

**BYRON TOWNSHIP PLANNING COMMISSION**

**July 29, 2002**

**MINUTES**

**CALL TO ORDER, ATTENDANCE & PRAYER**

Chairman Seymour Gould called a special meeting of the Byron Township Planning Commission to order at 7:00 p.m. on July 29, 2002, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

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

Prayer was offered by Mr. Maynard Van Singel.

**APPROVAL OF MINUTES**

A motion was made by Mr. Slot supported by Mr. Gritter that the minutes of the June 17, 2002, regular meeting be approved as written. Yes - 5, No - 0, Absent - 2, Motion Carried.

**Holiday Express - Minor PUD change**

Plans have not been completed to the applicants standards thus they will be submitted when properly completed. No action is required at this time.

**Billboard US131 & Byron Commerce Dr - Minor PUD change**

Previously we discussed the existing billboard on the west side of US-131 in the Byron Commerce Park. The three items of interest were the height of the sign, advertising only off-site business, and the landscaping. The applicant has proposed a Declaration of Covenants for our consideration. A copy of this Declaration is attached and made part of these minutes. These items have been addressed by the applicant in the Declaration. We recommend approval of this minor change to the Byron Commerce Center PUD with the condition a recorded copy of the Declaration of Covenants and exhibits be provided to the Township Clerk prior to the Building Department issuing a building permit.

After some discussion a motion was made by Mr. Slot, supported by Mr. Zeinstra for the minor PUD change per the Township Planners recommendations.

Yes - 5, No - 0, Absent - 2. Motion Carried

**SET PUBLIC HEARING - Rajesh Patel - Comfort Suites - 192 - 76<sup>th</sup> St. SW**

An application for approval for a final PUD Site Development Plan for a hotel located at 192 - 76<sup>th</sup> St. SW.

A motion was made by Mr. Zeinstra, supported by Mr. Van Singel that a public hearing be held at the regular meeting on August 19, 2002.

Yes - 5, No - 0, Absent - 2, Motion Carried.

**Application for Special Use submitted by Woodward Baptist Church (2160 - 76<sup>th</sup> St. SW) tabled from the June 17, 2002 meeting.**

A motion was made by Mr. Gritter supported by Mr. Van Singel to remove the special use request for Woodward Baptist Church from the table for discussion.

Yes - 5, No - 0, Absent - 2, Motion Carried.

Mr. Nix reviewed his updated memorandum dated July 24, 2002, of which a copy is attached and made part of these minutes. This item was tabled from the June meeting for reasons including drainage, lighting, landscaping, and location of the parking lot. All items of concern have been addressed and those concerns brought forward at the public hearing and we recommend that the Planning Commission approve this Special Use and Site Plan for Woodward Baptist Church as it meets the standards of Section 18.3 with the following conditions, drainage and curb cut permits must be obtained prior to the Township issuing a building permit, the lenses on the light fixtures need to be flat and the poles shall not exceed 20' in height, 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 area, and site improvements should be coordinated with the improvement to the Township Park for their mutual benefit.

Chairman Seymour Gould stated last month some people said that they were locked out of the building and were unable to attend this public hearing. An opportunity was given for those who were locked out to speak at this time.

No public comments.

Chairman Gould closed the hearing to the public.

After some discussion a motion was made by Mr. Zeinstra, supported by Mr. Van Singel to approve this special use with the stipulations of the Township Planner as noted above.

Yes - 5, No - 0, Absent - 2, Motion Carried.

**Application for rezoning, submitted by Main Street Development (Accorsi) - 1865 -84<sup>th</sup> St. SW tabled from the June 17, 2002 meeting.**

A motion was made by Mr. Zeinstra, supported by Mr. Van Singel to remove the application for rezoning for Main Street Development from the table for discussion.

Yes - 5, No - 0, Absent - 2. Motion Carried.

Mr. Nix reviewed his memorandum dated June 13, 2002, stating that Main Street Development has filed an application to rezone 13 acres of property from RS Suburban Residential to OS Office/Service. The zoning is consistent with the Township Master Plan, the parcel can be served with public water and sewer service, plus there is a growing need in the Township for additional space to accommodate an office development. At the June Planning Commission Meeting, Mr. Tom Bigelow a resident of the Misty Ridge Development, and speaking for those living in the development stated that they are happy to see that this is following the Township's Master Plan.

Chairman Seymour Gould again stated that anyone who was locked out and not able to attend the public hearing in June, will now have an opportunity to speak.

Chairman Seymour Gould opened the meeting to the public.

No public comments were made.

Chairman Seymour Gould closed the meeting to the public.

The applicant Mr. Bob Dykstra was present.

After some discussion a motion was made Mr. Gritter, supported by Mr. Zeinstra to recommend to the Township Board to approve this rezoning for the reasons stated by the Township Planner.

Yes - 5, No - 0, Absent - 2, Motion Carried.

**PUBLIC HEARING - APPLICATION SUBMITTED BY EFB ENTERPRISES, L.L.C. ON A REZONING REQUEST FROM MFR MULTI FAMILY RESIDENTIAL TO R-A RURAL AGRICULTURAL LOCATED AT 1998 - 84<sup>TH</sup> ST. SW.**

Chairman Gould declared the public hearing open for EFB Enterprises. Jeff Gritter read the public notice and affirmed that all those within 300 feet of the site have been notified.

