

BYRON TOWNSHIP PLANNING COMMISSION

May 19, 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, May 19, 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, Tim Slot, James Faber, John Stone and Mike Marshall. Also present were the Township Attorney James Brown, Township Planner Larry Nix, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Mike Marshall.

APPROVAL OF MINUTES

A motion was made by Slot supported by Stone that the minutes of the April 21, 2008 meeting be approved as written.

Yes - 6. No - 0. Abstained - 1 (Mike Marshall) Motion carried.

PUBLIC COMMENTS

Mr. Phil Swainston was present on behalf of the Byron Center United Methodist Church. He commented that back in January of 2008 they came to the Planning Commission explaining a proposed change to their site plan for the church's recreation complex. Instead of a brick and mortar building they proposed a membrane structure. At this meeting the Commission members were concerned about the neighbors and how they felt about a structure like this. At that meeting they were advised to speak to the neighbors and explain to them what this type of structure would look like. Gary Wyn did meet with all the neighbors and no one had a problem with a structure like this. He reminded the Commission members that this type of building is only temporary and would be replaced with a brick building in the future. There was no objection from the Planning Commission for the applicant to move

forward with their 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 08-05: Grand Rapids RV** located at 7329 & 7337 South Division. Grand Rapids RV is proposing to use the three existing buildings on the former Grand Rapids Furniture site. The two acre site is zoned D-1 Industrial. The proposed RV sales and service is permitted in the D-1 district. The applicant did receive a variance from the Zoning Board of Appeals to use the existing non-paved storage lot on the property. Additionally the ZBA granted the applicant a variance to deviate from the requirement that a 10 foot landscape buffer be provided adjacent to the front property line and adjacent to that part of each side property line within the front yard. Two new gravel storage areas are proposed and they were also approved by the Zoning Board of Appeals. Two free standing signs exist on the property adjacent to Division Ave. The site plan illustrates that one of these signs would be removed. It is recommended that the site plan be approved subject to the following conditions:

1. An underground irrigation system shall be installed in the front yard landscaping areas in accordance with Section 4.44 (5)(b).
2. The size of proposed planting shall meet requirements of Section 4.44 (5)(c).
3. All comments of the Township Engineer shall be addressed and all requirements of the Township Engineer shall be met.

Larry Nix then reviewed his memorandum for **Site Plan 08-06: Flow Rite Controls** which is located at 960 - 74th St. He commented that Mr. Steve Witte from Nederveld & Associates has submitted a site plan for a 48,750 square foot addition onto the existing Flow Rite Controls building in the Dan Koster Memorial Industrial Park. The parking area would be expanded to include 24 new parking spaces as well as a new truck dock adjacent to the existing dock. The addition would be used for warehousing and meets the height and setback requirements of the ordinance. The dimensions of the proposed parking spaces and maneuvering lanes comply with ordinance requirements but the applicant has proposed a lesser number of spaces than is required. The existing building and the proposed addition combined, a total of 138 parking spaces would be required. Per Section 16.13, it is recommended that the proposed parking deviation be approved as there is sufficient land area to accommodate the required number of spaces if needed in the future. It is suggested that the Planning Commission approve the site plan for the expansion of Flow Rite Controls subject to the following conditions:

1. A flange or lot extension to the southeast of the parking area shall be provided for motorists to reverse out of the end parking spaces without driving on the grass in the new parking area.
2. The applicant shall work with the Township Planner to comply with the details

associated with Section 16.13 regarding parking variation.

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.
5. Fire Chief recommendations regarding fire safety issues shall be incorporated into the site plan.

Larry Nix then reviewed his memorandum for **Site Plan 08-07: Dykhouse Construction** located at 2500 – 84th St. Mr. Ron Quakkelaar of Dykhouse Construction has submitted a site plan for property along the south side of 84th Street between Freeland Ave., and Harlow Avenue. The proposal includes demolition of the existing ‘Happiness Is’ restaurant and associated parking area and construct a 6,048 square foot retail building adjacent to the building at the southwest corner of 84th Street and Freeland. The site is zoned B-1 Central Business District. The proposed site configuration would meet the dimensional requirements of Section 11.3, including building height and setbacks. There are no minimum standards for lot size or lot width in the B-1 District. Parking spaces, internal access drives and maneuvering lanes meet the dimensional requirements of Section 16.2 (1) and Section 16.3. Thirty one parking spaces are required for the retail use. While 22 spaces are shown on the site plan, the applicant has applied for a variance from the Zoning Board of Appeals seeking relief from the balance of 9 spaces. A special ZBA meeting was held on May 8, 2008 and this variance was approved. The proposed layout would place a row of parking spaces between the buildings and 84th Street, which could be a problem for the pedestrians. A pedestrian walkway is not provided between the public sidewalk and the proposed building. The lack of on street parking on 84th Street limits the ability of a retailer to attract customers in a small town setting. Parking could be located behind the building and the building moved closer to the street, but the applicant indicates this would not create a desirable or marketable situation. At the DDA (Downtown Development Authority) meeting held on May 7, 2008, the members strongly supported the project and the project design. It is suggested that the Planning Commission approve the site plan with the following conditions:

