

**BYRON TOWNSHIP PLANNING COMMISSION
FEBRUARY 18, 2002**

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

A regular meeting of the Byron Township Planning Commission was called to order by, Chairman Seymour Gould at 7:00 p.m. on February 18, 2002, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

Commission members present were Seymour Gould, Bernie Schuitema, Maynard Van Singel, Jeff Gritter, John Stone, and Tim Slot. Absent with notice Dutch Zeinstra. Also present were Township Planner Larry Nix, Township Attorney H. James Telman and Building Inspector Randy Zomerlei.

Prayer was offered by Mr. Bernie Schuitema.

APPROVAL OF MINUTES

A motion was made by, Mr. Schuitema, supported by Mr. Gould, that the minutes of the January 21, 2002, regular meeting be approved as written. Yes -6. No- 0. Absent-1 Motion Carried

BUILDING INSPECTORS REPORT (JANUARY 2002)

Randy Zomberlei commented that we had a very good January.

SET PUBLIC HEARING APPLICATION FOR SPECIAL USE BY DON TILLEMA

An application for Special Land Use for an outdoor go kart indoor motor cross facility was submitted by Mr. Don Tillema for property located at 1268 - 100th St.

A motion was made by Mr. Stone, supported by Mr. Van Singel, that a public hearing on this request will be held on March 18th Planning Commission meeting. Yes-6 No-0. Absent -1 Motion Carried

SITE PLANS

A motion was made by Mr. Van Singel, supported by Mr. Schuitema, that the following site plans be approved as per the Township Planner recommendation in a Memorandum dated February 14, 2002, of which a copy is hereby attached and make part of the minutes.

Site Plan 02-02: Excel Engineering - Pace Trailer in the Byron Commerce Development located south of Dome World near US131 and 84th St.

Site Plan 02-03: Dykhouse Construction (7780 Clyde Park Ave.)

Yes - 6 No -0. Absent -1 Motion Carried.

PUBLIC HEARING - APPLICATION FOR REZONING - ACCORSI PROPERTY FROM R-S SUBURBAN RESIDENTIAL TO OS PUD-OFFICE SERVICE DISTRICT PLANNED UNIT DEVELOPMENT.

Chairman Gould declared the public hearing open for Accorsi Property. Bernie Schuitema read the Public notice and affirmed that all property owner within 300 feet of the proposed site were notified..

Mr. Brian Silvernail was present on behalf of Mr. Accorsi. Mr. Silvernail began his comments with a summary of this project. Back in September when this project was first introduced, he received many comments from a lot of people. It seems the biggest concern was the traffic. In his new plan he paid to have a workshop with the Planning Commission members, about how the road would have to be connected, and the minimum setbacks should be 50 ft. He stated that just recently he met with the neighbor hood just north of his proposed site plan. They stated again that traffic and the road going through is their biggest concern. Silvernail then stated that the plans he brought tonight are really the same plan, but with a few small changes.

Mr. Nix reviewed the memorandum dated Feb. 13, 2002, of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public.

Jan Rusticus, 1849 Land Ridge, presented and read a letter of concerns from those in opposition of this project. of which a copy is attached and made part of these minutes.

Dan Rusticus, 1849 Land Ridge, stated he was in full agreement with Jan.

A total of 35 other homeowners from the Misty Ridge Development voiced their support of the comments made by Jan Rusticus, and urged this plan not be approved.

Attorney Dan Murray spoke on behalf of the Misty Ridge homeowner. He stated that he to objects to this project. 13 acres is a huge development close to a very upscale residential area. They lost 5 lot sales due to the possibility of the project coming near to that development. He asked, on behalf of his clients to deny this plan, and under no circumstance allow this road to go through. If you are at all considering this project, we ask for no less than a 100 ft. setback, and to make the buildings single residential style office only no retail.

Mr. Gould closed the hearing to the public.

Mr. Nix commented on the change in the plan again.

Mr. Van Singel stated he is very confused. With all these different plans, would really like to see one plan and go from there.

Mr. Silvernail stated again that the reason for the slight change was the traffic issue and that's the reason for the possible cul-de-sac. Silvernail also stated that he would pay for the cul-de-sac, and other expenses that incur. This of course has to be approved by the road commission.

