

BYRON TOWNSHIP PLANNING COMMISSION

August 19, 2002

6:00PM

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Chairman Seymour Gould called a regular meeting of the Byron Township Planning Commission to order at 6:00 p.m. on August 19, 2002, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

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

Prayer was offered by Mr. John Stone.

APPROVAL OF MINUTES

A motion was made by Mr. Zeinstra supported by Mr. Van Singel that the minutes of the July 29, 2002, regular meeting be approved as written. Yes - 7 No - 0 Motion Carried.

SITE PLANS

A motion was made by Mr. Schuitema supported by Mr. Stone that the following site plan be approved as per the Township Planner recommendations in a Memorandum dated Aug 14, 2002, of which a copy is herby attached and made part of the minutes.

Site Plan 02-10a: M & K Truck submitted a site plan to develop a new facility in the Byron Commerce Industrial Park. The lot contains 6 acres and the 27,200 square foot building proposed meets the setback and parking standards of the zoning ordinance. The site plan review committee recommends approval of the M&K Truck site plan with the condition that a letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the parking area and one of the freestanding signs will need to be eliminated on the site plan prior to the Township issuing a building permit.

Yes - 7, No - 0, Motion Carried.

PUBLIC HEARING - DON TILLEMA APPLICATION SUBMITTED FOR SPECIAL USE FOR AN INDOOR MOTORCROSS FACILITY

Chairman Gould declared the public hearing open for Don Tillema. Bernie Schuitema read the public notice and affirmed that all those within 300' of the site have been notified.

Don Tillema stated that the indoor facility is basically the same as proposed earlier. The drainage,

pond and drain access all meet what is required. There will be hooded vents placed on the east side of the building for the exhaust and fumes. We could place sound deadening pads in vents or baffle the vents. There is no way that we can get this totally quiet. The lights would be boxed lighting. Just security lights would be on at night. Traffic seems to be a big issue, but anything produces traffic. I feel it's not fair to deny us a business just because of traffic issues. It will always be there. If you live on a busy street, it will be busy. The property is zoned R-A and this is an allowable use. We feel we are meeting all the ordinances.

Mr. Nix reviewed his memorandum dated August 14, 2002, of which a copy is attached and made part of these minutes. The property is zoned Rural Agricultural. Mr. Tillema's request would be considered as a special use as a "private recreation area". The property consists of steep rolling terrain with several plateaus and a small natural wetland area adjacent to 100th Street. Surrounding the proposed development are single family homes on acreage parcels. The area appears to maintain the a peaceful agricultural district. Water and sewer do not exist at the present time in this area and it may be several years before it is extended into the area. We find that the applicant has meet the standards of the zoning ordinance. Noise from the site has been a primary concern from the public at past public hearings. Since there will be a restriction of operating the machines outside the building, managing indoor noise will be important. Noise and site lighting will be the two primary impacts of the proposed use. The Township has a noise ordinance permitting up to 82 decibels. The applicant indicated the only noise will be from the exhaust fans which are required to move air in the building. The actual design of the fans and proposed "fan hoods" has not been provided nor have their location on the building been provided at this time. We feel this is an important element of this plan.

Chairman Gould declared the public hearing open for public comments.

Ryan Dewey - 8791 Byron Center Ave. stated that he is in favor of the project, and if they had a Span-Krete building, the noise would not be a problem at all.

Judy Dood - 1421 - 104th St. SW is very concerned about noise, and the traffic. This building will be in my backyard. Very opposed to this project.

Bryce Olson - 1455 - 100th St. stated his disapproval of this project, and feels that it will affect the residential quality of the area, and the property value will decline greatly.

Ed Herrema - 1395 - 104th St. SW commented that this is the 3rd time we are back for this. He wanted to know how the motorcycles will get in and out of the building. The door will be open all the time. It will be very hard to control that. We will never have any peace. Still very opposed to this.

Margaret Olsen - 1455 - 100th St. SW commented that he probably will not make a lot of money. She felt its just the beginning if this is allowed to come into the neighborhood.

