

BYRON TOWNSHIP PLANNING COMMISSION

June 16, 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, June 16, 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 was Attorney Mark Van Allsburg, Township Planner Larry Nix, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by James Faber.

APPROVAL OF MINUTES

A motion was made by Stone supported by Slot that the minutes of the May 19, 2008 meeting be approved as written.

Yes - 7. No - 0. Motion carried.

PUBLIC COMMENTS

No 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 08-09: Buist Community Assistance Center** located at 8306 Byron Center Avenue in an existing building. When Mr. Buist originally approached the Township about the proposed use it was discussed as to how it fit into the area and the existing B-2 zoning. As the use and operation has

expanded since it began, Mr. Buist has recognized the need to expand the parking facility on the property. A parcel is proposed to be added to the subject parcel adjacent and east of the site. Nine angle parking spaces are proposed to be added to accommodate the growing use. Even though the existing parking at the front of the building is not ideal and does create a traffic safety concern, it functions well for the amount of traffic it receives today. Alternate front yard parking may be desirable if the use continues to grow and generate more traffic over time. The traffic safety issue for the existing parking is backing over the sidewalk area and also backing into Byron Center Avenue. The site plan review committee recommends approval of the site plan with the following stipulations:

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.

Larry Nix then reviewed his memorandum for **Site Plan 08-10: Zion Christian School** which is located at 7555 Byron Center Ave. Mr. Doug Stalsonburg of Exxel Engineering on behalf of Mr. Craig Baker has submitted a site plan for an expansion of the school. The 14.25 acre site is located at the northwest corner of 76th St. and Byron Center Avenue and is zoned R-R Rural Residential. The proposed expansion would involve the addition of 10 parking spaces, a series of concrete walls and retaining walls adjacent to the building, some minor cosmetic adjustments and two building additions. One building addition would be relatively modest extension of the entrance area and the other would be an approximately 11,000 square foot addition to the east side where the gymnasium is located. The east elevation of the addition would be 42' in height, exceeding the maximum permitted building height of 35' when measured from grade and the top of the building as required by ordinance. The building face is formed into a walk-out configuration similar to the rear of many homes in the Township, which also exceed the 35' height restriction. The Township Building Inspector, the fire chief and members of the Township Board met to discuss this issue. It was recommended that the proposed building addition be approved. The majority of the building would comply with the building height limitation, it was suggested that the building be processed the same as a residential walkout. In addition the fire chief noted the proposed fire lane to the north, which would assist in fighting fires on the top story. According to Section 16.9 this site requires 326 parking spaces for this use with the two building additions. A total of 257 parking spaces would be provided at this time with the balance shown on the site plan as "deferred parking" in one of the ball fields. It is recommended that this element of the proposal be approved by the Planning Commission under the provisions of Section 16.13 Parking Variation. It is recommended that the site plan for this expansion be approved subject to the following conditions:

1. A financial guarantee shall be provided equal to the cost of preparing and paving the proposed new pavement areas 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.

Larry Nix then reviewed **Site Plan 08-11: Cummins Bridgeway** (8900 Byron

Commerce Dr.) Mr. Ken Watkins of Architectural Concepts on behalf of Cummins Bridgeway LLC has submitted a site plan for the construction of a 59,312 square foot facility between Byron Commerce Drive and US-131. The 9 acre site is zoned D-1 PUD, Industrial Planned United Development. The dimensional requirements of the D-1 District would be met. The ordinance requires 140 vehicle parking spaces. One hundred spaces would be provided with 46 provisional spaces shown on the site plan. We assume these 46 spaces would be constructed in the future as demand dictates. We recommend this deferral be approved under Section 16.13, Parking Variation. A condition of PUD approval for the Byron Commerce industrial center limits wall signage to 3.5% of the wall space to which it is mounted or 250 square feet, whichever is less. The proposed building-mounted signage would meet this requirement. A 50 square foot freestanding sign is proposed, but the height is not disclosed. PUD approval stipulated a maximum of 20 feet for sign height. Also the landscaping requirements of the ordinance would be met. It is recommended that the Planning Commission approve the site plan for the proposed Cummins Bridgeway facility subject to the following conditions:

1. The proposed freestanding sign shall not exceed 20' in height.
2. A financial guarantee shall be provided equal to the cost of preparing and paving the proposed new pavement areas illustrated on the site plan. The Township Engineer shall determine the amount.
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 Gritter to approve Site Plan 08-09 for Buist Community Assistance Center, Site Plan 08-10 for Zion Christian School and Site Plan 08-11 for Cummins Bridgeway as per the Planners recommendations.

