

BYRON TOWNSHIP PLANNING COMMISSION

February 16, 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, February 16, 2009, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Jeff Gritter, Tim Slot, Steve Kilgore, Timothy Newhouse, and John Stone. Absent: Mike Marshall and James Faber. Also present was Township Attorney Mark Van Allsburg, Township Planners Larry Nix and Brian Wegener, and Building Inspector Randy Zomerlei.

Prayer was offered by John Stone.

APPROVAL OF MINUTES

John Stone questioned whether the January 19, 2009 minutes should reflect the election of Mike Marshall for Planning Commission Secretary, since he subsequently declined the position. Jeff Gritter and Timothy Newhouse both indicated that the minutes were correct since Mike Marshall was in fact elected as Secretary at the meeting.

A motion was made by Stone supported by Slot to approve the January 19, 2009 meeting minutes as presented.

Yes - 5. No - 0. Absent - 2. (Marshall and Faber) The minutes were approved.

PUBLIC COMMENTS

No public comments were made.

BUILDING INSPECTOR REPORT

Randy Zomerlei stated that the Building Inspector's report was provided to the Commissioners and will be placed on file. There was no other discussion on the report.

SITE PLANS

Larry Nix stated that there were no site plans submitted.

TO SET PUBLIC HEARING – THE MERESTONE GROUP- requesting to rezone property from R-R, Rural Residential and R-U PUD, Urban Residential Planned Unit Development to MU PUD, Mixed Use Planned Unit Development and requesting approval of a Final Site Development Plan for Valley Vista Center located at 6420 Byron Center Avenue and 6650 Byron Center Avenue (southeast corner of 64th Street and Byron Center Avenue.

Larry Nix summarized the status of The Merestone Group's application for final site development plan approval and rezoning approval to establish the MU PUD. He indicated that he and Mr. Wegener had reviewed the plans and identified several important missing items required for submittal. Mr. Nix met with the applicants and provided the list of missing items. The applicant has submitted new information this evening based on the listing from Mr. Nix.

Mr. Nix asserted that, since the applicant has provided this information this evening, he has not had a chance to review the new information. An option for moving forward is to assume the applicant's revised submittal is complete and has met all the items previously discussed. In that instance, the Planning Commission could set the public hearing for the March meeting. Mr. Nix stated that he and Mr. Wegener will review the modified submittal as soon as possible to confirm the hearing process. LaVonne will email the Commissioners to inform you whether or not the hearing will take place in March. The other option is to wait another month to enable us an opportunity to review the submittal and make sure we have everything we need before scheduling the hearing.

Jeff Gritter reiterated these two options. Tim Slot expressed agreement with the first option.

A motion was offered by Slot supported by Newhouse to schedule the public hearing for March 16, 2009.

Yes – 5. No – 0. Absent – 2 (Marshall and Faber). The motion carried and the hearing was set.

PUBLIC HEARING – DYKHOUSE CONSTRUCTION – requesting a special use permit to construct a new church building (High Pointe Community Church) for the property located at 2891 – 76th Street SW. (tabled from last month)

Gritter introduced this agenda item and reminded the Commission that this item was tabled at the January 19, 2009 meeting.

A motion was made by Newhouse and supported by Slot to take this item off the table to

resume discussion.

Yes – 5. No – 0. Absent – 2 (Marshall and Faber). The motion carried and the item was taken off the table.

Mr. Nix said that at last month's public hearing, there was public concern regarding landscape buffering. Residents of Meadows North Estates were worried that bright lights from motor vehicles traveling on the church's entry drive would be a nuisance. Additionally, residents were concerned about stormwater drainage.

Mr. Nix said the applicant has provided us with a landscape plan that is more detailed. The plan shows that the previously proposed trees along the east lot line have been relocated to the west lot line in an effort to provide additional screening along the lot line shared with Meadow North Estates. Twenty-five evergreen trees would be provided; and the road is two to four feet below the grade of the lot line which will also help avoid light invasion.

Secondly, the applicant has provided more stormwater plans. The Township Engineer has provided a review letter dated February 16, 2009, making several observations. The Drain Commissioner determined that some maintenance is required and will pursue this further to resolve concerns. Another issue is the 30-inch culvert under the Kent Trails, which was constructed in the early 1900s. Substantial changes upstream and downstream may be needed. The Township Engineer's letter stated that some elements still need to be addressed, and requested that these items be resolved with a single submittal. The church is likely able to comply with County and Township standards, but more detailed information is needed.

Mr. Nix stated that the Commission can condition approval on resolving these issues, or can require a letter of approval from the Engineer before approving the special use.

Jeff Gritter discussed landscaping. The applicant has relocated some trees for a total of 25 trees along the west property line. There are more details. He inquired if there were more questions from the Commissioners.

Tim Slot suggested that the tree planting area be extended down to the bridge. Only scrub landscaping exists in that area; a few more trees would help with screening.

Ron Quakkelaar from Dykhouse Construction representing the applicant was present and offered pictures of existing vegetation and screening. We have refined the landscaping plan to effectively screen areas where breaks in the existing tree line exist. We could agree to plan more trees down toward the bridge.

There was discussion among the Commissioners regarding extending the landscape buffer; and regarding the public drainage easement.

