

BYRON TOWNSHIP PLANNING COMMISSION
April 21, 2003

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Chairman Seymour Gould called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m. on April 21, 2003, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

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

Prayer was offered by Mr. Jeff Gritter

APPROVAL OF MINUTES

A motion was made by Mr. Schuitema, supported by Mr. Gritter that the minutes of the March 17, 2003 regular meeting be approved as written. Yes - 6. No - 0. Absent - 1. Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

A motion was made by Mr. Slot supported by Mr. Zeinstra that the following site plans be approved as per the Township Planner recommendation in a Memorandum dated April 17, 2003, of which a copy is hereby attached and made part of these minutes.

Site Plan 03-04: JDK Auto Sales - 6153 S. Division with the following conditions, up to 8 vehicles may be displayed on the property, there is no outdoor storage of any kind, the drainage plan shall be approved by the Kent County Drain Commission, the curb cut to be approved by the Kent County Road Commission, shoebox light fixtures shall be used on the site, the proposed sign shall meet the Township standards, a letter of credit or cash in the amount to cover the cost of preparing and paving the parking area shall be established with the Township Clerk, a new site plan shall be submitted documenting the above conditions and all of the above items shall be accomplished and documented prior to the Township issuing a building permit.

Site Plan 03-05: The River of God Church - 4607 - 68th St. SW with the condition that a letter of credit or cash in the amount to cover the cost of preparing and paving the parking area shall be established with the Township Clerk and the applicant work with the Township Engineer to properly establish an easement across the property as requested by the Engineer prior to the Township issuing a building permit.

Site Plan 03-06: Dykhouse Construction - Clyde Park Ave. SW with the condition that a letter of credit or cash in the amount to cover the cost of preparing and paving the parking area shall be established with the Township Clerk and approvals shall be obtained from the Kent County Road Commission and Drain Commission prior to the Township issuing a building permit.

Site Plan 03-07: Country Kitchen (Baymont Inn and Suites) - 8282 Pfeiffer Farms Dr. with the condition that a letter of credit or cash in the amount to cover the cost of preparing and paving the parking area shall be established with the Township Clerk, a sidewalk be designed and constructed to extend along the west side of the building parallel to the parking spaces, and a landscaping plan be submitted for staff approval prior to the Township issuing a building permit.

Site Plan 03-09: AT&T - Clay Ave. with no conditions.

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

Set Public Hearing - Pulte Homes rezoning request Byron Hills Golf Course

An application for a rezoning request submitted by Pulte Homes for property located at approximately 7330 Burlingame Ave. SW (Byron Hill Golf Course).

Township Attorney H. James Telman commented that the application was submitted incomplete. The actual zoning request was not specified.

Chairman Gould also stated that the Goose Creek Sanitary Trunk Sewer Evaluation is not completed, and we were not going to make any type of decision on the property until that is done.

After some discussion it was decided to consider this application at the May 19, 2003 Planning Commission meeting.

Planter Row Phase II - Preliminary Plat Review

Jason Vander Kode of Nederveld Associates was present on behalf of JCB Development to explain Phase II and some of the concerns that have arisen in regards to Phase I. He stated that the Housemans concerns are being worked on. We are dealing with the state and legal issues and this of course takes time.

Mr. Nix reviewed his memorandum dated April 18, 2003 of which a copy is hereby attached and made part of these minutes.

Chairman Gould stated that the matter between the developer and the Houseman's is a civil matter, and must be worked out between them.

After much discussion a motion was made by Slot, supported by Schuitema to approve the preliminary plat for phase II with the following conditions, that a letter from the Engineer and a letter from the Houseman's stating that all issues are cleared up, and the resolution of the triangle parcel west of lot 82 with the owners of High Tree Estates.

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

The Commissioners stated the concerns and problems must be resolved prior to initiating Phase 3 of this development.

Hightree Estates Phase II Preliminary Plat Review

Rob Berends from Excel Engineering was present to explain Phase II of Hightree Estates.

Rob also commented that the triangle parcel west of lot 82 would be resolved with Planters Row prior to the plat moving forward.

Mr. Nix reviewed his memorandum dated April 18, 2003 saying that the plan meets all subdivision and zoning criterion, including the provisions of the approved PUD. The connection to Planters Row Phase II resolves the 39 lot concern. Also note that the triangle land area south of lot 49 needs to be resolved with the owners of Planters Row prior to the plat moving forward.