Bruce Hyde - 10160 Burlingame agreeded with Mr. Herrema, here we are for the 3rd time. I to am still very opposed to this project.

Chairman Gould closed the hearing to the public.

Secretary Bernie Schuitema stated that we received 9 - 11 letters concerning this proposed project. There was only one in favor. I feel this land should be used for whatever it is zoned for.

Mr. Slot commented on the “grease trap” shown on the plan, is for a full service restaurant, a not a small concession stand. The exhaust (make up air) makes a lot of noise. And the exhaust pollution from the doors opening and closing all the time. Let’s face it does, this fit in for the neighbors, and for there good. According to Byron Township Ordinance (A.) The development must be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.

Unless you can prove that this is totally quiet, you have to ask yourself, would you want this in your backyard? And the property will go down in value. Traffic already goes 80 - 90 mph down 100th St. We don’t need any more added traffic on 100th .

Mr. Zeinstra commented that he’s not against the proposed project, but feel that there is a better location somewhere for it.

Mr. Gould stated that he heard many comments about traffic, well anything that goes there will create traffic, the noise probably would not be there depending on what came in there. He felt to that he’s not against the actual project, but maybe could find a better location.

Mr. Gould asked the representative from the Span-Crete Company, if there would be a noise problem. He responded by saying that this would generate less noise. With their wall systems you can’t get a better panel to block out noise. It would lower the decibel count to 39 - 40.

To say it is totally sound proof, I can’t say that about their wall panels. Has for the windows and roof vent system, I have nothing to do with that part of it. You would really be surprised how much the noise level is reduced.

Mr. Stone commented that recreational use in a residential area, you would think of a golf course. Don’t know how we can approve this, especially with all the negative comments that we have heard.

Mr. Schuitema mentioned that the building will probably be fairly quiet, but the doors will have to be the size of a garage door, and these will be open and shut frequently.

A motion was made by Mr. Slot supported by Mr. Schuitema to deny this special use request.

Yes - 7, No - 0, Motion Carried. Request denied.

PUBLIC HEARING - PLUMMER’S ENVIRONMENTAL SERVICES, INC. APPLICATION FOR SPECIAL USE FOR AN INDUSTRIAL WASTE PROCESSING FACILITY LOCATED AT 10075 SEDROC INDUSTRIAL DRIVE.

Chairman Gould declared the public hearing open for Plummer’s Environmental Services, Inc. Mr. Schuitema read the public notice and affirmed that all those within 300 feet of the site have been notified.

Rick Posetma from Richard Postema Associates, was present to state why this special use is requested. He stated that they wish to replace their present facility. They pick up waste from places of business such as Tool & Die Shop. They take this waste, make it into a solid block and bring it to the Landfill.

Todd Plummer owner of Plummers Environmental Services was also present to answer any questions or concerns that the Commissioners have.

Mr. Nix reviewed his memorandum dated August 14, 2002, of which a copy is attached and made part of these minutes. The industrial use will consist of a 12,624 sq ft building to accommodate offices and processing space. All elements of the site plan are consistent with the standards of the zoning ordinance including setbacks, building height, parking and landscaping. Due to the process of treating waste and the chemicals involved the special use is applied. Randy Zomerlei and Ron Sabin were requested to review the plans for special building and fire safety requirements. After Randy and Ron visited the facility, they reported it is a very clean operation with all the necessary safe guards in place and the property authorities notified of the chemicals involved with the operation. We are comfortable in recommending approval of the special use and site plan for Plummers Environmental Services with the condition that a letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the parking lot.

Chairman Seymour Gould opened the hearing for public comments.

No public comments were made.

Mr. Gould questioned Randy as to what he found when he visited their present facility. Randy commented that their visit was unannounced. They found everything very clean, properly run operation, very little smell (maybe a hint). They were treating at that time of the visit, outside there was not an odor either. All treatment is done inside, again very clean.

After much discussion a motion was made by Schuitema supported by Zeinstra to approve this special use request with the stipulations that they only haul non-hazardous Industrial waste and we receive a letter listing the governing agencies who will be regulating and monitoring this operation.

