to Ric Johnston and he is not in a big hurry regarding this rezoning request. Also, taking into consideration that a public hearing will be held in December for the proposed Master Plan maybe this public hearing should wait and be scheduled for the January 21st meeting.

A motion was made by Gould supported by Stone to set the public hearing for January 21, 2008.

Yes - 7. No - 0. Motion carried.

Public Hearing - Marathon Petroleum Company, LLC – requesting to rezone a parcel from R-R Rural Residential to B-2 General Business for the property located at 6419 Byron Center 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. Pete Allesee from Marathon Petroleum was present on behalf of James Telman. He stated that Mr. Telman, attorney representing Marathon had a fender bender on the way to the meeting. He just asked that the Planning Commission please consider this rezoning request.

Mr. Nix then reviewed his memorandum dated November 8, 2007 of which a copy is attached and made part of these minutes. He commented that this is a very familiar

piece of property. The applicants are requesting a straight B-2 rezoning which allows for a wide variety of uses. A note attached to the rezoning application form indicated that the intent use for the property would be for a filling station. The Planning Commission tabled this application at its May meeting until the Master Plan was finalized and adopted. The Township Board formally requested that the Planning Commission take the application off the table and set a public hearing on the proposed rezoning. A public hearing was set for November 19th assuming that the Master Plan would be finalized by that time. He is recommending that the Planning Commission take no action on the rezoning request until the Master Plan has been adopted by the Township Board as the community's land use policy guide.

Chairman Zeinstra opened the hearing to the public.

Carol Boverhof – 6419 Byron Center Ave. – stated they reside at the property that is seeking the rezoning. She commented that they have attended a lot of meeting over the last year regarding this issue and the Master Plan. She feels a gas station at this location would be a good mix. She stated that she traveled to Pella, Iowa and their gas stations, hotels are restricted to look “dutch”. The Township can do a beautiful job. It's all over the news that the economy in Michigan is the worse in the nation. Now Marathon is willing to build a station in Byron Township which will create some jobs. She feels this is an important part for the Planning Commission to look at.

Roberta Jelinek - who represents Saint Mary's Health Care which is located on the north east corner of Byron Center Ave. and 64th St., stated she feels a gas station would benefit their patients, but the Planning Commission should apply a high quality standard to the facility to compliment the health care facility.

Susan Keyes – 2296 Van Single Lake Dr. – commented that she is present on behalf of at least 37 families who reside in the Van Single Lake Development. She has spoken at other meetings and voiced all their concerns at those meetings. She has heard the statement made that “we don't want to mirror 68th & 131”, and she agrees with that statement. The Planning Commission has done a good job listening to all their concerns. She is very concerned about the future of 64th St. & Byron Center Ave.

Nancy Hochstetler – 2299 Van Single Lake Dr. – stated that Carol Boverhof is going to move somewhere. John Van Single has lots for sale is she going to buy one of these lots. Carol wants to move to the country. Nancy pleaded with the Planning Commission to stay with your first thoughts and keep a gas station out of that area.

Mike De Vries – 6739 Pleasant Hill – recently stood and watched the traffic patterns and noted that at 8:00 am and at 3:00 pm the elementary age kids wait for the bus, and wait on the curb close to cars going by at 55 mph. The same happens

in the afternoon when the kids get off the bus. He feels traffic will increase if this is permitted and he thinks this is not the best thing to put there. Stick to your guns. He does not want a mini US131. He says no!

Dewey Born – 6657 Byron Center Ave. – commented if this gas station comes in and he hopes it does the speed limit will not be 55. They will reduce the speed limit in that area and it will be safer.

No further public comments were made.

Chairman Zeinstra closed the hearing to the public.

Chairman Zeinstra asked each Planning Commission members for their thought and ideas.

John Stone stated that the Township Planners recommendation to table this until the Master Plan is approved makes sense to him.

Carroll Elenbaas agreed that the Master Plan should be approved first.

Tim Slot thought that for the applicant's sake that we should let Telman speak if he arrives, it was circumstances beyond his control that he could not be here. He asked if we could possibly keep the public hearing open. He's all for tabling it but if possible keep the public hearing open.

Jeff Gritter agrees that the Master Plan should be adopted before we proceed.

Bernie Schuitema stated that Mr. Telmans statements won't make much difference anyway. He is aware of what is going on. Tabling this is the right thing to do until the Master Plan is approved,

Seymour Gould agrees with tabling this request.

Chairman Zeinstra agrees that this should be tabled.