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

Site Plan revisions for the following site plans:

Site Plan 08-12: Titan Equipment

Larry commented that a site plan had been submitted dated May 27, 2008, for the expansion of the non-paved storage and display lot associated with Titan Equipment located along the east side of Clyde Park Avenue north of M-6. The 6.09 acre property is zoned D-1 Industrial. The original site plan for Titan was approved in November of 2005. The applicant received a variance to establish a non-paved display and storage lot at the November 23, 2005 Zoning Board of Appeals meeting. Since that time, the applicant has purchased the lot immediately north of the existing facility. Titan Equipment wished to expand the non-paved storage and parking area into this northern property. The Zoning Ordinance requires pavement for outdoor parking and storage, so a variance would be required. The submitted site plan does meet all the requirements of the zoning ordinance with the exception that a maneuvering aisle is 23 feet in width. Section 16.2 requires a minimum of 26 feet of maneuvering width for two way drives. The applicant would need to submit a revised site plan illustrating the drive widened to 26 feet or indicate that the maneuvering aisle would be used as a one way drive. The

Planning Commission and the Zoning Board of Appeals are currently involved in efforts to address the recent increase in variance applications for non-paved surfaces. It is recommended that this site be tabled until the issue is resolved.

Steve Witte from Nederveld was present to answer any questions that the Commission members had and did comment that if they have to pave the area in question they would do so.

Site Plan 07-14b: Expo Landscaping

Larry stated that Mr. Steve Witte of Nederveld on behalf of Mr. Roger Torres has submitted a site plan dated June 2, 2008 the Expo Landscape facility. The existing facility is located along the east side of Clyde Park Avenue north of 100th Street on a 19.4 acre site in an R-A zoning district. The site plan for this use was originally approved at the May 2007 Planning Commission meeting and construction of the site subsequently ensued. The Planning Commission approved revisions to the site plan at the November 2007 meeting. The applicant is requesting consideration of the following additional revisions at this time:

1. A display area is proposed along Clyde Park Avenue. Display items would include boulders, pavers, stones, plants in containers and other items on pallets. No additional signage would be proposed in this area.
2. A 8 foot tall, 24 foot by 30 foot greenhouse is proposed north of the existing concrete bins. The greenhouse would be approximately 30 feet from the northern property which includes a residence. Even though no landscape buffering is required by the ordinance it may be appropriate to request a screening mechanism.
3. Additionally a future 8 foot tall, 24 foot by 123 foot greenhouse is shown east of the existing building.
4. A non-paved parking and storage area is proposed east of the existing building. The area would be used for any necessary overflow employee parking and trucks, trailers, loaders, hydro-seeders, snowplows and similar items.

Since the Planning Commission and Zoning Board of Appeals are reviewing the ordinance requirement for paved parking and storage area, a tabling of this site plan application would be appropriate. Expo Landscaping has not applied for a variance from the Board of Appeals for approval of the non-paved storage area.

After some additional discussion a motion was made by Gritter supported by Stone to approve the site plan for the expansion of the **Titan Equipment Site Plan 08-12** for the parking/storage area subject to the following conditions:

1. A financial guarantee shall be provided equal to the cost of preparing and paving the parking/storage area prior to earth work. The Township Engineer shall determine the amount.
2. The parking/storage area shall be paved.
3. The maneuvering aisle shall be widened to 26 feet.
4. The applicant shall submit a new site plan illustrating the above conditions prior to starting earth work on the site for the parking/storage area.

Roll call vote: Slot - yes. Faber - yes. Gritter - yes. Stone - yes. Marshall - yes. Gould - yes. Zeinstra - yes. Motion carried.

A motion was made by Stone supported by Gould to approve **Site Plan 07-14b for Expo Landscape** subject to the following conditions:

1. A financial guarantee shall be provided equal to the cost of preparing and paving the parking/storage area prior to earthwork. The Township Engineer shall determine the amount.
2. The parking/storage area shall be paved.
3. The applicant shall submit a new site plan illustrating the above conditions prior to starting earth work on the site for the parking/storage area.

Yes - 7. No - 0. Motion carried.

To Set a Public Hearing - No applications were submitted.

