

BYRON TOWNSHIP PLANNING COMMISSION

January 21, 2008

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, January 21, 2008, 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, James Faber and Mike Marshall. 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 Seymour Gould.

INTRODUCTION OF NEW PLANNING COMMISSION MEMBERS

Chairman Zeinstra then welcomed and introduced James Faber and Mike Marshall the new planning commission members who replaced Bernie Schuitema and Carroll Elenbaas.

APPROVAL OF MINUTES

A motion was made by Gould supported by Slot that the minutes of the December 17, 2007 meeting be approved as written.

Yes - 7. No - 0. Motion carried.

PUBLIC COMMENTS

Dar Vander Ark from T & M Partners was present and asked if he would have an opportunity to speak regarding Site Plan 08-01 for DeHamer Brothers Landscaping.

Chairman Zeinstra stated he would have an opportunity to speak when the Site Plans are addressed.

BUILDING INSPECTOR REPORT

Randy gave a brief report on the year end totals for 2007. The building inspectors report was received and placed on file.

SITE PLANS

Mr. Nix reviewed his memorandum for **Site Plan 08-01 for DeHamer Brothers Landscaping** dated January 10, 2008 of which a copy is attached and made part of these minutes. Mr. Nix stated that Mr. Tom Larabel of Pathfinders Engineering submitted a site plan dated January 3, 2008 on behalf of Mr. Michael Van Duine of DeHamer Brothers Landscaping. DeHamer Brothers Landscaping is proposing to establish a landscaping firm and nursery at 4663 – 104th St. near Kenowa Ave. The parcel was a part of the former Williams Sand Mine. The 10 acre site falls within the R-A, Rural Agricultural district where a landscaping firm and nursery are permitted by right. He recommended that the site plan be approved 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 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. All outdoor light fixtures shall be fully cutoff and downward facing so that no bulb is visible from a neighboring property and to avoid glare visible from a neighboring property.
4. Any development other than tree and shrub farming in the “future hoop house area” shall not take place unless approved by Township planning staff through the administrative site plan approval process. Moreover, the future building shall be subject to the Township’s building permit process.
5. The evergreen buffer shall be planted along the entire east, west and north property lines.
6. The tree and shrub nursery area shall be established in conjunction with construction of the proposed 1,280 square foot building to ensure that the landscaping firm component of the land use is accessory to the nursery, as required by Section 5.1 (3). The applicant shall submit a planting plan, including a phasing schedule and number of planting with the building permit request.

Mr. Nix then reviewed his memorandum for **Site Plan 08-02 for Chuck’s Landscape Management, Inc** dated January 10, 2008 of which a copy is attached and made of these minutes. Mr. Nix stated that Mr. Chuck Knoll submitted a site plan for proposed modifications to the existing Chuck’s Landscape Management facility located at the southeast corner of 100th St and Byron Center Ave. The 18 acre parcel is zoned R-A Rural Agricultural and the existing landscape firm and nursery is permitted by right. The applicant wished to make the following changes to the site:

1. The existing single family dwelling fronting on Byron Center Ave. would be removed.

2. A 1,984 square foot building used as an office and breakroom would be constructed.
3. A 14' x 80' addition would be built onto an existing pole barn.
4. An existing gravel parking area adjacent to the new office and breakroom would be paved.

The proposed site configuration meets the minimum requirements of Article V. The proposed sign meets the standards of Section 17.3. However the parking spaces are too small to meet the minimum requirements of Section 16.2 (1). It is recommended that the site plan be approved 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. Any comments of the Township Engineer shall be addressed and any requirements of the Township Engineer shall be met.
3. Parking spaces shall be striped and shall be a minimum of 9' x 20' as required by Section 16.2 (1).
4. The future storage building shown on the site plan shall be subject to the Township's building permit process.

Chairman Zeinstra then gave Mr. VanderArk representing T & M Partners the opportunity to speak regarding **Site Plan 08-01** for DeHamer Brothers. Mr. Vander Ark commented that they were the owners of the property and sold a 10 acre parcel to Mr. VanDuine. It was their intent that it would be sold for residential use. He is in agreement with the comments Mr. Nix has made. He wants to make sure the use of the land did not diminish the residential character of the area. He feels that the site plan that was submitted does address his concerns. Adequate visual and sound screening such as a berm and plantings would be great for the surrounding neighbors. Also the ordinance requires that the nursery be in place before the commercial landscaping operation begins.

