

BYRON TOWNSHIP PLANNING COMMISSION

January 19, 2009

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Secretary Jeff Gritter called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, January 19, 2009, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Jeff Gritter, James Faber, John Stone, Tim Slot, Steve Kilgore and Tim Newhouse. Absent: 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 Tim Slot.

Welcome New Members

Jeff Gritter welcomed two new members to the Planning Commission, Steve Kilgore and Tim Newhouse.

APPROVAL OF MINUTES

A motion was made by Stone supported by Slot that the minutes of the December 15, 2008 be approved as written.

Yes - 6. No - 0. Absent - 1. Minutes approved

PUBLIC COMMENTS

No public comments were made.

BUILDING INSPECTOR REPORT

The building inspectors report was received and placed on file.

SITE PLANS

Larry Nix reviewed his memorandum dated January 8, 2009 for **Site Plan 09-01: Russo's Restaurant** which is located at 6209 South Division. A copy of that memorandum is attached and made part of these minutes. Mr. Doug Stalsonburg of Exxel Engineering has submitted a site plan on behalf of Mr. Joseph Russo of Russo's Restaurant. They are seeking to expand an existing parking area behind the restaurant. The 1.29 acre parcel is immediately west of the restaurant building, between Arbutus Street and Violet Street and would connect to an existing rear parking area. The property is zoned B-2 General Business. The existing parking area is accessed from Violet Street and would connect to the new parking area. The applicant is not proposing a curb cut into Arbutus Street. The dimensional requirements of Section 16.2 would be met. The maneuvering lane would be 26 feet in width and the 26 parking spaces would each be 9 feet by 20 feet. A note on the site plan labels the "approximate edge of asphalt parking", so it is unclear whether the entire parking addition would be asphalt as required by Section 16.4 (1). Also Section 16.5 requires that a 10 foot wide area along Arbutus be landscaped. An existing 5 foot tall hedge would be preserved to help fulfill this requirement. In addition, 3, 2inch caliper landscape trees would be added to the 10 foot wide landscape area to increase the density of the existing landscaping. This arrangement meets the intent of the ordinance and it is suggested that it be approved. The land to the west of the subject parcel is open space maintained by the Camelot Manor Mobile home housing community and is zoned MFR, Multi-Family Residential District. Section 16.7 (1) limits parking area light poles to 20 feet in height where a residential district or use is within 200 feet of the pole. One light pole is proposed with a maximum height of 20 feet and the source of illumination would be cut-off to avoid glare. Therefore the lighting standards would be met. Section 16.8 requires that a landscape buffer be provided along the west property line to screen the proposed parking area from the adjacent MFR zoned land. The ordinance states that 8 foot tall trees or a 4 foot tall fence or wall must be provided. The applicant has proposed a 26 foot wide open space between the parking area pavement edge and the lot line; and 3, 8 foot tall evergreen trees would be planted. This is sufficient since the land to the west owned by Camelot Manor Mobile Home Park is a landscaped open space with a dense evergreen cluster of trees that will help to screen the parking lot. The nearest dwelling in Camelot Manor is over 1,000 feet away from the subject site. It has come to the attention of the Township that a parking deficiency exists on this site. Based on the current land uses in the building it is estimated that 114 parking spaces are required by the ordinance. With the proposed parking expansion under consideration, 98 parking spaces will be provided. The proposal would therefore decrease this parking deficiency and should be approved. However since certain land uses can generate more parking demand than others, future proposed changes in use should first be reviewed and approved by the Zoning Administrator. 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. The entire parking area shall be paved.
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. The property owner shall request that the Zoning Administrator review and approve any land use change on the property prior to establishment of a new use in the building, for the purpose of determining whether sufficient parking exists.

A motion was made by Slot supported by Stone to approve **Site Plan 09-01 for Russo's Restaurant** with the conditions listed by the Planner.

Yes -6. No - 0. Absent - 1 (Mike Marshall). Motion carried. Site Plan 09-01 is approved.

Public Hearing – Dykhouse Construction – requesting a special use permit to construct a new church building (High Pointe Community) for the property located at 2891 - 76th St. SW

Secretary Jeff Gritter declared the public hearing open, read the public notice and affirmed that the notice was published once in the South Advance and all property owners within 300' were notified.

Ron Quakkelaar was present and stated that they are requesting a special use permit to build a new church worship center. The worship center will have a sanctuary that can seat approximately 400 people with church offices, seven classrooms and a gymnasium. The total building size is 21,900 square feet. He commented that he had received Larry Nix's memorandum and has addressed some of those concerns. The initial site plan showed lighting locations but did not specify pole height or fixtures. The pole heights will not be more than 20' tall and light fixtures will be of the shoe box design shining downward. The dumpster screening mechanism will consist of an opaque fencing 6' tall. The proposed road sign has not yet been developed in detail but when it is finished it will meet Byron Township ordinance standards. The location for the proposed sign is shown on the site plan. Any future recreational area or future building will not be constructed until Township approval is received. They will furnish the Township with a commitment letter if it is necessary to have future sidewalks. The church site plan committee, the civil engineer, and Dykhouse Construction will be meeting with the Township engineer on Tuesday the 20th to address the requirements and the requirements of the fire chief. A few other items are the landscaping plan shows that existing vegetation will be maintained with additional plantings to provide for proper screening to adjacent residences. The drive coming in to the property is 30' from the west property line. The church will have only one entry and exit which will be off of 76th St. That drive location has been approved by the Kent County Road Commission.