After some discussion a motion was made by Stone supported by Gritter to approve the preliminary plat for Hightree Estates Phase II with the condition that the triangle land area south of lot 49 be resolved with the owners of Planters Row.

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

Public Hearing - Robert Spica application for rezoning for property located at: 2173 - 84th St. SW, 2195 - 84th St. SW and 2211 - 84th St. SW

Chairman Gould declared the public hearing open for Robert Spica. Mr. Schuitema read the public notice and affirmed that the notice had been published twice in the South Advance Newspaper and mailed to all property owners within 300 feet of the proposed site.

Fred Spica was present from Spica Properties to state why they are requesting this rezoning. He stated they would like to have these 3 parcels consisting of two acres rezoned to B-2 General Business. Currently the three lots are occupied by single family homes and are located near the Family Fare building. At this time they did not know what would be constructed on the property.

Mr. Nix reviewed his memorandum dated April 18, 2003 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public.

David & Gert Schreur - 2200 - 84th St. commented that they are concerned about the traffic situation. They are not anxious about a strip mall or whatever goes in there, but you can't stop progress.

Chairman Gould commented that at this time the Planning Commission is concerned about the rezoning. When building plans come in for these parcels they would be reviewed and have to be approved also.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Schuitema stated that this is consistent with the Master Plan and he does not have a problem with this. There was also discussion regarding the image these buildings would create to the entry of Byron Center. The site design will be important for these properties.

After some discussion a motion was made by Schuitema supported by Slot to recommend to the Township Board approval of the proposed rezoning request from R-U Urban Residential to B-2 General Business. Yes - 6. No - 0. Absent - 1. Motion Carried.

Public Hearing - Byron Township Planning Commission request for a rezoning change for property located at: 8205 Clyde Park, 8229 Clyde Park, 8289 Clyde Park, 8249 Clyde Park, 8269 Clyde Park, and 8187 Clyde Park Ave. SW

Chairman Gould declared the public hearing open for Byron Township Planning Commission. Bernie Schuitema read the public notice and affirmed that the notice had been published twice in the South Advance Newspaper and mailed to all property owners within 300 feet of the proposed site.

Mr. Nix reviewed his memorandum dated April 18, 2003 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public.

David Rasmusson - 8249 Clyde Park questioned what D-1 really means. Is it heavy or light industrial use? He was concerned as to what impact it would have on them, and if their property value would go down because of this.

Jake Grit - 8187 Clyde Park stated they he feels like they are being crowded out. The dust and noise has been real stressful. He stated that they need the help of the township.

Grace Grit - 8187 Clyde Park stated that they are both in bad health.

Richard Bidwell - 8205 Clyde Park stated that his wife operates a day care out of there home. She has 12 children in her care and is concerned how this will affect her business. He stated that progress is hard to stop, and it is going to happen.

John Bredeweg - 3365 - 84th St. had concerns about how far this rezoning will go, since his property is right next to the property to be rezoned.

Elgan Rock - 8229 Clyde Park is also concerned and feels that they are being pushed around.

Joe Booker - 8269 Clyde Park asked why now. He also stated his concern about his property value.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Chairman Gould asked Mr. Nix to respond to some of these concerns.

Mr. Nix stated that by rezoning these six parcels will create opportunity and value to the present property owners if and when they want to sell. We are not telling anyone they have to leave, nor are we trying to push anyone out of the area, but if you the property owners want to sell to an industrial use, this creates an opportunity for you to do that. The property will have a higher dollar value in the Industrial zone than in a Residential zoning area. These pieces of property are worth more. The property value of your homes is based on how you use your property. This is being done in the best interest of the property owners.

After further discussion a motion was made by Gritter, supported by Zeinstra, to recommend to the Township Board approval of the proposed rezoning change for the subject parcels from R-S Suburban Residential to D-1 Industrial.

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

Miscellaneous

- Burlingame Mining Operation – there have been some complaints regarding blowing sand and the Township Supervisor is handling the situation.
- Township ordinance on liquor license and sales – a new business at 76th & Gordon Industrial Dr. has applied for a liquor license.

Adjournment

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

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

Bernie Schuitema
Planning Commission Secretary