Commission member Gould has a real concern about this. How can we control nursery stock before the start of the landscape business?

Stone stated that the landscaping company is already open.

Gould commented that we have lost control already.

Larry Nix stated that there is a temporary trailer on the property which was placed there without Township permission. Also they are required to have the landscape plants growing before the landscape business can begin. This situation is a little unusual. We have to develop better rules to regulate this type of business.

Slot commented that he lives near a landscape company and it really is a quiet operation.

Attorney Jim Brown stated that this land falls under agricultural use. And a landscaping company is an accessory to a nursery. The nursery must be first. The

landscaping business can not be the primary use of the property. The main use has to be the nursery. A good deal of the property should be in nursery stock.

Commission member Faber asked how much can be nursery use compared to landscaping use?

Nix responded by saying the zoning ordinance provides no direction for this use.

The applicant was asked as to how much would be nursery compared to the landscape business.

The applicant was not sure at this time.

After some additional discussion a motion was made by Gould supported by Faber to table Site Plan 08-01 until further information is submitted.

Yes - 7. No - 0. Motion Carried.

A motion was made by Slot supported by Gritter to approve **Site Plan 08-02** for Chuck's Landscaping 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. Parking spaces shall be striped and shall be a minimum of 9' x 20' as required by Section 16.2 (1).
4. The future storage building shown on the site plan shall be subject to the Township's building permit process.

Yes - 7. No - 0. Motion Carried.

To Set a Public Hearing – Gordon Industrial LLC (Dennis Hoppe) requesting to rezone the subject parcels from R-A Rural Agricultural to D-1 Industrial for the property located at 10491 & 10495 S. Division Ave.

An application for Gordon Industrial LLC was reviewed.

A motion was made by Gritter supported by Slot to set the public hearing for February 18, 2008.

Yes - 7. No - 0. Motion carried.

Marathon Petroleum Company, LLC – tabled from the November 19, 2007 meeting.

Larry Nix stated that Mr. James Telman was present to address the Planning Commission.

Mr. Telman requested that this remain on the table until an amended application can be submitted reflecting the new master plan.

Chairman Zeinstra stated that this item remains on the table until the amended application is submitted.

Public Hearing – Just Properties LLC (Ric Johnston)– to rezone property located at 7164 Clyde Park Ave., (portion) and 7160 Clyde Park Ave., SW from R-U Urban Residential to D-1 Industrial.

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.

Don DeGroot from Exxel Engineering and Ric Johnston was present to explain the rezoning request. Don DeGroot commented that they came before the Planning Commission a year ago and received approval to allow for an extension of their office and trailer storage. The piece of property they are seeking to rezone is used as a buffer between the MTS trucking operation and the Amber Terrace Condominiums which incorporates a wall, evergreen plantings and a berm.

Larry Nix reviewed his memorandum dated January 10, 2008 of which a copy is attached and made part of these minutes. Larry stated this property is 6.31 in size and located along the east side of Clyde Park Ave directly north of the MTS site. The subject property is a long narrow parcel intended to provide future access to a landlocked parcel owned by Just Properties. As stipulated under an August 2006 Court Order, the subject site is used as a buffer between MTS trucking and Amber Terrace Condominiums. An approximately 11 acre property exists between the subject property and the Amber Terrace Condominiums. The land is owned by the condominium association and is used as an open space buffer from MTS. This undeveloped site is zoned R-U. It is suggested that the Planning Commission recommend Township Board approval of this request based on the following findings:

1. The application represents a logical extension of the D-1 zoning designation.
2. Narrative attached to the application indicates that the property will be used as an access to a landlocked parcel; the land will not be developed for industrial purposes.
3. A Court Order stipulated the installation of a wall, berm and evergreen plantings on the subject property. This stipulation essentially renders the long, narrow piece of land useless for anything other than an access drive, which is being proposed. An access drive to an industrial property should be zoned industrial.

Chairman Zeinstra opened the hearing to the public.

No 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 commented that he would like to see the plan with the driveway on it. He also asked about the huge pile of dirt.

It was noted that the drive way will be part of the site plan.

Mike Marshall asked about the berm.

Ric Johnston stated the berm is already built and there is excess top soil adjacent to the berm that will be removed when the access road is constructed.

