

# BYRON TOWNSHIP PLANNING COMMISSION

December 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, December 17, 2007, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Dutch Zeinstra, Seymour Gould, Jeff Gritter, John Stone, Tim Slot and Carroll Elenbaas. Absent: Bernie Schuitema. Also present were Township Attorney James Brown, Township Planner Larry Nix, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Dutch Zeinstra.

### **APPROVAL OF MINUTES**

A motion was made by Stone supported by Gould that the minutes of the November 19, 2007 meeting be approved as written.

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

### **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.

**To Set a Public Hearing – Bolt & Hunefeld Builders, Inc. (Jerry Hunefeld) to rezone property located at 1320 – 64<sup>th</sup> St. SW from R-R Rural Residential to R-U Urban Residential.**

An application for Bolt & Hunefeld Builders, Inc was reviewed.

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

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

**Public Hearing – Master Plan – to consider the proposed changes in the text and the future land use map of the pending Master Plan.**

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

Township Planner Larry Nix briefly commented that five map changes have been made to the proposed Master Plan including supporting changes to the text in Chapter 11. These changes came about at the joint meeting that was held with the Township Board as well as citizens input. The proposed changes have been on the Township website and posted at the Township Hall.

Chairman Zeinstra opened the hearing to the public.

**Ron Van Singel -** stated he was present on behalf of his client regarding the property at northwest corner of Wilson & 68<sup>th</sup> St. His client feels that the Mixed Use PUD does meet his needs and they will be submitting an application very soon for this parcel.

**Michelle Lugthart – 4419 – 68<sup>th</sup> St. SW** is interested having her property included with the Mixed Use PUD. They have lived in this area for over 30 years and things are very different. With the noise level you could not sell their property for residential use.

**Dave Grassman – of Koster Excavating** owner of the property located at 4260 68<sup>th</sup> St., commented that he would also like his 80 acre piece included in the mixed use change to the Master Plan.

**Greg Tennepe – 4423 – 68<sup>th</sup> St. SW** stated that his 20 acre piece of property is next to the Lugthart property and he also would like to be included in the Mixed Use PUD.

**Bill Bouma –** was present on behalf of the residents that had just spoken. He suggested that they attend this meeting tonight and voice their desire to have their property included in this change.

**Elmer Hunderman - 4277 - 64<sup>th</sup> St. SW** - commented that his property is adjacent to the Moll property and he would like the Planning Commission to consider the same for his property. Just the way it sits, it is not feasible for homes.

**Brent Schultz - 6031 Kuiper Dr.** - stated that they have lived in the Township for 10 years and have lived the last 3 years on Kuiper Dr. off 64<sup>th</sup> St. He stated he is not against commercial but he hopes the Planning Commission will consider how this will affect a small minority of those who live there and what impact this will have on them.

**James Telman - representing Marathon Oil Co.** - commented that a lot of changes have been made and the Township is noted for their spirited debates with the Township Board. He thanked the Planning Commission for their time and effort that has been put into this Master Plan.

Chairman Zeinstra asked the Township Attorney about the comments made by residents desiring their property to be included in the change.

Attorney Brown stated that the public notice did not include those areas and they could come back later and try and get their property included in the next Master Plan.

No further public comments were made.

Chairman Zeinstra closed the hearing to the public.

Chairman Zeinstra asked each Planning Commission members if they had any other thoughts or ideas.

John Stone had no comments.

Carroll Elenbaas had no comments and she has not changed her mind.

Tim Slot stated that this new request came out of the blue. He was ready to vote on the Master Plan but is not ready to consider this additional area presented this evening.

Chairman Zeinstra commented that we don't want four public hearings on the Master Plan. The Planning Commission met with the Township Board and the five areas were discussed and everyone was comfortable with the changes that were made.

Seymour Gould stated that he agreed with Dutch. All the meetings and public hearings that were held took a lot of time and thought. The DDA did not want to rezone the area of M-6 and Wilson or 64<sup>th</sup> & Byron Center for commercial purposes because it would take away from downtown Byron Center.

Jeff Gritter had no additional comments.

A motion was made by Stone supported by Slot to recommend to the Township Board approval of the proposed Master Plan changes as presented with no changes.

Roll call vote: Slot - yes. Elenbaas - no. Gritter - yes. Stone - yes. Gould - yes. Zeinstra - no. Schuitema - absent. Motion passed.

### Miscellaneous

□ **BERNIE SCHUITEMA**

Chairman Zeinstra commented that Bernie had been a member of the Planning Commission for many years. He did an outstanding job and was a real service to Byron Township. He has decided not to come back and we thank him for his service and dedication to the Township. Dutch stated he would send a letter to Bernie thanking him for his faithful service to the Township.

□ **BYRON CENTER UNITED METHODIST CHURCH**

Larry Nix commented that he met with Mr. Swainston regarding the type of building they are proposing and their desire to move the building closer to Homerich Ave. He suggested to him to attend this meeting and present his request to the Planning Commission. But it looks like Mr. Swainston is not present tonight so this will have to wait until the January meeting.

□ **ATTACHED GARAGES**

Larry Nix stated that he has been working with Randy Zomerlei and they feel that only one word has to be changed. They feel that the word **ground floor** should be changed to **the total floor area**. If this change is sufficient, then Mr. Brown can work on a draft resolution for a text change in the Township Ordinance. A public hearing should be scheduled.

A motion was made by Gould supported by Gritter to set a public hearing for the January 21, 2008 meeting. Yes - 6. No - 0. Absent - 1. Motion carried.

□ **TOWNSHIP BOARD REPORT**

No report was given.

□ **TOWNSHIP ZONING BOARD OF APPEALS**

Seymour Gould explained the two public hearings that were held at the November 28, 2007 meeting. The first one was for CBS Outdoor Advertising requesting a 372 sq ft., billboard area variance and a 15' height variance to construct a billboard at 7752 Caterpillar Dr. A 10' height variance was granted and the 372 sq ft., area variance was denied. The other request was also for billboard submitted by Kevin Green (CK Shamrock) requesting to allow for more than 3 billboard in a linear mile for property at 6051 Clay Ave., and 6101 Clay Ave. All of the requests that were submitted were denied.

Another issue that was brought up at the ZBA meeting was the new community building. The height of this building is taller than what the Byron Township Ordinance allows in a residential district. The Township Board feels it does not have to come to the ZBA for a variance. A lot of ZBA members were very upset. What makes the Township Board any better than any resident of the Township. Kathy Burgess was asked at that meeting to take this back to the Township Board for further consideration.

□ DEHAMER LANDSCAPING LETTER

Larry Nix told the Planning Commission members that the letters they were provided tonight was for information only. They are working on a Site Plan for future approval. There is a portable building on the property and some equipment. This is being monitored closely by Randy Zomerlei and Brian Wegener. This property as zoned does allow for this type of business in conjunction with a nursery. A site plan will have to be approved.

Adjournment

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

**DRAFT MINUTES - NOT APPROVED**

---

Planning Commission Secretary