Mr. Schuitema stated he is very confused. Would like to see one plan that you want, not a little of this one, and something off another plan. He said this was the first time he had ever seen the plans with the cul-de-sac. A question was asked of Mr. Silvernail, suppose the health spa doesn't make it, what then?

Mr. Silvernail stated that it's easy to change into offices. He said if any of the places do vacate, the township would have control over who will move in.

Mr. Gritter stated that he would like to see them come with one plan. Also he stated he was concerned about the setbacks. As for the retail part, a coffee shop, etc. would probably be ok, but beyond that, it really doesn't fit that area.

Mr. Slot stated we must stick to a master plan, which we do not have.

Mr. Gould is confused. One plan shows no 2 stories, now 2 stories are showing up. It will be developed someday, but don't feel this is what is needed. Recommends that this be denied.

After much discussion from the Planning Commission a motion was made by, Mr. Van Singel, supported by Mr. Schuitema, to deny this rezoning request. Yes - 6 No - 0 Absent - 1

PUBLIC HEARING - APPLICATION FOR REZONING SUDIR MODI FOR BYRON PLAZA HOTEL/RESTURANT PUD, CONSISTING OF A PORTION OF LOT 12 FROM D-1 TO B-3 PUD AND A MAJOR CHANGE TO AN EXISTING B-3 PUD ON THE PORTION OF LOTS 10 AND 11 REMAINING AFTER THE MICHIGAN DEPARTMENT OF TRANSPORTATION OF TAKING.

Chairman Gould declared the public hearing open for Sudir Modi. Bernie Schuitema read the public notice, and affirmed that all those within 300 feet of the site have been notified.

Mr. Nix reviewed his memorandum dated February 14, 2002, of which a copy is attached and made part of these minutes.

Attorney Art Spaulding made comments on behalf of Sudir Modi. He stated that 75% of the property is already zones PUD-3 due to what was originally to be a hospital The property remained undeveloped, and it is zoned for Hotel & Restaurant. This application was filed earlier in 2001, and since then Mr. Modi has evaluated his plans and has upgraded them. He would like to add additional service rooms, for the patrons. This would be to change the length of the building from 220ft. to 280ft., with the additional feet to be added to the south. Also this would eliminate 23 parking spaces, so we will reduce the restaurant from 9000 sq ft to 6500 sq ft. We want to make you aware that the height would remain the same. We are asking to extend the length of the building 60ft to the south.

Mr. Doug Stalsenburg of Exxel Engineering stated that this is the same plan that they submitted,

with no changes. But with the intent to make some change's upon final PUD approval. There will be 80 rooms with 20 on the main floor. The main entrance will be shifted over to be in the center of the main structure .We are reducing the sq footage of the restaurant to compensate the lost parking spaces. If this proceeds, we will then come back with the final plans. Also with the tower it is a way to incorporate the signage. All four sides will have Holiday Inn Express displayed.

Mr. Dave Owen an owner of a business opposite the proposed motel site stated he was in favor of this project. Many times he has clients come into town and it would be very convenient

Mr. Schuitema stated that they received four letters from area business, stating their approval.

Mr. Gould closed the hearing to the public.

A motion was made by Mr. Schuitema ,supported by Mr. Van Singel, to approve this application
Yes - 6 No - 0 Absent-1. Motion Carried.

PUBLIC HEARING APPLICATION TO AMEND EXISTING B-2 TALSMA FURNITURE.

Chairman Gould declared the public hearing open for Talsma Furniture. Bernie Schuitema read the public notice and affirmed that all property owners within 300 ft were notified.

Mr. Nix reviewed his memorandum and stated that a need for expansion is a sign that the business has been successful, and we like to see that in Byron Township.

Chairman Gould opened the hearing to the public.

There were no public comments.

Chairman Gould declared the public hearing closed.

Mr. Schuitema stated that this type of growth was good to see.

A motion was made by Mr. Stone, supported by Mr. Slot to approve this amendment, with the stipulation that the storm water calculations and basin design will need to be reviewed and approved by the Township Engineer prior to a building permit being issued.

Yes - 6 No - 0 Absent - 1 Motion Carried.

PUBLIC HEARING - APPLICATION FOR SPECIAL USE - PANOPOULOS SALON TO OFFER THERAPEUTIC MASSAGE TO THEIR SERVICES.

