

BYRON TOWNSHIP PLANNING COMMISSION

October 20, 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, October 20, 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 Township Attorney James Brown, Township Planner Larry Nix, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Jeff Gritter.

APPROVAL OF MINUTES

A motion was made by Stone supported by Slot that the minutes of the September 15, 2008 meeting and the minutes from the special meeting held September 24, 2008 be approved as written.

Yes - 7. No - 0. Minutes approved

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 dated October 9, 2008 for **Site Plan 08-20: Byron Center Bible Church** which is located at 8855 Byron Center Avenue. A copy of that memorandum is attached and made part of these minutes. A site plan has been

submitted to expand the parking and maneuvering area. The existing church building is required to provide 93 parking spaces by ordinance. Today 115 spaces exist on the site and 79 new parking spaces are proposed. There would be some reconfiguration of existing parking spaces and ultimately 194 parking spaces would be located on the site. The church has had parking problems and is planning for future growth. The expansion of the church will require a special land use application. The dimensions of the parking spaces and the maneuvering lanes comply with the Zoning Ordinance and it is recommended that the site plan be approved subject to the following conditions:

1. Township Engineer concerns shall be addressed and requirements of the Township Engineer shall be met.
2. 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.
3. A landscape plan shall be submitted for review and approval by the Township Planner illustrating the buffer along the west side of the property required by Section 16.8 of the Zoning Ordinance prior to the start of construction.
4. Details on proposed light poles and fixtures shall be reviewed and approved by the Zoning Administrator prior to the start of construction, to ensure compliance with Section 16.7
5. Approval from the Kent County Road Commission shall be presented to the Zoning Administrator prior to the start of construction.

A motion was made by Slot supported by Gritter to approved **Site Plan 08-20** for Byron Center Bible Church with the conditions listed by the Township Planner.

Yes - 7. No - 0. Motion carried Site Plan 08-20 approved.

To Set a Public Hearing – Masterpiece Flower Co. - requesting to rezone the property located at 8084 Clyde Park Ave., from R-S Suburban Residential to D-1 PUD Industrial Planned Unit Development.

An application for Masterpiece Flower Co., was reviewed.

A motion was made by Stone supported by Gould to set the public hearing for November 17, 2008.

Yes - 7. No - 0. Motion carried.

Rezoning request for Robert VanderVeen for the property located at 8824 S. Division from R-A Rural Agricultural to R-S Suburban Residential
(tabled at the September 15, 2008 meeting)

A motion was made by Slot supported by Marshall to remove this request from the table for discussion.

Yes - 7. No - 0. Motion carried.

Chairman Zeinstra asked Mr Nix to give an update on this rezoning request.

Larry explained the reason this was tabled was due to the issues between the applicant and the neighbor regarding the drainage with the shared driveway. It was suggested that Mr. VanderVeen meet with his neighbor Mr. Wensink and with Rod Korhorn the Township Engineer. That meeting was held and a letter has been received from the Township Engineer Rod Korhorn. A copy of that letter is attached and made part of these minutes. It was the opinion of the Township Engineer that there are not drainage issues associated with the shared drive over which the Township has jurisdiction which should preclude the Township from granted a rezoning request.

A motion was made by Stone supported by Slot to recommend approval of this rezoning request to the Township Board per the following Township Planners findings:

1. The requested rezoning is consistent with the Byron Township Master Plan's future land use recommendation for the subject property.
2. The proposed rezoning appears to be consistent with the land use recommendations of the Gaines Charter Township Master Plan.
3. It appears that the applicant can overcome topography challenges associated with the site to make use of the proposed zoning district given the size of the parcels proposed.

Yes - 6. No - 0. Abstained - 1 (Gould) absent at Public Hearing
Motion carried.

Public Hearing – Ken Hedlund - requesting a special land use permit to open an auto repair facility for the property located at 7780 Clyde Park Ave. SW.

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.

Mr. Hedlund was present and did not make a presentation.

Larry Nix then reviewed his memorandum dated October 9, 2008 of which a copy is attached and made part of these minutes. Larry commented that Mr. Hedlund has submitted a special use application to establish a vehicle repair shop. The building was designed and constructed to be divided into 6 lease suites but the proposed vehicle repair shop would consume two interior tenant spaces. The property is zoned D-1 Industrial and a vehicle repair shop is permitted as a special use. The applicant has not proposed any modifications to the building or the site. All standards of Vehicle Repair Shops have been met. The applicant is proposing not to store any vehicle outside, only those that will be picked up by the owner in the evening. Also the General Special Use Standards are consistent with the area. He is recommending Planning Commission approval with the following conditions:

1. Outside accumulation of junk, materials, equipment or junk vehicles on the premises is prohibited.

2. An exterior oil separator shall be installed on the existing sanitary lateral serving the building as required by the Township Engineer and the Byron Gaines Utility Authority.
3. A payment shall be furnished to the Township Clerk to cover the costs of future sidewalk installation.
4. Vehicle painting services shall not be offered in the conduct of the establishment, unless such services are approved by the Fire Chief in writing.