1. Exterior light fixtures on the south side of the building shall be downward facing and fully cutoff.
2. Specifications on the proposed dumpster enclosure shall be submitted and approved by the Zoning Administrator prior to Township issuing a Certificate of Occupancy.
3. In accord with Section 4.44 (8), up to 50% of the front yard landscaping shall consist of grassy areas; the balance of the front yard landscaping shall consist of flowering annuals and perennials, ornamental grass, shrubs, or similar plantings in dedicated garden areas. The applicant shall submit a landscaping plan to be reviewed and approved by the Township Planner prior to the issuance of a building permit.
4. The applicant shall coordinate with the Kent County Road Commission and the Downtown Development Authority and the Township Planner regarding the 84th Street planned improvements.

Larry Nix then reviewed his memorandum for **Site Plan 08-08: Byron Center Meats**. Mr. Jim Sytsma has submitted a site plan review for the construction of a portion of a building which was destroyed by fire, plus an addition at the southwest area of Sherwood and Freeland. This application includes the reconstruction of the existing building in the northwest portion of the site, plus the addition of a 12,052 square foot addition located on the northeast portion of the site along Sherwood Street and Freeland Avenue. The addition will contain offices in the second story. A new parking area is proposed to the south of the proposed building along Freeland Avenue. The site is zoned B-1 Central Business District. Information not shown on the site plan included the outdoor illumination, if any (Section 19.5 (3) (j)), landscaping, if any (Section 19.5 (3)(r)) and the building floor plans to verify the parking calculations. Over the past week, the planner has been working with the applicant's architect to resolve the outstanding issues associated with this site plan. Based on the revised plan submitted we recommend approval of the Byron Center Meats site plan with the following conditions:

1. Trucks making deliveries adjacent to Sherwood are prohibited from blocking the sidewalk or encroaching into the right-of-way of Sherwood Street.
2. Landscaping material shall be installed prior to a certificate of occupancy is issued or the applicant may post a letter of credit equal to the cost of installing the material if it is not appropriate to plant the materials. The Township Engineer shall determine the value of the letter of credit.
3. Any comments of the Township Engineer shall be addressed and any requirements of the Township Engineer shall be met.

A motion was made by Slot supported by Stone to approve Site Plan 08-05 for Grand Rapids RV, Site Plan 08-06 for Flow Rite Controls, Site Plan 08-07 for Dykhouse Construction and Site Plan 08-08 for Byron Center Wholesale Meats as per the Planners recommendation and the needed Zoning Board of Appeals approvals.

Yes - 7. No - 0. Motion carried. Site Plans approved.

To Set a Public Hearing – No applications were submitted.

Public Hearing – Vision Properties Co., LLC – rezoning request for the property located at 6240 Clyde Park Ave SW and 6204 Clyde Park Ave. SW from R-R Rural Residential to D-1 Industrial.

Chairman Zeinstra 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.

Larry Nix reviewed his memorandum dated May 8, 2008 of which a copy is attached and made part of these minutes. Larry stated that this rezoning request involves two parcels immediately north and west of the US131/M6 interchange ramp right-of-way and along the east side of Clyde Park Avenue. The applicant was not aware that a significant portion of 6201 Clyde Park Avenue is already zoned D-1 Industrial. Therefore this petition applies to 6240 Clyde Park of which a house exists on this lot and that portion of

6204 Clyde Park Avenue south of 6240 Clyde Park Avenue. The property is currently zoned R-S Suburban Residential which is meant for single family residential uses that may eventually be served with public utilities. The majority of the properties in the area north of M-6 fall within the R-S district, although three parcels north of the subject site are zoned D-1 Industrial. The land located south of M-6 are largely zoned R-U Urban Residential except for the Kmart/Family Fare shopping center which is zoned B-2 PUD. The applicant is requesting D-1 Industrial zoning. Section 14.1 of the Zoning Ordinance indicated that the D-1 District is intended to accommodate industrial uses that are not unreasonable offensive or hazardous to surrounding uses. The applicant has not proposed any specific land use at this time. Public water and sanitary sewer are available to service this site. The application to rezone the subject parcels to the D-1 District would be consistent with the Master Plan. It is suggested that the Planning Commission recommend Township Board approval of the petition to rezone 6240 & 6204 Clyde Park Avenue from R-S District to D-1 District based on the following:

1. The applicant is consistent with the Master Plan.
2. The proposed rezoning would not establish any land use conflicts, as the property adjacent to the expressway and land to the north is zoned D-1 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 the Planning Commission members if they had any questions, concerns or thoughts on this request.