A motion was made by Gould supported by Elenbaas to table this request until the Master Plan is adopted by the Planning Commission and the Township Board.

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

Miscellaneous

□ MASTER PLAN

Larry Nix stated that based on the joint meeting held with the Planning Commission and the Township Board, adjustments were made to the Master

Plan. Those changes were reviewed and explained.

A motion was made by Stone supported by Gould to set a public hearing for December 17, 2007.

Roll call vote: Elenbaas - yes. Stone - yes. Slot - yes. Schuitema - yes. Gould - yes. Gritter - yes. Zeinstra - yes. Motion carried.

□ ATTACHED GARAGES (SIZE)

Larry Nix commented that at the August 20, 2007 Planning Commission meeting it was requested that he researched other communities ordinances as they relate to square footage limitations on attached garages. Section 4.41 (2) (a) requires that an attached garage not exceed 60% of the ground floor area of the dwelling. It further limits the maximum size of an attached garage to 1,200 square feet: except any single family dwelling is permitted a 576 square foot garage despite the dwelling ground floor area.

Various options were discussed. The Planning Commission asked Building Inspector Randy Zomerlei what he felt would be fair for everyone. Randy felt if we take 60% of the first and second finished floor and not to exceed 1,200 square feet would work out good.

Larry Nix commented that if a decision is made we have to create an ordinance and then a public hearing would have to be set.

It was decided to go with the suggestion of the Building Inspector. Larry Nix will draft an ordinance and present it at the December meeting for further discussion.

□ SAINT MARY'S HEALTH CARE (minor adjustment to PUD)

Larry Nix stated that Roberta Jelinek was present to answer any questions that anyone might have. Larry stated that the applicant's intent is for the proposed ground signs within the circulation area to replace the existing signage. It was noted that patients have complained that the building is difficult to find and the parking area is difficult to navigate. The Planning Commission may approve the request on the basis that the proposed signs would assist patients in locating and in finding the appropriate division of the facility that pertains to their needs. We have to determine if this is a minor or major change to their PUD.

It was the consensus of the Planning Commission that this is a minor change.

A motion was made by Gould supported by Slot to approve the minor change and approval of the resolution. Yes - 7. No - 0. Motion carried.

□ **EXPO LANDSCAPING**

Larry Nix reported that the site plan for this use was approved by the Planning Commission at its May 21, 2007 meeting. Since that time the applicant has developed the site and has requested a certificate of occupancy. In response to that request, Township staff reviewed the development for compliance with Planning Commission conditions and the original plan on September 25th and October 30th, but found the development deficient on both occasions. Upon discussion with the applicant they decided to submit a slightly revised site plan illustrating some minor adjustments. He is recommending approval of this revised site plan with the following conditions:

1. All light fixtures shall be fully cutoff and downward facing, with the illumination source fully shielded to prevent glare onto neighboring properties or the roadway.
2. The landscaping shown on the original site plan shall be installed within one growing season, or no later than next spring. In addition, a row of evergreen trees shall be planted as shown on the revised site plan to screen the vehicle area.
3. As required by the Township Engineer, the bottom of the detention basin shall be hydro-seeded.
4. The maneuvering lane area north of the building shall be designated for one-way traffic.

Larry Nix also stated a draft of the resolution was provided by Mr. Brown for review and approval consideration.

A motion was made by Slot supported by Gritter to approve the resolution and the revised site plan.

Yes - 7. No - 0. Motion carried.

□ **TOWNSHIP BOARD REPORT**

Tim Slot reported that some residents have voiced their concerns and disapproval as to how and when the cell tower was approved for Township property. These people were upset that a special meeting was held and they were not notified. They felt it was not done legally. Mr. Slot indicated he had spoke with them and explained that the notice was posted at the Township Offices regarding the special meeting, the Board feels that they have resolved this issue.

□ **TOWNSHIP ZONING BOARD OF APPEALS**

Seymour Gould explained three public hearings that were held at the October meeting. The first one was for Valley City Sign requested a sign area variance to construct a ground sign for property at 850 – 76th St. SW (Spartan Stores). This

request was granted. The second public hearing was for William Bouma to move a building to 4151 – 82nd St., (which was already moved to that location), this request was granted. The third public hearing was for Valley City Sign requesting a 20.2 sq ft., sign area variance to construct a wall sign for property located at 2445 – 84th St. SW., (Byron Bank). This request was denied as it did not meet any part of Byron Township Ordinance Article 21.6.

Adjournment

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

Bernie Schuitema
Planning Commission Secretary