Jeff Gritter said that the applicant is willing to extend the evergreen buffer and the

Township Engineer has addressed stormwater needs. He was comfortable with the engineering review; the Engineer simply needs more details to confirm compliance. He inquired if there were more comments?

There was some discussion on ensuring that the applicant can meet the stormwater conditions and the timeframe for Drain Commissioner review. Mr. Nix stated that Mr. Van Allsburg has drafted a resolution for consideration. Mr. Van Allsburg suggested that paragraph G of the resolution be revised to account for the additional required trees; the revised language should read that the trees shall be extended along the west side of the entry drive extending to the sediment basin before the culverts.

A motion was made by Stone to approve the special use per the resolution and the modification to paragraph G discussed; and the motion was supported by Slot with the clarification that the additional trees would be the same size as those already proposed.

Yes – 5. No – 0. Absent – 2 (Marshall and Faber). The special use was approved. .

JUST PROPERTIES LLC (RIC JOHNSTON) – to rezone property located at 7164 Clyde Park Avenue SW (a portion of) and 7160 Clyde Park Avenue SW from R-U Urban Residential to D-1, Industrial. (tabled from last month)

Larry Nix commented that this rezoning application can remain on the table.

Miscellaneous

□ **ELECTION OF PLANNING COMMISSION SECRETARY**

Jeff Gritter reiterated that Mike Marshall preferred not to hold the position of Secretary, and requested nominations to fill the position. James Faber is not present with us tonight, but at an earlier meeting he had declined the position.

A motion was made by Stone and supported by Slot to nominate Timothy Newhouse as Secretary.

Yes – 5. No – 0. Absent – 2 (Marshall and Faber). The motion carries and Newhouse is the new Secretary.

□ **TOWNSHIP BOARD REPORT**

Tim Slot said there was no report to give.

□ **ZONING BOARD OF APPEALS REPORT**

Timothy Newhouse said the ZBA met, but there were no agenda items. Abe Vander Woude offered a lesson to the new members on ZBA proceedings. The next meeting has been cancelled.

□ **BYRON ZONING ORDINANCE DISCUSSION**

Larry Nix indicated that he has worked with Mr. Wegener in drafting new sign provisions based on enforcement, ambiguities and administrative issues. In addition, some formatting elements have been changed to ease use. Stone had no questions on the new provisions; and Newhouse said he was not familiar enough with the old regulations to know what the changes are meant to do

Mr. Nix commented that the Attorneys are working on changing last month's draft into an ordinance based on comments received from Commissioners. We are trying to modernize the ordinance, not engage in a complete rewrite.

Steve Kilgore questioned why the ordinance revisions from last month were removing the ability to store large trucks in the R-S District. Mr. Nix deferred the question to Mr. Wegener, who stated that the current ordinance allows an unlimited number of semi trucks and trailers in area zoned R-S, including Meadows North Estates, Providence Lake and Railside. These are pleasant areas and some may feel that an unlimited number of semi trucks and trailers permitted on each lot do not belong there. The Township has received complaints before about storage of trucks in some of these areas.

Mr. Kilgore wondered what other townships are doing to regulate semi truck storage in residential areas. Mr. Van Allsburg clarified that Caledonia Township, and other similar communities, prohibit storage of large trucks in residential areas. Jeff Gritter confirmed that Gaines Township would also prohibit truck storage.

There was some discussion on truck noise and the process for amending the ordinance based on complaints, or based on a permitted use not consistent with the intent of a district. There was further discussion on the diversity of lot sizes in the R-S District and the intent of the R-S District. Mr. Kilgore asked whether someone currently storing large trucks would be told to cease, or if the use would be grandfathered in. After some discussion between Mr. Nix and Mr. Van Allsburg, it was agreed that storage of a large truck would not be considered a legal nonconformity if the ordinance was changed to prohibit such a use. There was some discussion on prohibiting truck storage in the R-S zone based on lot size.

Mr. Nix said he would conduct an analysis of lot sizes in the R-S District. It was generally agreed upon that the Commission should contemplate prohibiting truck and trailer storage on lots smaller than 5 acres.

Tim Slot questioned whether the proposed wind turbine standards would affect existing antique windmills or future windmills that mimicked the antique models. There was discussion on pumping water into ponds, electricity generation, whether a variance would be required for certain turbines, etc. There was discussion on the process for revising the ordinance.

Mr. Kilgore asked for more clarification as to what constitutes a temporary banner sign in the sign provisions; and offered a specific example of a potential interpretation issue. Mr. Nix stated that the DDA may be supplying us with signage suggestions. Commissions and staff discussed what the next steps are in the ordinance amendment process.

□ **PLANNING COMMISSION BYLAWS**

There was some discussion as to the length of a term appointment.

Newhouse made a motion to approve the Bylaws and Slot seconded the motion.

Yes – 5. No – 0. Absent – 2 (Marshall and Faber). The motion passed and the Bylaws were approved.

Adjournment

A motion was made by Stone supported by Newhouse to adjourn the meeting.

Yes - 5. No - 0. Absent – 2 (Marshall and Faber) Motion Carried.

Timothy R. Newhouse, Secretary
Byron Township Planning Commission