Mr. Nix suggested condition 3 be revised to a commitment letter to construct the sidewalk in the future.

Chairman Zeinstra opened the hearing to the public.

No public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

Commission member Seymour Gould asked the applicant if he planned on doing any exterior changes.

Mr. Hedlund stated that he was not going to do any exterior changes.

Commission member Gritter commented about the sidewalk commitment.

Attorney Jim Brown stated it is binding only for this owner and also for future owners. The agreement should be in writing and recorded with the County and registered on the deed.

A motion was made by Slot supported by Gould to approve this special land use request as per the Townships Planners recommendations with the change to recommendation #3 which should state that a letter must be submitted to the Township Clerk for future sidewalk completion and registered as a deed restriction the County as a deed restriction.

Yes - 7. No - 0. Motion carried.

Merestone Group - MU-PUD Preliminary Site Plan Discussion

Chairman Zeinstra asked Larry Nix to give a brief overview of the process that must be taken for a MU-PUD request.

Larry commented that Merestone Group has submitted an application for a Mixed Use PUD for the southeast corner of Byron Center Ave., & 64th Street. This is the first application submitted for an MU-PUD and it is consistent with the Master Plan. The initial step in this process is a pre-application conference, required prior to submission of an application. The Byron Township Zoning Ordinance lists in Section 15A.7 (1) the

items that are required for submittal at this conference. The applicant has fulfilled these requirements.

The second step is the submission of an application, fee and escrow with a preliminary MU-PUD plan. The Planning Commission will receive the application and preliminary plan and will discuss the plan at its regular meeting, which we are going to do tonight. It is imperative that commission members review the plan and become familiar with what the applicant is proposing. The Planning Commission may, at its discretion hold an advisory public hearing to receive comments from citizens on the preliminary MU-PUD plan at a subsequent meeting. Section 15A.7 (4) lists the items that are required to be included in a preliminary MU-PUD plan, but these items are only required if the Planning Commission decides to hold an advisory public hearing. In addition, several supplementary written items are required in subsection (d) and (e). A final MU-PUD plan is then submitted, and a public hearing is required. Additional information listed in Section 15A.7 (5)(b) and (e) may be required. After the public hearing the Planning Commission will recommend that the Township Board approve, approve with conditions, or deny the request. The Township Board may hold a public hearing prior to making a final decision.

Tom Burgess was present along with John Van Singel from Van Singel Farms of Byron Center LLC, Ken & Matt Dixon from Dixon Architectural Group. Tom began by saying that he did notice that there are some Van Singel residents present and he wanted to assure them that a neighborhood meeting is scheduled for Monday night November 3. All the neighbors will be notified of the time and place of this meeting. We are aware with a MU-PUD application two uses are required. We are proposing three uses, residential, office, and commercial. Tom proceeded to explain each building and what was proposed for those buildings. Items explained were buffer areas, green space, underground parking levels, number of condo units, utilities, and drainage. Tom commented that he feels good about this plan and hopes it all works out.

Commission member Slot asked what type of restaurants are being proposed. Will they be sit down full service or fast food?

Tom Burgess responded they do not want fast food. Being so close to Saint Mary's Hospital and Metro Hospital they want full sit down restaurants.

Slot asked about the condo units if they will be owner occupied only and no rental.

Tom Burgess stated they will be owner occupied with a Master Deed restriction prohibiting rentals.

Other concerns that the Commission members had were delivery truck traffic, dumpster locations, drainage, the grade of the land on the east side of the project, traffic flow, being energy efficient, parking lot lighting, possibility of connecting Pod I since it is quite isolated from the other units, and the proposed number of condo units

Jeff Gritter commented that this is a lot to digest in one night.

Tom Burgess thanked everyone for all their questions, concerns and suggestions.

Chairman Zeinstra then asked if any one had a comment about this project.

Doug Tubergen – 6620 Pleasant Hill Dr. SW – does not want to see any drainage go into the lake. This summer the lake had a lot of algae bloom which robbed him of using the lake. He doesn't want to see any untreated water going into the lake. He is very unhappy with the condition of the lake.