Larry Nix then reviewed his memorandum dated January 8, 2009 of which a copy is attached and made part of these minutes. It is recommended that the special use application to establish a church be approved subject to the following conditions:

1. Lighting fixtures and light poles shall be limited to a maximum height of 20 feet and shall be downward facing and fully cutoff. Details of all site and building lighting shall

be reviewed and approved by the Township Planner prior to the issuance of a Township building permit.

2. The dumpster enclosure shall completely enclose the dumpster and shall be comprised of 6 foot tall walls or opaque fencing. Details of the enclosure shall be reviewed and approved by the Township Planner prior to the issuance of a Township building permit.

3. The proposed sign shall meet the requirements of Article XVII.

4. The future recreational area and future building outlined on the site plan shall not be constructed until the Zoning Administrator has reviewed and approved plans for such construction.

5. The applicant shall furnish to the Township Clerk a commitment letter and deed restriction in a form approved by the Township Attorney for sidewalk installation adjacent to 76th St,

6. Township Engineer concerns shall be addressed and requirements of the Township Engineer shall be met.

7. Fire Chief concerns shall be addressed and requirements of the Fire Chief shall be met prior to the issuance of a Township Building permit.

Secretary Jeff Gritter opened the public hearing.

Steve Veneklas – **7512 Southwood Ave SW** commented that when they built their house the developer told them that no one could ever build anything on that property. He is really concerned about drainage issues. Another one of his concerns is the driveway. Maybe it could be pushed over a little more. He questioned if traffic ever became a problem or issue if they would be allowed to go thru Dusty Rose. He knows the issues that construction traffic causes.

Tom Feeney – **2929 - 76th St. SW** stated that he owns 10 acres adjacent to Kent Trails and would be adjacent to the proposed church. Drainage is his big concern. After the big thaw that occurred, the water was up to his house. He is not sure what type of impact this type of project would have on his property.

Sara Cushman – **7530 Indigo Ridge** commented she does not live adjacent to the proposed church building but they do own part of the detention pond. She is also concerned about the drainage issue.

Tim Klamer – **2938 – 72nd St. SW** stated that he farms the property to the north of this site and he is also concerned about drainage.

No further public comments were made.

Secretary Jeff Gritter closed the public portion of the meeting.

Items discussed by the commission members were the site access, parking, outdoor lighting, drainage, and landscape issues. A permit from the Kent County Road Commission will be required for construction of the drive entrance and for other work

proposed within the right-of-way. Detailed calculations will need to be submitted showing that the proposed storm water management facilities have been designed in accordance with Byron Township Storm water Standards or Kent County Drain Commission Development Drainage Rules. A landscape plan must be submitted for review and approval by the Township Planner.

Slot voiced his concern that there is a lot of water on that property most of the time. He is concerned with the neighbor's issues with lighting and car noise. They have nice homes there and they deserve some privacy.

Tim Newhouse was concerned that if the church would continue to grow and traffic would become an issue what would they do.

Larry Nix stated that if they do propose an addition or expansion another public hearing would be required.

John Stone felt we should table this now and ask for detailed landscape plans and request a report from the drain commission or Township Engineer.

Paul Hendershot from Rooisen Associates stated that they would really like to move on with this project. The challenge is with the DEQ. They won't give a permit until a reasonable alternative is show. He is hoping to have a permit from the DEQ by the end of February.

Tim Slot stated that he would like to see the additional information on landscaping and drainage before we proceed.

A motion was made by Slot supported by Faber to table this request until a detailed landscape plan is submitted and a report from the Township Engineer and the Drain Commission.

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

Public Hearing – Masterpiece Flower – for the final PUD Site Development plan for the property located at 8122 Clyde Park Ave. SW

Secretary Jeff Gritter declared the public hearing open and read the public notice and affirmed that the notice was published once in the South Advance and all property owners within 300' were notified.

Commission members Tim Newhouse and James Faber stepped down due to conflict of interest.

