

BYRON TOWNSHIP PLANNING COMMISSION

October 19, 2009

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

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

Commission members present were: Jeff Gritter, Tim Slot, James Faber, Steve Kilgore, John Stone and Timothy Newhouse. Absent: Mike Marshall . Also present was Township Planner Val Lazdins, Township Attorney James Brown, Byron Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Jeff Gritter.

APPROVAL OF MINUTES

A motion was made by Slot supported by Faber to approve the September 21, 2009 minutes as presented. Motion carried.

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

PUBLIC COMMENTS

No public comments were made.

BUILDING INSPECTOR REPORT

The Building Inspector's report for September was provided to the Commissioners and will be placed on file.

SITE PLANS

Val Lazdins reviewed his memorandum dated October 8, 2009 for **Site Plan 09-03: Byron Center Bible Church** which is located at 8855 Byron Center Ave. A copy of that memorandum is attached and made part of these minutes. Val commented that Byron

Bible Church has submitted a new site plan to expand the parking area. No changes are proposed to the building site. The property is currently zoned R-S Suburban Residential. A site plan to expand the parking lot at this site was reviewed by the Planning Commission in October of 2008. That plan showed a new parking area and a new driveway from Byron Center Avenue was proposed to the south of the existing lot on land currently occupied by a single family home. The south existing entrance from Byron Center Avenue was shown to be eliminated. In addition a large parking lot expansion was proposed to the west side of the existing lot with a driveway out to Conifer Ridge Drive. This plan resulted in 300 parking spaces as opposed to the existing 115 spaces. The site plan was approved by the Planning Commission subject to five (5) conditions, including approval by the Township Engineer, approval of a landscape plan by the Township Planner, approval of a lighting plan by the Zoning Administrator, submission of a performance guarantee and proof of permits from the Kent Country Road Commission. The new site plan scales back the parking lot significantly. The plan eliminates the parking lot south of the existing lot (thus preserving the existing house), provides fewer spaces to the west and now totals 213 parking spaces. Both curb cuts on Byron Center Avenue are preserved, but a new curb cut on Conifer Ride Avenue is still proposed. Per Section 19.5 which lists the required submittals for site plan review reveals certain items are missing or require additional consideration. The curbs and gutters, curb inlets and curb cuts, and drainage grates along with other storm water or drainage facilities including manholes, pipes, drainage ditches and retention ponds are subject to approval from the Township Engineer. Only 2 outdoor lighting fixtures (existing to be relocated) are shown and due to the size of the lot additional lights are necessary. No information on the existing lights has been provided. Proposed contours are not shown as solid but are shown as bold dash lines on the site plan. Parking spaces are located in the entry aisle at the north access from Byron Center. It is required to have vehicle accommodation areas including parking areas, handicapped parking areas, loading areas, and circulation areas all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles and driveways. The proposed landscaping is to comply with the screening and buffering requirements of the Ordinance. Plans shall label shrubbery by common or scientific names, show the distance between plants and the expected mature height and width. Plans shall label trees by common or scientific names and show the circles of the mature tree. The application stated that the landscaping plans will be provided for later review by staff. Neither this or Section 16.8 exempts review of landscape plans by the Planning Commission. Certifications from the appropriate agencies that proposed utility systems are of will be adequate to handle the proposed development and that all necessary easements have been provided. This is subject to the Township Engineer review. The original approval was conditioned upon a performance bond, and this should be required once again. It may be necessary to establish the best location of the curb cuts by doing a traffic analysis. As previously noted, there are two curb cuts to Byron Center Avenue that are approximately 90 feet apart, measured centerline to centerline. This is closer than is generally considered to be safe to avoid conflicts between movements in and out onto Byron Center Avenue. A separation of at least 125 feet between driveways on the same side of the street is considered the minimum separation.

Val stated that given the fact that there are some missing items he is recommending that the Planning Commission table this Site Plan request until next month and at that time review the items that were omitted. Specifically the plan should be revised as follows:

1. Include the missing items required by Section 19.5, as previously listing and make changes required by the Township Engineer.
2. Reconfigure the driveway access to Byron Center Avenue and consolidate into a single curb cut, opposite the drive to the south door of the church. The new access must be reviewed and approved by the Kent County Road Commission.
3. A landscape plan must be submitted conforming to the requirements of Section 16.8.
4. Additional lighting must be shown for the expanded parking area.

Mr. Paul Henderson from Roosien Associates was present on behalf of Byron Center Bible Church. He commented that he wished to address some of the Planners comments and concerns. At this time the south drive shows two way traffic and the north curb cut would be for those entering. With the new entrance on Conifer Ridge most of the traffic will exit out that drive way. He commented that the landscape plan was not submitted because last time they had site plan approval a landscaping plan was not required. The site lighting will be cut-off shoe box type and will relocate the old lighting. They will have lighting for the regular parking lot first and they would like to hold off on the overflow parking area.

Chairman Gritter asked the Commission members if they had any questions or concerns.

Stone commented that a landscape plan must be submitted. He also asked if the change to the curb cut is a recommendation from the Planner or is it from the Kent County road Commission.

Planner Lazdins stated that he was not aware of the way that traffic flowed on the site. With one way traffic coming in the north drive will resolve a lot of issues. It should be marked one way traffic. This will ease a lot of his concerns.

Kilgore asked if the new south drive going out to Conifer Ridge would have lights installed. Conifer Ridge has no street lighting and that is really a dark area.