Chairman Gould declared the public hearing open for Panopoulos Salon. Bernie Schuitema read the public notice, and affirmed that all those within 300ft of the site have been notified.

Mark McGregor, COO of Panopoulos Salon thanked Byron Township for working with them.

He stated that they would like to offer this service to their patrons. They also have facilities in Holland & Muskegon, and they are very successful.

Mr. Larry Nix gave a brief presentation of the contents of his memorandum dated February 14, 2002. He stated that this use will not be located within 1000 ft. radius of one other such use and with the lack of concern from the neighborhood, he recommends this application for special use be approved.

Mr. Kevin Heyboer, 8264 Freeland, stated that he is not opposed to this special use permit, but would like to have it explained as to what Therapeutic Massage really is.

Mr. Gould closed the hearing to the public.

Mr. Tim Slot posed the question, just say that Panopoulos Salon leaves the building, does this special use permit remain in the building? It does remain with the building.

H. James Tilman, stated that applicable state laws and local ordinances should be observed. We need from Panopoulos a written signed **agreement** from 51% of those residents who are within 400ft of this location, or they will have to apply for a variance for special use from the Board of Appeals. This is to protect us from the future tenants who move into this space if it becomes vacant.

A motion was made by Mr. Gritter, supported by Mr. Slot that Panopoulos would have to either get the 51% of signatures needed or apply for a variance from the Board of Appeals.
Yes - 6 No - 0 Absent - 1 Motion Carried.

PUBLIC HEARING BUILDING HEIGHT ZONING ORDINANCE AMENDMENT

Chairman Gould declared the public hearing open for Building Height Amendment. Bernie Schuitema read the public notice.

Mr. Larry Nix reviewed the memorandum dated February 18, 2002, of which a copy is attached and make part of these minutes.

Chairman Gould opened the hearing to the public.

Mr. Mike Beiber, 582 Pinespar, stated he did not totally understand what they really want. He was concerned that this building height is not good for some areas. Like the area just north of the Amber Terrance Condos. That's too close to a residential area. He thought this should be looked at differently.

Mr. Larry Nix stated that his concern is a valid one

Mr. Own Bieber, 901 Amber Ridge, stated that this building height affects not only Amber Terrance but also has an affect on Amber Ridge and Amber Lakes. There are condos for sale, and some are not selling fast. This does have an affect on people considering moving into these developments. It's going to be hard to say yes to one and no to another. He urged the board to not approve the 60ft

building height zoning ordinance, but reconsider other options especially those in residential developments that will be affected by this.

Mr. Schuitema stated that he had a good point and that this should be checked out closer.

Mr. Van Singel suggested maybe we leave it at the height it is now, and those who desire higher heights, apply for a variance of 60ft. There is a lot to consider here.

After much discussion, a motion was made by Mr. Schuitema, supported by, Mr. Van Singel to table this for the March 18th Planning Commission Meeting.

Yes - 6 No - 0 Absent -1 Motion Carried.

PRELIMINARY PLAT PLAN FOR MEADOWS NORTH #3

Mr. Larry Nix stated that Nederveld Associates, Inc. submitted an application for Tentative Preliminary Plat for Meadows North #3 located at 76th St. east of Ivanrest Ave. All plans submitted are consistent with the previously approved plans for this project. He recommends the approval of this plan, with the condition that the Township Engineer review and approve the proposed utility system.

Mr. Ron Van Singel from Nederveld Associates was present to present the future plans.

Tim Slot stepped down due to being related to the applicant.

A motion was made by Mr. Gritter supported by Mr. Stone to approve the plans presented.

Yes -5 No - 0 Absent-1. Motion Carried.

MISCELLANEOUS

Mr. Larry Nix stated in reference to the King Property on 100th & 131, that the applicant has not done anything. It seems that there is no interest to do anything. Suggestion was to send it back to the Township Board.

A motion was made by Mr. Van Singel, supported by Mr. Stone, that we send this back to the Township Board Yes - 6 No - 0 Absent -1

ADJOURNMENT

A motion was made by Mr. Stone, supported by Mr. Gritter, that the meeting be adjourned.

Yes - 6 No - 0 Absent - 1 Motion Carried

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Bernie Schuitema
Planning Commission Secretary