

BYRON TOWNSHIP PLANNING COMMISSION

February 18, 2008

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Vice Chairman Seymour Gould called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, February 18, 2008, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

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

Prayer was offered by Seymour Gould.

APPROVAL OF MINUTES

A motion was made by Gritter supported by Faber that the minutes of the January 21, 2007 meeting be approved as written.

Yes - 4. No - 0. Absent - 3. Motion carried.

A motion was made by Faber supported by Gritter that the minutes of the Special Work Session held on February 13, 2008 be approved as written.

Yes - 4. No - 0. Absent - 3. Motion carried.

PUBLIC COMMENTS

Kristie Richardson – 6860 Byron Center Ave., - congratulated the Planning Commission for finally completing the new Master Plan, and while they are working on the ordinances she would like her property to be considered for a Day Care Center as recommended in the Master Plan.

No further public comments were made.

BUILDING INSPECTOR REPORT

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 February 7, 2008 of which a copy is attached and made part of these minutes. Mr. Nix stated this Site Plan was tabled at the January 21, 2008 meeting. Mr. Tom Larabel of Pathfinders Engineering has submitted a revised site plan on behalf of Mr. Michael Van Duine of DeHamer Brothers. DeHamer is proposing to establish a landscaping firm and a nursery at 4663 – 104th St., near Kenowa Ave. Four greenhouse buildings are now proposed and will be used for growing potted plant material. The Commission questioned the proposed gravel areas at the January meeting and reminded the applicant that gravel areas used for parking, storage, loading or access drives shall be paved in accordance with Section 16.4 (1). The Commission also requested a planting plan at the January meeting to ensure that the proposed 1,280 square foot building and landscape component of the use is accessory to the nursery as required by Section 5.1 (3).

The revised plan illustrated a 0.5 acre area delineated for tree rows. If the Planning Commission is comfortable in moving forward with this site plan it may append 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. All comments of the Township Engineer shall be addressed and all requirements of the Township Engineer shall be met; including those expressed in the Engineer's January 3, 2008 letter.
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. The future building shall be subject to the Township's building permit process, as well as any other buildings which may be proposed in the future.
5. The site shall be developed and maintained in accordance with the submission materials, including the site plan dated January 29, 2008 and the letter from Mr. Van Duine dated February 5, 2008.
6. The 0.5 acre delineated for tree rows shall be fully established with plantings in accordance with Mr. Van Duine's February 5, 2008 letter. The tree rows shall be planted prior to the commencement of construction of the 1,280 square foot building.

Vice Chairman Gould felt his concern was not addressed clearly regarding the nursery being started before the landscaping business operating off of that location. Nothing is planted there now.

Jim Faber asked if a time limit would be possible.

Gould thought we could say no building permit for the new buildings until all the trees are planted.

Mike Van Duine explained he does not care to spend a lot of money on inventory until the Site Plan is approved.

Mike Marshall asked if he had any of his inventory on order.

Again Mike stated he has everything on hold until approval. He bought the business from Dave DeHamer in November of 2006. If he would have know all this before he would have planted before winter set in.

Seymour Gould also stated there is a trailer setting on the property which is illegal.

Jim Faber sees Mike's situation and feels the Planning Commission should help him to develop this property. Maybe we can approve this Site Plan and revisit it maybe in 6 months. This has to be approved to help him get what he needs for supplies.

Attorney Brown stated we can put reasonable conditions stating what the rules are and what is required in order to develop a nursery.

Gould asked what if the conditions are not met.

Attorney Brown commented they would be in violation and the Township would have to point out the failure to comply and what they will have to do. The Township wants the rules complied with and if not a civil infraction will occur including going to court with a fine imposed.

It was commented that we will have to set up some rules so that we can insure that the nursery has to be established before the landscaping business can operate.

After some additional discussion a motion was made by Faber supported by Gritter to approve Site Plan 08-01 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. All comments of the Township Engineer shall be addressed and all requirements of the Township Engineer shall be met; including those expressed in the Engineer's January 3, 2008 letter.
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 from a neighboring property.
4. The future building shall be subject to the Township's building permit process, as we;; as any other building which may be proposed in the future.
5. The site shall be developed and maintained in accordance with the submission

materials, including the site plan dated January 29, 2008 and the letter from Mr. Van Duine dated February 5, 2008.

6. The 0.5 acre area delineated for tree row shall be established with plantings in accordance with Mr. Van Duine's February 5, 2008 letter. The tree row shall be planted prior to the commencement of construction of the 1,280 square foot building.

7. The landscape operation cannot be operated from the property until the Township has determined the nursery operation has been established on the site.

Yes - 4. No - 0. Absent - 3. Motion carried.

To Set a Public Hearing – Main Street Group, LLC (Henry Kamps) requesting a special use permit for the property located at 7273 Clyde Park Ave. SW, 7295 Clyde Park Ave. SW and 7355 Clyde Park Ave.. SW.

An application for Main Street Group, LLC was reviewed.

A motion was made by Gritter supported by Faber to set the public hearing for March 17, 2008.

Yes - 4. No - 0. Absent - 3. Motion carried.

Public Hearing – Gordon Industrial LLC – rezoning request for the property located at 10491 & 10495 South Division from R-A Rural Agricultural to D-1 Industrial.