Ryan Arends from Moore & Bruggink stated that they propose to construct a 15,300 square foot maintenance and office facility at 8084 Clyde Park Ave SW as well as a 15,625 square foot warehouse addition at 8122 Clyde Park Ave. SW. Masterpiece Flower

Company owns both 8084 Clyde Park and 8122 Clyde Park Avenue and will combine the two parcels. The 8122 Clyde Park address will serve both facilities. Public utilities including water and sanitary sewer are available and can be extended to the parcel with no connection problems. Private utilities including gas, electric and phone are available to the site and will come off Clyde Park Avenue. Storm water for the new development will be managed separately from the existing Masterpiece Flower facility utilizing a storm-water detention pond sized per Kent County and Byron Township drainage regulations. The detention pond, detention pond outlet structure and storm sewer design calculation have been submitted for approval.

Larry Nix reviewed his memorandum dated January 8, 2009 of which a copy is attached and made part of these minutes. He is suggesting that the Planning Commission approve the D-1 PUD final site development plan for the expansion of Masterpiece Flower Company subject to the following conditions:

1. The applicant shall furnish to the Township Clerk a commitment letter and deed restriction in a form approved by the Township Attorney for sidewalk installation adjacent to Clyde Park Avenue for Masterpiece Flower Company's complete frontage.
2. All 30 of the existing spruce trees shall be replanted on a relocated berm shall be a minimum of 5 feet in height. A revised landscape plan illustrating that all the existing trees will be replanted and that the berm will be at least 5 feet in height shall be reviewed and approved by the Township Planner prior to issuance of any Township permits.
3. A financial guarantee shall be established equal to the cost of the 30 spruce trees. The Township Engineer shall determine the amount.
4. Township Engineer concerns shall be addressed and requirements of the Township Engineer shall be met.

Secretary Jeff Gritter opened the hearing to the public.

Allan VanLeeuwen – 8191 Byron Gardens stated that Mast Greenhouse is located directly behind their home and he feels that the berm that is there is not adequate. This operation has gone to a 24/7 operation. He also wants the wetland protected.

Carol Huff - 8169 Byron Gardens commented that it is very noisy and that the current berm does not work. She also asked how they intended to relocate the berm. If they want to be a good neighbor I would think they will try and make it sound proof.

No further public comments were made.

Secretary Jeff Gritter closed the public portion of the meeting.

Larry Nix commented that the wetlands will be protected and not be disturbed. Maybe there is a better sound barrier than the berm. That could be explored for the benefit of the neighbors. The reefer trucks that run all night long maybe could be required to park at another designated area on the property. Get them further away from the neighbors. We should look at various options. Maybe an 8' fence would help if it was put on top of

the berm.

Chris Mast commented that he could do a solid vinyl fence on the berm but controlling the truck parking would be hard to do.

After some additional discussion a motion was made Slot supported by Stone to approve the final PUD site development plan for Masterpiece Flower per the conditions set forth by the Planner and the resolution provided by the Township Attorney with the addition that a solid vinyl fence a least 6' in height to be located on the berm.

Yes - 4. No - 0. Abstained - 2 (Faber & Newhouse) Absent - 1 (Marshall) Motion carried. Final PUD Site Development plan approved.

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 this application can remain on the table.

Miscellaneous

□ ELECTION OF OFFICERS

A motion was made by Tim Newhouse supported by Slot to nominate Jeff Gritter for Chairman, John Stone for Vice-Chairman and Jim Faber as Secretary.

Jim Faber declined the nomination for Secretary.

Tim Newhouse asked to amend the motion and nominate Mike Marshall for Secretary.

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

□ TOWNSHIP BOARD

Tim Slot was absent.

□ ZONING BOARD OF APPEALS

Randy Zomerlei reported that a Land Use request was just granted for the new Dykhouse building downtown to permit residential use in the building provided parking requirements can be met.

□ MERESTONE GROUP (Valley Vista)

For the benefit of the new Planning Commission members Tom Burgess was present and explained what they are proposing to do at the southeast corner of Byron Center Ave., and 64th St. They are anticipating to submit a complete final plan at next months meeting.

□ **BYRON TOWNSHIP ZONING ORDINANCE AMENDMENTS**

Planner Larry Nix commented that he has been working with Attorney Jim Brown on some appropriate additions to the Township Ordinance. At the November meeting he indicated that they would provide a suggested priority list of various amendments that should be considered. A memo has been provided showing the recommended changes. A copy of that memo is attached and made part of these minutes. He asked the Planning Commission members to read and study the information and it will be up for discussion next month. Larry Nix commented that they do not intend to change the whole ordinance. Just clean up and make it easier to understand.

□ **PLANNING COMMISSION BYLAWS**

Attorney Brown commented that the Planning Enabling Act became effective September 1, 2008 so it is now appropriate for the Planning Commission to consider proposed bylaws and rules of procedure. He has received some comments from Larry Nix and he will incorporate those into his draft. He will make the adjustments and have it available at next months meeting.

□ **ANNUAL YEAR END REPORT OF PLANNING COMMISSION ACTIONS**

A motion was made by Slot supported by Stone to forward this report to the Township Board for their review.

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

Adjournment

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

Timothy R. Newhouse, Secretary
Byron Township Planning Commission