It was the consensus of the Planning Commission that this request is good and consistent with the Township Master Plan.

A motion was made by Gritter supported by Gould to recommend Township Board approval of this request to rezone the property located at 6240 & 6204 Clyde Park Ave. SW from R-S Suburban Residential to D-1 Industrial as recommended by the Planner.

Yes - 7. No - 0. Motion carried.

Just Properties LLC (Ric Johnston) to rezone property located at 7164 Clyde Park Ave. SW (portion of) and 7160 Clyde Park Ave. SW from R-U Urban Residential to D-1 Industrial (tabled at the January 21, 2008 meeting)

Larry Nix explained that nothing has changed and this application can remain on the table.

Miscellaneous

□ **TOWNSHIP BOARD REPORT**

Tim Slot had nothing to report.

□ **ZONING BOARD OF APPEALS**

Seymour Gould reported that the variances request that the ZBA had were the Site Plans that were approved tonight.

□ **NON-PAVED STORAGE AREAS**

Larry Nix stated that a request was received from the Zoning Board of Appeals to study and potentially recommend changing the zoning requirement that storage areas be paved. Frequently an applicant will request a storage area be gravel or of a porous surface due to the type of vehicles to be stored or the desire not to pave a large area from a cost standpoint. The Zoning Board of Appeals grants many of these requests thus their desire to possibly make a change to the ordinance. He explained the possible changes that could be made to the ordinance and if these are acceptable he would give it to Mr. Brown and move this forward.

John Stone said he read through the proposed changes and he is suggesting not to make any changes at all to the ordinance. Leave it as it is. We don't want to encourage unpaved areas we want to discourage it. If we change the ordinance it leaves the door wide open for problems.

Mike Marshall agreed with John Stone.

Seymour Gould commented that the ZBA was looking at this a lot. He agreed with John Stone that we don't want to encourage this but the ZBA needs direction.

Abe Vander Woude the Chairman of the Zoning Board of Appeals was present and agreed with Seymour who is also a member of the Zoning Board of Appeals.

Tim Slot has no problem with the way it is written now.

James Faber agreed with John Stone and thinks we should leave it alone.

Commission member Tim Slot excused himself from the meeting.

Jeff Gritter agrees that most storage areas should be paved. Don't want to encourage non-paved area. Maybe if we could get with the Township Engineer and he could suggest or tell us as to what type of material to use in a non-paved area.

After some additional discussion it was decided that Larry Nix and Attorney Jim Brown will work on some changes to the language and have something available at the next meeting.

□ **MIXED USE PUD**

Larry Nix commented that at the April 21, 2008 public hearing on the MU-PUD the Commission recommended approval of the MU-PUD Draft #5. No changes were recommended to the text as presented and recommended to the Board. In consideration of the discussion of open space and the percentage in the proposed ordinance as a guild and land area to be included as open space he had a suggestion.

In Section 15A 6.8d (i) the draft ordinance provides for a 25' wide buffer located around the boundaries of a project. As drafted this area cannot be included in the open space calculation since Section 15A.6.8d requires the minimum open space dimension to be 50' x 100'. The suggestion is to either change the Section 15A.6.8d to include the perimeter buffer in the calculation of open space. Either change accomplishes the inclusion of property intended to be open space in the calculation without penalty to the applicant. If everyone agrees with the proposed change it can be included by the Township Board in the adoption process and will not require an additional public hearing as it is minor in nature. Mr. Brown suggests the Planning commission could suggest the change by a motion that would be recorded in the minutes. The motion should direct the township attorney to revise the recommended text by including the change and advise the Board that the change was an additional provision recommended by the Planning Commission after it initially recommended the new chapter.

A motion was made by Gould supported by Gritter to send this revision to the Township Board for approval and that the Township Attorney is to revise the recommended text by including the change.

Yes - 6. No - 0. Absent - 1 (Slot)

□ **MASTER PLAN IMPLEMENTATION**

Larry Nix commented that the Master Plan contains several implementation suggestions. One of those was the development of the MU-PUD language. With this task completed, it would be prudent to push on to another item. He suggested consideration of researching Day Care Center as noted on page 158 of the Master Plan. Commission members were in favoar of researching this topic and

authorized Planner Nix to prepare a memo for their consideration at the June meeting.

Adjournment

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

Jeff Gritter, Secretary
Byron Township Planning Commission