Yes - 7, No - 0. Motion Carried. Request granted.

PUBLIC HEARING - RAJESH PATEL (COMFORT SUITES) FOR FINAL PUD SITE DEVELOPMENT PLAN FOR HOTEL LOCATED AT 192 - 76TH ST. SW.

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

Mike Baker from Exxel Engineering, Inc. was present to represent Rajesh Patel. He stated that there was an addition to their plan of a 14 x 14 accessory building. The exterior of this building would match the exterior of the motel. They will be using this building for extra supplies such as carpet etc. Also we made a change to the landscaping and building elevation. We will be lowering the building to 43' high.

Mr. Nix reviewed his memorandum dated August 16, 2002 stating that a concern and point of discussion with the original plan was the height of the building. The height was proposed at 49' exceeding the height permitted. The roof design was suggested to be altered to allow a height of 43' by the applicant and this was found to be acceptable by the Township and represented by the applicant. A signage plan was not part of the preliminary PUD approval other than they would comply with Township standards. The plan submitted exceeds the sign standards for the use and they have applied for several variances to accommodate their proposed signage.

Chairman Gould opened the meeting to the public.

No public comments were made.

After some discussion a motion was made by Zeinstra supported by Gritter to approve this project with the stipulation that the height be 43' and the accessory building be 14 sq ft.

Yes - 7, No - 0. Motion Carried.

VMG CORPORATION

Larry Nix stated that no new information has been received from them. This was remanded back to the Planning Commission from the Board, to take another look at some of the concerns and issues. No action will be taken at this time.

LANDTECH

Larry Nix stated that this project was also remanded back to the Planning Commission from the Township Board for further review. A meeting is planned for the 21st of August with a representative from LandTech. They will probably be present at the September meeting.

DIVERSCO

T & M Partners PUD and Mast Site Plan. Larry Nix stated that last month the Planning Commission heard a presentation to alter the Clyde Park PUD of T & M Partners to reduce the number and lots and users from seven to either two or three. The main reason for the change is due to the large wetland mitigation area to be constructed adjacent to the Byron Garden Subdivision. The mitigation area has a depth of 250' west of the Byron Garden Subdivision. This building will be the distribution center for plant material to be received, repackaged and loaded onto trucks for distribution. All activity will take place inside the building and there will be no outside storage or activity except the movement of the trucks. Also a berm will be constructed on the east side of the lot. They plan to construct a 6-8' tall berm topped with evergreen trees to provide additional visual and noise barrier from the business to the subdivision. We feel this is a minor change to the original PUD as it reduces the number of lots and potential users and provides a buffer five times greater in depth than originally approved adjacent to the Byron Garden Subdivision.

Chairman Gould stated even though this is not a public hearing, they wanted to hear the input of

those present who are residence of Byron Gardens or those who are near the proposed project.

Mr. Jacob Grit stated that it looks like your concerned about the people on the east side of this proposed project, but what about the ones on the west side of Clyde Park, across the street. The traffic is really bad. And the drainage problems we have on that side of the street.

Everett Austhof - 8225 Byron Gardens stated his concerns with the holding pond. Commented that lighting should not be to much of a problem. He stated that his number one son-in-law has a greenhouse, and he said that this proposed project should not bother him at all. But if this goes through and it does bother him, he will no longer be the number one son-in-law, he will be number 4

No other public comments were offered.

Chairman Gould closed the hearing to the public.

Mr. Schuitema stated that this is basically what we wanted, and it does go according to the Master Plan.

Mr. Slot suggested that we table this, due to the absence of the applicant.

A motion was made by Mr. Slot supported by Mr. Stone to table this to the Sept. 16, 2002 regular Planning Commission meeting.

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

PUBLIC HEARING - FIRST BYRON CHRISTIAN REFORMED CHURCH APPLICATION FOR SPECIAL USE REQUEST TO CONSTRUCT SANCTUARY ADDITION LOCATED AT 2450 - 85TH ST. SW.