Seymour Gould thought this is a good use for that land. You wonder how we get a land locked piece of property in the Township.

Tim Slot asked Randy Zomerlei if we have had any complaints on RTS.

Randy stated we have not received any complaints for over a year now.

Items discussed by the Commission members were the future drive, the berm, and the court order. It was the consensus of the commission that more information is needed before a decision can be made.

A motion was made by Gritter supported by Gould to table this request until we receive more information.

Yes - 7. No - 0. Motion Carried.

Public Hearing – Bolt & Hunefeld Builders – to rezone the subject property from R-R Rural Residential to R-U Urban Residential for the property located at 1320 – 64th St. SW

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 and notices sent to all residents within 300' of the subject property.

Mr. Arna Larson was present on behalf of Bolt & Hunefeld Builders. He stated they are looking to rezone approximately 40 acres from RR to RU. It is consistent with other property in the area. The stub street to the development to the south will provide the utilities. He has no plans yet as to how this development will look. It will be a plat for single family homes. It will not be developed as a site condo or contain multi-family

housing.

Larry Nix reviewed his memorandum dated January 10, 2008 of which a copy is attached and made part of these minutes. He commented that the subject property is located along the south side of 64th Street a quarter of a mile east of Burlingame Ave and directly north of Springfield Estates. Public utilities can be extended to the subject parcel. Land to the north and the west is zoned R-R, while Springfield Estates to the south and Cutlerville Estates West and Byron Woods to the east are zoned R-U. Some land in the vicinity is also zoned R-S Suburban Residential. The present R-R zoning designation of the subject property is intended for agricultural and single family residential uses. The predominant use in the area is single family dwellings. He is suggesting that the Planning Commission recommend approval of this rezoning application to the Township Board based on the following findings:

1. The proposed zoning district would permit uses by right that are compatible with existing uses in the area.
2. The proposed zoning district is consistent with the land use suggestions of the Master Plan.

Chairman Zeinstra opened the hearing to the public.

Mary Veldhouse – 6578 Sunfield Dr. – asked how many units this development will have, the projected price range of the houses and if a green buffer will be maintained.

Mike North – 6518 Sunfield Dr. – asked if anyone was aware of the flooding issues in this area. The property to be rezoned is higher than his property. Will it drain down onto his property? He is not against this rezoning but thinks it is a good opportunity to correct a problem and not make it worse. Level the land off to help the drainage problem.

Nancy Banks – 6548 Sunfield Dr. – stated they have spent thousands of dollars cleaning up their mess with the drainage problems. An engineer told us that their house should have never been built there. I consider that very poor planning. She does not have a problem with this rezoning but is concerned about the drainage.

Helen Short – 6624 Sunfield Dr. – is opposed to this rezoning request. She can't sell her house now! Does anyone want to buy her house for one dollar? You can have it! You keep making more developments and she can't sell her house. The hill and the trees will probably be taken away from behind her property. Is there any type of green space requirements? She feels if condos or multi housing goes behind her property, it will devalue her property.

Rick Frampton – 6610 Estate Dr. – stated that his property is under water a lot. He realizes he can't control what goes on that property. He also hopes that they do not allow a straight road to go into the new development. The drainage issue is a real concern for him to. He just wanted his concern noted.

Ralph Lutz – 1540 – 64th St. – is real concerned about traffic. There is a nasty hill there

to deal with to. It will be a mad house.

Rick Montgomery – 6484 Sunfield Dr. – is not against the rezoning for residential but does not want condos or duplex housing.

No further public comments were made.

Chairman Zeinstra closed the hearing to the public.

Mr. Nix then addressed some of the questions that were raised during the public hearing. The number of units will be consistent with the surrounding developments. The price range questions will be answered by Mr. Larson in a few minutes. The concern about the green space, there is no requirement for green space in a residential area. It would be your back yard up against someone else's back yard. Flooding and drainage issues can be referred to the Township Engineer and will be addressed during the plat review process. We welcome comments regarding drainage issues to make us aware that there is a problem. The problem with selling your home, the market is flooded with homes for sale and we are aware of that. The comment about a straight road, the Township always makes sure that does not happen. We require curves in the roads to slow traffic down. Finally this property will not have multi-family or condos on it. It will be for single family homes similar to subdivisions in the area.

