

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 - APPLICATION SUBMITTED BY DON TILLEMA FOR SPECIAL USE FOR AN INDOOR MOTORCROSS FACILITY located at 1268 - 100th St. SW

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. He stated past public comments centered on noise. He planned on putting hooded vents on the east side of the building for the exhaust of fumes. We could also place sound deadening pads in the vents or baffle the vents. There is no way we can get this totally quiet. The lights would be boxed lighting. After hours the only lights that would remain on would be security lights. Traffic has also been a concern in the past, but all use permitted create traffic. He felt it is not fair to deny them a business just because of traffic issues. It will always be there. If you live on a busy street, it's going to be busy. The property is zoned R-A and this is an allowable use. We feel we are meeting all the ordinances and requirements.

Mr. Nix reviewed his memorandum dated August 14, 2002, of which a copy is attached and made part of these minutes. He stated 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 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. 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. 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" have not been provided nor have their location on the building been provided at this time.

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 Spancrete building, the noise would probably 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 noise with an open door. We will never have any peace. Still very opposed to this project.

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 agreed 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 11 letters concerning this proposed project. Only one letter was in favor of this project.

Mr. Slot commented on the “grease trap” shown on the plan, this is big enough for a full service restaurant, not a small concession stand, as what the plans show. 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. Slot continued to say unless you can prove that this is a totally quiet building, you have to ask yourself, would you want this in your backyard? And yes, the property will go down in value. Traffic already goes 80 - 90 mph down 100th Street. We don’t need any added traffic on 100th Street if possible.

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

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

Mr. Gould asked the representative from the Spancrete Company, if there would be a noise problem. He responded by saying that this would generate less noise. The decibel count would probably be cut down to 39 to 40. With their wall systems you will not get a better panel to block out noise. To say it is totally sound proof, I can’t say that about our wall panels. My company does not deal with windows and roof system vents. So I can’t respond to those issues. You would really be surprised how much the noise level is reduced.

Mr. Stone commented that when you think of recreational use in a residential area, a golf course comes to mind. I really don’t know how we can approve this, especially with all the negative comments that we have heard and received.

Mr. Schuitema mentioned that the building will probably be fairly quiet, but the doors will have to be the size of a garage door to enable these bikes to go in and out and these doors will be open and shut frequently. This will really be hard to control.

A motion was made by Mr. Slot supported by Mr. Schuitema to deny this special use request of Don Tillema as it does not meet the special use standards of Section 18.3 (a - e) as follows:

- a. the project will not be harmonious and appropriate in appearance with the character of the area.
- b. the project will place a strain on public facilities such as streets and police & fire protection as proposed.
- d. the proposed use will cause traffic problems with the flow of traffic on 100th Street.
- e. the proposed use provides an activity which produces noise, smoke and fumes in a concentration contrary to the area..

Yes - 7, No - 0. Motion Carried

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 Postema from Richard Postema & Associates was present to state why this special use is needed. He stated that they wish to replace their present facility located in Grand Rapids. What we do at this facility is pick up waste from places such as a tool & die shop clean the waste and make it into a solid block and bring it to the landfill. The process will be conducted inside the building.

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

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,. Randy Zomerlei and Ron Sabin were requested to review the plans for special building and fire safety requirements. After Randy and Ron visited the existing facility in Grand Rapids, they reported that it is a very clean operation with all the necessary safe guards in place and the proper 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). At the time of this visit they were treating waste. All treatment is done inside. They were very impressed with the whole operation.

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 altered to allow a height of 43', which is acceptable by the Township. A signage plan was not part of the preliminary PUD approval other than that 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 final PUD Development Plan with the stipulation that the height be 43' and the accessory building be no larger than 196 sq ft. in size.

Yes - 7, No - 0. Motion Carried.

VMG CORPORATION

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

The applicant was present to ask the Commissioners if they needed any other questions or concerns addressed. No new issues were discussed.

LANDTECH

Larry Nix stated that this project was also remanded back to the Planning Commission from the Township Board for further review. Larry commented that a meeting is planned for August 21,

2002, with representatives from LandTech. A public hearing will be held at the September Planning Commission meeting as requested by the Commission.

DIVERSCO

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 of 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. The proposed 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 trucks. 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 notices were mailed to all property owners within 300 feet and published in the newspaper.

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. 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. He commented that lighting should not be too much of a problem. 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.

Mrs. Horlings - 8241 Byron Gardens is concerned about the truck traffic. She stated that her bedroom faces the facility, and the lights will shine in. What happens in the future if they have to expand they are growing now, will that continue. Will there be a starting and ending time for operations. The noise level of the trucks going in and out is another concern.

Grace Grit - 8187 Clyde Park Ave. SW is also concerned about the water level there. They are only 50' off the road, we sleep right there. Please consider this in your decision.

Allan VanLeeuwen - 8191 Byron Gardens stated that he works at a trucking company. In regards to the noise there should not be a problem at all. He stated that he is very much in favor of this.

Richard Huff - 8169 Byron Garden was very impressed that Olga visited all the neighbors in the area who would be affected by this project, and handed out brochures showing what the project would look like. He felt that this is a good plan.

No other public comments were offered.

Chairman Gould closed the hearing to the public.

Mr. Gould commented that with the bigger set backs, and the berm and trees are a good idea. Traffic will always be there. And with the decrease in the number of lots should help a lot to. Considering everything it is a better plan, and yes there is an impact to the neighbors.

A motion was made by Stone supported by Zeinstra to approve this minor change with the conditions as stated in the Planner's memo of August 16, 2002.

Yes - 7, No - 0. Motion Carried.

A motion was made by Schuitema supported by Van Singel to approve the final site development plan for Henry Mast in the Diversco PUD 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.

Plummers Environmental Services

Have submitted an application for Special Use for a possible change in location of facility. The address of the possible change is 601 - Gordon Industrial Dr. To be placed on the September agenda.

Set Public Hearing - Landtech

A motion was made by Zeinstra supported by Schuitema that a public hearing be held at the next regular meeting on September 16, 2002.

ADJOURNMENT

8:45 pm. A motion was made by Zeinstra supported by Gould that the meeting be adjourned. Yes - 7 No - 0, Motion Carried.

Bernie Schuitema
Planning Commission Secretary