Paul Henderson commented that the church does not need that much parking space right now.

Faber asked if the church had any special concerts, or youth activities, etc and he appreciates that they wish to keep the cost down but safety is important. That stretch down Conifer Ridge is dark.

Slot stated that a landscape plan has to be submitted. He is okay with the driveways and feels it should be sufficient. The lighting he is a little concerned about the neighbors

that will be affected.

After some additional discussion a motion was made by Slot supported by Stone to table this request until next month

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

Paul Hendserson asked the Commission members if it was okay if they put gravel down on the northwest corner of the property before the ground freezes.

Motion carried. Site Plan 09-03 is tabled until November 16, 2009 meeting.

Appletree Christian Learning Center – requesting approval of the landscape plan for the property located at 6975 Byron Center Avenue.

Planner Val Lazdins stated that he has met with the applicant and reviewed the revised landscape plan and he is satisfied with the results and is recommending approval.

A motion was made by Slot supported by Newhouse to approve the revised landscape plan submitted by Appletree Christian Learning Center.

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

Public Hearing – The Merestone Group - requesting to rezone property located at 6066 Wilson Avenue from R-R Rural Residential to B-3 Interchange Business.

Chairman Gritter declared the public hearing open. Secretary Tim Newhouse read the public notice and affirmed that the notice was published once in the South Advance and notices sent to all residents within 300’ of the subject property.

Ron Van Singel was present to explain the rezoning request. He stated that the property is located at 6066 Wilson Avenue and consists of 4.13 acres. It is currently zoned R-R and there is a single family home on the property. They are proposing to change the zoning to B-3 Interchange Business and the property is owned by the Hop Family LLC. He commented that they are present tonight for rezoning purposes only and not a site plan. Knights Drain goes through the subject property but have gotten DEQ permission to relocate the drain. Hopefully public utilities will be extended from Byron Township.

Planner Val Lazdins stated that the Merestone Group has submitted an application to rezone property on the east side of Wilson Avenue, south of the township boarder and north of 64th Street and the Wilson Avenue/M-6 interchange. The subject property is currently zoned R-R Rural Residential. The Master Plan’s Future Land Use map designates this property as C-PUD Commercial Planned Unit Development. The C-PUD designation encompasses all of the area on the east side of Wilson Avenue between the township line and M-6, extending approximately one quarter mile east of Wilson. The

subject property consists of 4.13 acres and is approximately 817 feet deep, relative to Wilson Avenue. The Knights Drain traverses through the property in a northwest to southeast direction. When determining a rezoning request the Planning Commission and the Township Board should consider the unique circumstances of the property in question, the zoning uses and conditions on surrounding properties, potential impacts of permitted uses in the zoning district and long term implications of rezoning. These can be summarized as “the three Cs” consistency, compatibility and capability.

Ask whether the proposed rezoning is **consistent** with the future land use and intent of the Master Plan. As noted the Master Plan designates this area as Commercial PUD. Thus it is consistent. Ask if the new rezoning district including all the allowed uses is **compatible** with the property in question and with the character of surrounding properties. The land to the north is also planned and zoned for commercial so thus it is compatible. And also ask if the property to be rezoned has the **capability** to allow the uses that would be permitted in the new zoning district. This property is able to accommodate the uses allowed in the B-3 District. Since all three of these have been met he recommends that the Planning Commission forward a recommendation to approve the requested rezoning to the Township Board.

Chairman Gritter opened the hearing to the public.

Gordon Vandermeulen – 4186 Del Mar Village Dr. Grandville, MI was present on behalf of the condo owners of Del Mar Village. He stated that their development is located north of this proposed project. Del Mar Village has 60 condo units and the average value of these condos is \$300,000.00. They are concerned about the water table in this area. Many times especially in the spring and the fall that lot is under water. They are really not interested in having a truck stop so close to their development. Del Mar Village is an upscale residential area and they want it to remain that way. If a fuel facility does go on the property they are concerned about fuel spillage. They would like to see this request denied.

No further public comments were made.

Chairman Gritter closed the hearing to the public.

Chairman Gritter again stated that this public hearing is for rezoning only and not a site plan. The public has voiced their concerns about various issues and all those issues have to do with a site plan and not a rezoning.

After some additional discussion a motion was made by Newhouse, supported by Faber to recommend to the Township Board approval of this rezoning request.

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

Miscellaneous

***Township Board report**

Tim Slot had nothing new to report.

***Zoning Board of Appeals report**

Tim Newhouse stated that there were four public hearing at the September 23rd Zoning Board of Appeals meeting. One was for the property located at 8744 Carlisle Dr requesting variance to erect an above ground pool, a variance to install a 6' fence in a front yard and a 23' front yard setback variance to erect a deck. All three of these were granted. Another one was for property located at 1077 Runway Dr requesting a 2.5' side yard setback variance. This was denied because it did not meet any part of Article 21.6 1, 2, 3, & 4. The third variance request was for a sign at the property located at 1360 – 84th Street. This request was recessed until the October meeting. And finally a variance request for 8350 Byron Center Ave for signage for Pathway Church. This request was granted because it did meet Article 21.6 1, 2, 3, & 4.

***Proposed Zoning Ordinance Amendments – Update**

The memorandum received from Jim Brown and Val Lazdins was discussed. Jim Brown commented that they would have some information for the Planning Commission to discuss and review at next month's meeting regarding changes to the Zoning Ordinance.

Adjournment

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

Timothy Newhouse, Secretary
Byron Township Planning Commission