Rick Ericksen, a partner with EFB stated the reason why the rezoning request from MFR to R-A is needed. We would like this rezoned for the purpose of opening a year-round garden center and nursery business. We would be growing plants, trees, flowers, etc. We would also like to have two greenhouses for the plants that need extra protection during the planting and early growth stage. He stated that their focus is for Byron Center itself, the neighborhood, and it would be very appealing to the eye. This would be a retail business.

Mr. Nix reviewed his memorandum dated, July 24, 2002, of which a copy is attached and made part of these minutes. The address of the property is 1998-84<sup>th</sup> St, and is located on the south side of 84<sup>th</sup> and east of Woodruff Drive. As stated this parcel is currently zoned Suburban Residential. The Township Master Plan indicates that this parcel and the adjacent property to the east and west be used for condo purposes. Commercial or more intensive uses are proposed east of this area near the intersection of 84<sup>th</sup> and Burlingame Ave. Traffic on 84<sup>th</sup> is busy and will continue to be busy as the Township grows. We suggest that the Planning Commission recommend to the Township Board

that the rezoning request for EFB Enterprises be denied. The reason for our recommending denial is that the request is not consistent with the Township Master Plan, and the proposed use as stated in the application is not supported by a natural farm area, as most of the products will need to be imported onto the site.

Chairman Seymour Gould opened the hearing for public comments.

Kevin Edison - asked about the buffer zone.

Lori Miller - 8474 Bluffview Ct. SW stated that their property would be affected the most by the proposed project. They have an existing wooden fence that they would like to see maintained. There are also many boys in the neighborhood including 3 of my own that play in the area.

Grant Zondervan - 2156 Bluffview stated that he supports this project and traffic should not be much of a problem. Condos and homes would create just as much traffic.

Earl Bertram - 2034 - 84<sup>th</sup> St. stated that he supports this rezoning.

Dave Rusticus - 1961 Bluffview Dr is concerned about the added traffic, and adjacent homes are higher, and using trees as a buffer would not really help, because they would be looking down over the trees and would not block the view of the greenhouse.

Mrs. Bertram - 2034 - 84<sup>th</sup> St. stated her support for this rezoning.

Lee Ott - 1977 Bluffview stated that he is not against this rezoning, but drainage, lighting and the buffer are issues of concern.

Chip Early - stated that the owner of this project is very willing to work with the neighbors.

Chairman Gould closed the hearing to the public.

Jeff Gritter read a letter from Dale B. Van Kooten address of 8488 Bluffview Ct. stating his reasons for being against the rezoning. A copy of letter is attached and made part of these minutes.

After some discussion a motion was made by Van Singel supported by Zeinstra to recommend to the Township Board to deny this rezoning request for the reasons stated in the Planners recommendations.

Roll call vote: Van Singel - yes, Slot - yes, Gritter - yes, Zeinstra - yes, Gould - yes.

Motion Carried. Request denied.

**PUBLIC HEARING - APPLICATION SUBMITTED BY FIRST REFORMED CHURCH OF BYRON CENTER FOR SPECIAL USE REQUEST FOR PARKING AREA AND NEW & EXISTING BUILDINGS FOR CHURCH USE LOCATED AT 8425 BYRON CENTER AVE.**

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

Mr. Warsen who is a member of the church stated that they purchased the Lanning property and are looking at possibly purchasing the Library and two single family homes for future use.

Mr. Nix reviewed his memorandum dated July 24, 2002, of which a copy is attached and made part of these minutes.

Grant Zondervan - 2156 Bluffview stated his support.

Mr. Howard Marritt - 2443 Prescott St. SW whose property is involved in this possible future plan. He stated that he received a notice in the mail, and saw the notice in the paper, and they had his parcel number listed on them. That bothered him. I would like my property taken off of these notices and request.

Mr. Warsen commented on the Wheelbarrow Factory, that they are receiving bids to get it torn down and removed. They would put up fencing around the area for protection.

Jim Smit a member of the church stated that Mr. Marritt's property is on the long range planning process. So if and when we do own the property we will be all set. He apologized for not notifying them or speaking to them in advance.

No other public comments were made.

Chairman Gould closed the hearing to the public.

Mr. Nix responded to Mr. Marritt concern regarding his parcel number on the notice. It was noted that the parcel numbers 41-21-21-229-005 (Mr. Marritt's property) & 41-21-21-229-004 should be deleted from the quadrant of the block as requested. These parcels are not owned by the First Reformed Church.

After some discussion a motion was made by Zeinstra supported by Slot to grant this special use request excluding parcels # 41-21-21-229-005 & 41-21-21-229-004, and a formal site plan will need to be submitted if improvements are scheduled for the site.

Yes - 5, No - 0, Absent - 2. Special Use granted. Motion Carried.

### **Miscellaneous**

Diversco rezoning request. They would like to rezone from D-1 PUD to a straight D-1. Instead of 7 lots it will be going down to 2 or 3 larger lots. A narrative from T & M Partners, LLC is attached and made part of these minutes.

If this is considered a major change another public hearing would have to held and notices sent out

to those within 300' of said property. The commission members felt this was a minor change and a notice be sent to the property owner within 300' indicating a minor change will be considered at the August 19, 2002 meeting.

**Adjournment**

8:47 pm. A motion was made by Zeinstra, supported by Gritter that the meeting be adjourned.  
Yes - 5, No - 0, Absent - 2. Motion Carried.

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Bernie Schuitema  
Planning Commission Secretary