Susan Keys – 2296 Van Singel Lake Dr. – asked what the low end of the pricing would be for the condo units. She will attend the neighborhood meeting and there will be a lot of questions.

Larry Nix commented that the Planning Commission has the option to hold an advisory public hearing to receive comments from citizens on this preliminary MU-PUD plan. He feels this would be a good idea and thinks it should be a special meeting. He anticipates substantial public input.

Chairman Zeinstra is also in favor of an advisory public hearing.

Commission member Gould stated this is our first application for MU-PUD, and we will be setting a standard from here on. He also agrees that it should be a special meeting.

A motion was made by Gritter supported by Gould to set a special advisory public hearing for December 1, 2008 @ 7:00 p.m.

Yes - 7. No - 0. Motion carried.

Public Hearing – Proposed Zoning Ordinance Amendment for Child Care Centers

Chairman Zeinstra opened the public hearing for the proposed zoning ordinance amendment for Child Care Centers.

Secretary Jeff Gritter read the notice and affirmed that the notice was published once in the South Advance.

Chairman Zeinstra opened the public portion of the meeting.

No public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

Planner Larry Nix reminded the commission members that this would be a recommendation to the Township Board.

Commission member Gould felt this ordinance gives us enough flexibility if we have to deal with this type of request.

A motion was made by Gould supported by Marshall to recommend Township Board approval for the proposed zoning ordinance amendment for Child Care Centers.

Yes - 7. No - 0. Motion carried.

Public Hearing – Proposed Zoning Ordinance Amendment on Portable Storage Containers.

Chairman Zeinstra opened the public hearing for the proposed zoning ordinance amendment on portable storage containers.

Secretary Jeff Gritter read the public notice and affirmed that the notice was published once in the South Advance.

Chairman Zeinstra opened the public portion of the meeting.

No public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

A motion was made by Slot supported by Gritter to recommend Township approval for the proposed zoning ordinance amendment on portable storage containers.

Yes - 7. No - 0. Motion carried.

Public Hearing – Proposed Zoning Ordinance Amendment on Outdoor Storage Areas in D-1 Districts.

Chairman Zeinstra opened the public hearing for the proposed zoning ordinance amendment on outdoor storage area in the D-1 Industrial Districts.

Secretary Jeff Gritter read the public notice and affirmed that the notice was published once in the South Advance.

Chairman Zeinstra opened the public portion of the meeting.

No public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

A motion was made by Marshall supported by Faber to recommend Township Board approval for the proposed zoning ordinance amendment on outdoor storage areas in D-1 districts.

Yes - 7. No - 0. Motion carried.

A motion was made by Gould supported by Slot to have the Township Board consolidate these three proposed ordinance amendments into one.

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 commented that hopefully by next month we should be able to take this from the table for discussion. It will remain on the table for now.

Miscellaneous

TOWNSHIP BOARD

Tim Slot had nothing to report.

ZONING BOARD OF APPEALS

Seymour Gould absent no report given.

MARATHON PETROLEUM GAS COMPANY

A motion was made by Slot supported by Gould to remove this request from the table for discussion.

Yes - 7. No - 0. Motion carried.

Larry Nix stated that a letter has been received from James Telman on behalf of Marathon Petroleum Company requesting to withdraw the rezoning application for the property located at or about 6419 Byron Center Ave. (southwest corner of 64th & Byron Center Ave.)

A motion was made by Gould supported by Gritter to accept this withdrawal letter from Marathon Petroleum Company. A copy of that letter is attached and made part of these minutes.

Yes - 7. No - 0. Motion carried.

Michigan Planning Enabling Act 33 of the Public Acts of Michigan of 2008.

Attorney Jim Brown explained that although the Michigan Zoning Enabling Act, Act 110 of 2006 became effective July 1, 2006, the legislature and the governor subsequently approved Act 12 of 2008, which consists of amendments in the Zoning Enabling Act. Some of the amending provisions in Act 12 of 2008 require certain amendments in the Township zoning ordinance and this is the purpose of the enclosed ordinance. Most of the relevant amendments relate to the Zoning Board of Appeals and some changes will occur in the Board of Appeals chapter for clarity and

greater completeness.

Chairman Zeinstra commented that they should read this over and it will be discussed later.

Seymour Gould suggested that we get a copy of this to each of the Zoning Board Appeals members so they can discuss this and get these comments back to Planning Commission.

Adjournment

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

Jeff Gritter, Secretary
Byron Township Planning Commission