Vice Chairman Gould declared the public hearing open. Secretary Jeff Gritter read the public notice and affirmed that the notice was published once in the South Advance and properties within 300' were notified.

Mr. Dennis Hoppe of Gordon Industrial LLC was present to explain the proposed use for the property. He stated they would like to use the property for over flow truck trailer storage.

Larry Nix reviewed his memorandum dated February 7, 2008 of which a copy is attached and made part of these minutes. He commented that an application has been submitted to rezone 32.72 acres from R-A Rural Agricultural to D-1 Industrial. One parcel is located along the west side of Division Ave south of 100th St. and the other is located between the Consumers Power easement and US131. The proposed zoning and potential use are in accordance with Section 14.1 of the Zoning Ordinance which states that the D-1 District is meant for industrial uses that are not offensive, hazardous or debilitating to surrounding uses. While the applicant has not submitted a site plan to the Planning Commission for review, the applicant has submitted a variance request application to the Zoning Board of Appeals for a gravel parking surface for storage of semi-truck trailers on the subject property. The Township Zoning Ordinance requires that all parking surface be paved; if the ZBA grants the variance the applicant would be allowed to establish a gravel parking lot. The applicant would still be required to approach the

Planning Commission for a site plan approval. This request goes to the ZBA at the February 27th meeting.

It is suggested that the Planning Commission recommend Township Board approval of the request to rezone 10491 and 10495 Division Ave., from R-A to D-1, since the rezoning application is consistent with the Township Master Plan which guides future land uses and development.

Vice Chairman Gould opened the hearing to the public.

Debra Prenatt – 10345 Division Ave. SW voiced her concern regarding additional traffic and noise.

No additional public comments were made.

Vice Chairman Gould closed the public hearing to the public.

Mr. Hoppe was asked to address the concerns that Debra had expressed.

He stated that this should not create a lot of additional traffic. Trailers could be setting on this lot up to a couple months. Noise should not be an issued. This is mostly an overflow storage lot operated during normal business hours.

Mike Marshall asked when the trailers are brought into the lot.

Mr. Hoppe stated it would be during regular business hours which are 7:00 am to 5:00 pm.

Jeff Gritter asked about the parking surface.

Mr. Hoppe reminded him that they do have a variance request into the Zoning Board of Appeals for a non-paved parking area.

Gould asked if there are any buildings proposed to go on this site.

Mr. Hoppe stated no building will go on the site.

Mike Marshall asked if the lots would have fencing.

Mr. Hoppe commented there probably will be a gate but not sure on the fence yet.

Mr. Nix stated if this is approved they will be required to come back to the Planning Commission for Site Plan approval. We can address a lot of these issues at that time.

Jim Faber reminded the applicant that with moving trucks and trailers off and on the site to be sensitive to the neighbors.

After some additional discussion a motion was made by Gritter supported by Faber to recommend Township Board approval of this request to rezone 10491 and 10495 Division Ave from R-A to D-1 since the rezoning request is consistent with the Township Master Plan.

Yes - 4. No - 0. Absent - 3. Motion carried.

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.

Tabled at the January 21, 2008 meeting

Larry Nix stated that no new information has been submitted and this request should remain on the table.

Miscellaneous

□ **TOWNSHIP BOARD REPORT**

No report was given due to the absence of Tim Slot.

□ **ZONING BOARD OF APPEALS**

Seymour Gould reported that the ZBA had another billboard request and we as a board stand firm on billboards and it was denied.

□ **MU-PUD Draft 2**

The Planning Commission member began discussing the second draft drawn up by Attorney James Brown.

Larry Nix commented that he handed out a memorandum providing comments on the second draft of the MU-PUD ordinance. These comments were provided to aid the discussion.

Attorney James Brown began explaining the changes that were made resulting from the special work session held on the 13th of February. Items discussed were the following items:

1. Description of the district – a single land use type would not be permitted in the Mixed Use PUD.
2. Minimum qualifying conditions
3. Permitted Uses as well as prohibited uses
4. Development requirements
5. Building (heights of buildings)
6. Access and off street parking/loading
7. Private streets (portion deleted)
8. Sidewalks and other Pedestrian Ways

(the Township shall require)

9. Landscaping (open space provision)
10. Perimeter Buffer Areas
11. Site Amenities
12. Signs (no pole signs allowed)
13. Outdoor lighting/street post lighting
A good comment was made to possibly set up a file with various types of light poles etc., that the Township will approve in a development and when an applicant comes in he can pick out the type of lights they desire.
14. Procedures for consideration and approval of an MU-PUD
15. Advisory Public Hearing (optional)
16. Preliminary MU-PUD
17. Final MU-PUD
18. Consideration Final MU-PUD
19. Standards of Approval
20. Conditions on Approval
21. Performance Guarantee (shall be required)

Attorney Jim Brown commented he will work on Draft III and have it ready as soon as you would like it noting he would incorporate the comments of the planners memo.

Vice Chairman Gould felt another Work Session should be held especially for the benefit of the members who were absent. Their input is very important. The commission members present felt the same. A special Work Session will be held on March 11, 2008 at 5:00 p.m.

Adjournment

A motion was made by Gritter supported by Marshall that the meeting be adjourned.

Yes - 4. No - 0. Absent – 3. Motion Carried

Jeff Gritter, Secretary
Byron Township Planning Commission