Byron Meadows Plat – Preliminary Plat (Phase I)

Larry Nix reviewed his memorandum dated June 5, 2008 of which a copy is attached and made part of these minutes. He commented that Mr. Arne Larson of Driesenga & Associates has submitted a preliminary plat date May 29, 2008 for the first phase tentative preliminary plat approval. The Planning Commission recommended rezoning the 38.75 acre site from R-R District to R-U District at the January 2008 meeting and the Township Board subsequently rezoned the property. This site is located along the south side of 64th St. east of Burlingame Ave and directly north of Springfield Estates. The applicant is requesting tentative preliminary plat approval for phase one consisting of 32 lots on approximately 15 acres. It is suggested that the Planning Commission provide Preliminary Plat approval to Bolt & Hunfeld Builders for the proposed phase one of Byron Meadows subject to the following conditions:

1. Access to lots abutting 64th Street shall have access to minor streets internal to the development, access shall not be provided directly to 64th St.
2. The name of the plat shall be changed so as not to be confused with any existing development or neighborhoods in Byron Township.
3. The missing items described in paragraph #5 (of the Planners memo) shall be provided for the Township Board review.

Chairman Zeinstra asked the Planning Commission members if they had any questions, concerns or thoughts on this request.

Slot voiced his concern about drainage issues which could involve the surrounding homes.

Larry Nix stated that he did speak to Rod Kohorn regarding the drainage issues and he said it would be an improvement for that area. But we should make it aware to the Engineer of the concerns we have regarding drainage.

Gould agreed that the plat name should be changed due to the possible confusion with other areas with similar names.

A motion was made by Gritter supported by Slot to recommend Township Board approval of this request for the Preliminary Plat for Phase I with the conditions listed per the Township Planner and that the Township Engineer is made aware of the drainage concerns.

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

□ **SOUTHKENT LANDFILL ELECTRIC GENERATION FACILITY**

Jim Grant the Engineering & Construction Manager for Granger Energy, LLC was present to explain their proposed building project at the South Kent Landfill. Since this is regulated by the State of Michigan and the EPA, the zoning and planning issues are overridden. What this facility will do is capture the land fill gas and through a process will turn this into electricity. He gave the Planning Commission members a chance to ask any questions and if they had any concerns regarding this facility. This facility will also have a public area to teach about renewed energy.

□ **TOWNSHIP BOARD**

Tim Slot stated that the Mixed Use PUD was tabled at the last Board meeting. After a lot of discussion regarding apartments and green space the Board felt that a full board should be present to vote on this.

□ **ZONING BOARD OF APPEALS**

Seymour Gould stated the biggest issue facing the ZBA is the non-paved areas. Also one of the public hearings that is coming up is for another billboard along M-6.

□ **NON-PAVED STORAGE AREAS**

Larry Nix reviewed his memorandum dated June 10, 2008 of which a copy is attached and made part of these minutes. At the May Planning Commission meeting a memo was discussed on this subject and several suggestions and comments were brought forward from that meeting. These included:

- › A non paved surface should only be permitted behind the front of a building.

- › A non paved surface should not be permitted in the front yard.
- › The storage area with a non paved surface should be substantially obscured from public view.
- › A non paved surface shall be a non public use area.
- › The proposed type of non paved surface shall be approved by the Township Engineer.
- › The use of a non paved surface could only occur in unusual circumstances if Approved by the Planning Commission during the site plan review process upon recommendation by the Township Engineer.

Based on the discussion at that meeting he and Attorney Jim Brown prepared some suggestions which were added to Section 14.4 Required Conditions.

After discussing the additions to the language it was the consensus of the Planning Commission that Jim Brown should create an ordinance for the Planning Commission to review.

A motion was made by Stone supported by Marshall to have the lawyer create an ordinance to be reviewed by the Planning Commission.

Yes - 7. No - 0. Motion carried.

□ **DAY CARE CENTERS**

Larry Nix reviewed his memorandum dated June 10, 2008 of which a copy is attached and made part of these minutes. Day Care Centers are considered a business which operates 5 days a week from maybe 6:00 a.m.to 6:00 p.m. and closed on weekends. This type of business does not fit on every piece of property. It was suggested to implement language into the Ordinance to cover Day Care Centers since it is not covered in the Township Ordinance.

Chairman Zeinstra thought this is a good idea since we have no standards now covering day care centers.

Adjournment

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

Jeff Gritter, Secretary
Byron Township Planning Commission