

**BYRON TOWNSHIP PLANNING COMMISSION**

**November 16, 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, November 16, 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, John Stone Bill DeBoer and Timothy Newhouse. Absent: Steve Kilgore. 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 Tim Slot.

**APPROVAL OF MINUTES**

A motion was made by Newhouse supported by Faber to approve the October 19, 2009 minutes as presented.

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

A motion was made by Newhouse supported by Faber to approve the November 9, 2009 special meeting minutes as presented.

Yes - 5. No - 0. Absent - 1 (Steve Kilgore) Abstained - 1 (Tim Slot) Motion carried.

**PUBLIC COMMENTS**

No public comments were made.

**BUILDING INSPECTOR REPORT**

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

## SITE PLANS

A motion was made by Stone supported by Newhouse to take **Site Plan 09-03 for Byron Bible Church** off the table for discussion. All voted aye. Motion carried.

Paul Henderson from Roosien & Associates was present and explained that they did submit a revised plan in response to the memorandum from the Township Planner. They are proposing the total height of the berm to be 2' to 3'. He realizes that the Township Ordinance states that the effective height of the buffer must be a minimum of 8' tall. He feels this to be excessive and that the Township should look into that ordinance. They are also questioning the spacing requirements and plant size.

Township Planner Val Lazdins then reviewed his memorandum dated November 16, 2009. The zoning ordinance is quite clear about buffering parking lots with more than four spaces. It requires either an evergreen hedge or a berm with natural landscaping and it specifically states the effective height of the buffer must be a minimum of 8 feet tall. Also the code states in Section 16.8 (2) the minimum plant size and spacing that is required. Minimum spacing means that plants must be spaced at least a certain distance apart, but they can be spaced closer if desired by the applicant. The response letter that he received from the applicant transposes the spacing requirement (the code states 15 feet for deciduous trees and 10 feet for evergreens.) The letter also stated that neighbors prefer not to have a berm and a solid wall of evergreens, and if that is the case then a four foot wall or fence is another option. Section 4.44 (9) states that proposed landscaping shall be illustrated on its own plan (that shows all legal features), landscape plans for sites greater than one acre are to be prepared by a landscape architect, and have at least two foot contours be shown. Since most of the concerns have not been addressed he is recommending that the Planning Commission either table this item again until the issues are resolved or to delegate to the Township planner the authority to resolve the issues with the applicant. He also feels that the landscaping and buffering requirements be reviewed as part of a comprehensive assessment of the zoning ordinance by the Planning Commission. The applicant has raised some good questions that are worthy of consideration.

Commission member Slot commented that he feels since it is in the late fall of the year that the Planner and the applicant can work out the landscape details. He has no problem with the Site Plan.

A motion was made by Slot supported by Stone to approve Site Plan 09-03.

Don Kooienga who has gone to Byron Center Bible Church for 40 years commented about the Zoning Ordinance and how it was not clear in its interpretation. He did contact two landscape firms and they felt the distance between the evergreen trees were to close. If these evergreens grow to close they begin to grow into each other and cause dead areas and spots. He thought the landscape ordinance should be looked at for some possible changes to make it easier to understand.

Chairman Gritter commented that he is comfortable with the Planner working with the applicant regarding the landscaping.

Slot then amended the original motion stating to approve Site Plan 09-03 for the parking lot portion only and to table the landscaping plan until spring. At that time the applicant should come back to the Planning Commission with the proposed landscaping plan for approval and there will be no additional charge to the applicant.

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

### **Site Plan 09-04:Curtis Outdoor**

Jay Carll from Cutis Outdoor was present to explain their site plan. He commented that according to the Zoning Ordinance not more than three (3) billboards may be located per linear mile of street of highway. As shown on the site drawing that was submitted there is currently only one (1) billboard sign located within ½ mile of the proposed billboard. The proposed billboard will be located approximately 1,587 feet to the closest billboard sign. There are no residential zones or existing residence within 300 feet of the proposed billboard which meets the regulations of this section. The front edge of the proposed billboard shall be located no closer than 75 feet to the western property line. In addition the proposed billboard will be located 20 feet from an existing interior easement boundary line. The surface display area of each side of the proposed billboard will not exceed 300 sq ft.. The height of the proposed billboard has previously been approved by the Zoning Board of Appeals to be 40 feet above the grade of the ground or the grade of the abutting roadway. The billboard will be illuminated and shall comply with the requirements of the zoning ordinance. He also stated that the State of Michigan permit has been issued for this proposed billboard.

Planner Val Lazdins reviewed his memorandum dated November 16, 2009, of which a copy is attached and made part of these minutes. He is recommending that the Planning Commission approve this Site Plan for a billboard to be located at 7725 Caterpillar Dr SW subject to the following condition:

1. That spot elevations be shown on the site plan so that existing conditions can be verified during the sign permit process, thereby verifying that the allowed sign height of 40 feet has not been exceeded.

A motion was made by Slot supported by Newhouse to approve **Site Plan 09-04** with the condition set forth by the Township Planner.

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

## **Miscellaneous**

### **Proposed Zoning Ordinance Amendments**

Chairman Jeff Gritter stated that he has spoken to the Township Attorney and the Township Planner regarding the proposed zoning ordinance changes. They suggested to form a sub-committee to work on and discuss just what changes should be addressed first. The meeting is scheduled for Monday, November 23, 2009 @ 4:00 p.m. Commission members John Stone, Jim Faber, and Jeff Gritter stated they could make the meeting. The other members of the Commission were encouraged to attend.

### **Township Board report**

Tim Slot commented that the Board is aware that some of the zoning ordinances are going to be worked on and changed. He had nothing else to report.

### **Zoning Board of Appeals report**

Tim Newhouse stated that the Board of Appeals had three public hearings at the October meeting. One was for the billboard for Curtis Outdoor which a height variance was granted, the second request was for Rood Awakening on 84<sup>th</sup> St. which they were seeking to have a wall sign and not a ground mount sign. The wall sign was approved and the third variance was for Patty Fedewa for road frontage on her property on 108<sup>th</sup>

### **\*Submittal Schedule**

Planner Val Lazdins commented that the deadlines that the Planning Commission has now for any items result in the Townships consultants receiving packets typically on a Tuesday, however they must have the reports ready by Thursday or Friday. This leaves only a day and a half to review the information, visit the site and respond with the memorandum. They believe it would be better if the review team had more time to respond. This would avoid potential missed deadlines and rushed reviews. They are suggesting that all applications going to the Planning Commission be submitted at least three to four weeks in advance of the Planning Commission meeting at which the item is to be addressed. This would avoid the situation that we are having tonight with the reports laying on your desk for you to quick read before it is discussed.

After some discussion it was the consensus of the Planning Commission to move the deadline date to the fourth Monday of the month prior to the scheduled meeting.

Also discussed was if the Planning Commission members wished to change the

starting time of the monthly meetings from 7:00 to 6:30 p.m. This will be discussed further at the December meeting.

### **Adjournment**

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

---

Timothy Newhouse, Secretary  
Byron Township Planning Commission