Mr. Larson thought the price range would vary between \$150,000 – \$240,000.00 depending on the lot size and the housing market. They are aware of the drainage problems and will work to resolve this issue.

Commission member Gritter asked when they intended to begin this project.

Mr. Larson commented they would like to design the project yet this year but it is on hold for now. They will move forward as time goes on.

James Faber asked about the price range given compare to the neighboring houses.

After some additional discussion a motion was made by Gould supported by Slot to recommend approval of this rezoning to the Township Board with the planners recommendations.

Yes - 7. No - 0. Motion carried.

Public Hearing – To consider Amendment change to Section 4.41 of the Byron Township Zoning Ordinance regarding attached garages.

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.

Larry Nix explained the proposed changes to Section 4.41 regarding attached and

detached garages. He explained that the amending ordinance makes only one substantive change in the current provision of Section 4.41, but also includes other changes in wording so as to express the regulations more clearly and to cause the language of the section to express accurately the rules that the Township has actually been applying. An attached private garage could have a floor area no greater than 60 percent of the total floor area of the single family dwelling to which it is attached, but in any event an attached garage could not be larger than 1200 square feet. The current provision limits an attached private garage to 60 percent of the ground floor area, rather than the total floor area of the dwelling. A copy of the amendment changes to Section 4.41 are attached and made part of these minutes.

Chairman Zeinstra opened the hearing to the public.

No public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

After some discussion a motion was made by Stone supported by Gritter to recommend to the Township Board approval of this amendment change to the Township Ordinance. Yes - 7. No - 0. Motion carried.

Miscellaneous

□ BYRON CENTER UNITED METHODIST CHURCH

Mr. Phil Swainston was present and apologized for completely forgetting about last month's meeting. When this was originally approved at the Planning Commission they asked if we would keep them updated on the progress of this project. A change they are proposing is to have a membrane structure erected in place of the brick and mortar structure. This will be temporary. In time as funds come in the brick and mortar building will replace the membrane structure and the membrane structure will be moved further back on the site. They are not sure as to what color the structure will be but they know it is not going to be white. The membrane structure will be 70' x 140'. If they need a new site plan they will gladly do that.

Mr. Nix stated this is part of their recreation complex which will be maintained by the Methodist Church. The church itself will continue at its original location. Does he need a whole new site plan?

John Stone is concerned about the fabric building. What do the neighbors think?

James Faber asked if there is another building like this now?

Larry Nix commented there is one out on 92nd St., a horse arena.

John Stone thinks this is a great idea but kind of an odd thing.

Mr. Shawn Larson commented that he would be more than happy to do the leg work and notify and meet with the neighbor and show them pictures of what the building will look like and report back to the Planning Commission next month.

□ **TOWNSHIP BOARD REPORT**

Tim Slot reported that the Master Plan has been approved by a 5 to 1 vote with 1 board member absent. Also regarding the renewal of Site Plans should remain at the Planning Commission and not the Board. The Township Ordinance will have to be amended to reflect that change and a public hearing will have to held.

□ **ZONING BOARD OF APPEALS**

Seymour Gould reported that there were two public hearings last month. One was for the property at 7755 Burlingame requesting to maintain the old barn which was approved. The other request was for property on 72nd St. seeking to reduce the property lot size by 2/3. This request was denied. And this month we have another billboard request.

□ **NEW MEMBERS**

Chairman Zeinsta introduced and again welcomed the two new members of the Planning Commission. Each offered a brief personal background statement.

□ **ZONING ORDINANCE REVISIONS**

Brian Wegener was present to briefly explain that to effectively implement the new Master Plan the Township Ordinance should be updated and amended to reflect the Plan's development policies and guidelines. A copy of those revisions are attached and made part of these minutes. One of the areas of concerns is the verbage for the Mixed Use PUD. Chairman Zeinstra thought it be wise to schedule a work session to work on this. It was suggested that Brian & Larry work with James Brown to lay out an outline and some recommendations to consider at that work session.

□ **ELECTION OF OFFICERS**

A motion was made by Stone supported by Slot that the following be elected:

Chairman - Dutch Zeinstra
Vice Chairman - Seymour Gould
Secretary - Jeff Gritter

All voted aye. Motion carried.

Adjournment

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

Jeff Gritter
Byron Township
Planning Commission Secretary