Chairman Gould declared the public hearing open for First Byron Christian Reformed Church. Bernie Schuitema read the public notice and affirmed that all those within 300 feet of the site have been notified.

Mr. Jeff Brinks from DCI Engineering and also a member of the church was present to state why this special use request was needed. Jeff stated that Byron Township is growing rapidly, and thus the church also continues to grow. The congregation really desired to stay in the same location. We wish to place a new sanctuary addition and some office spaces, plus additional parking to the east of the building. We will be upgrading the old building as well. Jeff stated that the lighting would be in accordance with the Byron Township Ordinance.

Mr. Nix reviewed his memorandum stating that they wish to expand the exiting church. The primary focus of the expansion is to the church facility plus there is a lot of site improvement programmed. **The height of the building cannot exceed 54 feet as determined by the Zoning Board of**

Appeals. This should be checked closely by the Building Inspector once the construction plans are submitted.

No public comments were made.

Chairman Gould closed the hearing to the public.

After some discussion by the Commission a motion was made by Mr. Gritter, supported by Mr. Slot to approve the Special Use and Site Plan for First Byron CRC Church as it meets the standards of Section 18.3 for a Special Land Use with the condition that the applicant should pursue the suggestions of the Township Engineer, a letter of credit or cash bond is established with the Township Clerk in an amount equivalent to the cost of preparing and paving of the parking areas, and that the Building Inspector shall check the building height (that the grade stays the same.)

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

PUBLIC HEARING - APPLICATION FOR SPECIAL LAND USE - WOODWARD BAPTIST CHURCH TO ERECT A NEW CHURCH LOCATED AT 2160 - 76TH ST. SW.

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

Mr. Dwayne Wynn - a member of the church stated that the architect for the project planned to be at the meeting but at the time of the hearing was not present.

Mr. Nix reviewed his memorandum dated June 12, 2002, stating that an application has been filed to establish a church at 2160 - 76th St, just west of the new Township park entrance. The property is zoned RR Rural Residential and a church is permitted as a special use. The 9.46 acre site proposed to be used by the church with several phases indicated on the site plan. The entire parcel has historically been used as farm field and is void of tree growth. Based on our knowledge of the area and the comments stated in my memorandum, of which a copy is attached and made part of these minutes I recommend that the Planning Commission approve the Special Use and Site Plan for Woodward Baptist Church as it meets the standards of Section 18.3 for a Special Land Use with the following conditions, the applicant should pursue the suggestions of the Township Engineers, the lenses on the light fixtures need to be flat, also a letter of credit or cash bond is established with the Township Clerk in an amount equivalent to the cost of preparing and paving the parking area, and site improvements should be coordinated with the improvement to the Township Park for their mutual benefit.

Chairman Seymour Gould opened the hearing for public comments.

Attorney Lawrence Wilson, read a letter on behalf of the Wycoff family, who own and operate a hog farm directly to the west of the proposed development. He stated many concerns that the Wycoff family has. A copy of the letter dated June 17, 2002 is attached and made part of these minutes.

John Wyllys - 2154 - 76th St. SW whose property lies just to the east of the proposed development

stated his concerns with the water & drainage problems. Since the park has come in they have standing water next to their property all the time. He's not against the project, just feels that this could add additional problems to the water situation.

No other public comments were made.

Chairman Gould closed the hearing to the public.

After much discussion by the Commission a motion was made by Mr. Slot supported by Mr. Stone to table this until the September 16, 2002 Planning Commission meeting, to allow the applicant time to address issues of drawings, lighting, and the location of the parking lot.

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

MISCELLANEOUS

Billboard change on US131 & 84 St.

Holiday Inn Express

Adult Foster Care Facility (Don & Maria Stubbe)

Diversco (complaints have been addressed and things are running smoothly)

Master Plan

Open Space Law (meeting with other Planners to get their input)

West Byron Lake (water level going down)

ADJOURNMENT

8:37 pm. A motion was made by Mr. Schuitema, supported by Mr. Stone, that the meeting be adjourned. Yes - 6, No - 0, Absent - 1. Motion Carried.

Bernie Schuitema
Planning Commission Secretary