

BYRON TOWNSHIP PLANNING COMMISSION
November 17, 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 November 17, 2003, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

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

Prayer was offered by Mr. Tim Slot

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Van Singel that the minutes of the October 20, 2003 regular meeting be approved as written. Yes - 5. No - 0. Absent - 1. Abstained - John Stone (absent from the October 20, 2003 meeting.) Motion Carried.

A motion was made by Gritter supported by Slot that the minutes of the November 3, 2003 special meeting be approved as written. Yes - 5. No - 0. Absent - 1. Abstained - 1 (John Stone absent from the November 3, 2003 meeting.) Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

No site plans were submitted for consideration.

Public Hearing to be set

No public hearing to be set.

Van Singel Farms Phase 4 - Preliminary Plat Review

Ron Van Singel was present stating that they are requesting preliminary plat approval for the fourth phase of Van Singel Farms. This is located along the east side of Byron Center Ave. between 64th St. and the future 68th St. extension. The subject property is zoned RU Urban Residential PUD and is serviced with sanitary sewer and water. Phase

four will have 34 lots. This proposal complies with the Byron Township Master Plan as a single family residential use and is in accordance with the original PUD as approved by the Planning Commission. Lots 96, 97, and 98 will not have access to Byron Center Ave., and the northwest portion of the property which says future commercial development is not planned or zoned for commercial development which will be eliminated from the plans.

Mr. Nix reviewed his memorandum dated November 17, 2003 of which a copy is attached and made part of these minutes. Mr. Nix did stress that the southeast corner of Byron Center & 64th St. is not part of the PUD and the “future commercial” statement needs to be removed from the plans prior to submission to the Township Board.

After some discussion a motion was made by Slot supported by Gritter to grant preliminary plat approval for Van Singel Farms Phase Four as per the Planners recommendations.

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

Public Hearing - Whistleridge Phase 4 - application for rezoning from RR Rural Residential to RU PUD Urban Residential Planned Unit Development for the property located at 2111 - 76th St. SW

Chairman Gould declared the public hearing open for Whistleridge Phase 4. 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.

Mike Baker from Exxel Engineering was present and stated that they are requesting to rezone 15.8 acres located along the north side of 76th St. between Byron Center Ave. and Burlingame Ave. from Rural Residential to Urban Residential Planned Unit Development.

Mr. Nix reviewed his memorandum dated November 17, 2003 of which a copy is attached and made part of these minutes. Mr. Nix stated that the submitted site plan is in compliance with the Byron Township Master Plan. The applicant seeks RU as a base for zoning because that district permits 90 foot lot widths. However, we recommend the Planning Commission consider an RS zoning, since RU permits a greater density than would be desirable in the Goose Creek Sewer District. We feel an RS zoning is more appropriate for this area.

Chairman Gould opened the hearing to the public for comments.

Pete Haaksma - 7544 Whistlewood stated that he is concerned about the drainage. This spring lots 118, 119, and 120 had standing water on them. Just make sure that the drainage issue is handled properly.

Mark Eustice - 7556 Whistlewood was concerned about the trees located behind them.

Tim Klaasen - 7520 Whistlewood is very displeased with what is happening here. He had no idea or no one gave him any indication that this could happen. The trees and woods behind their house was one of the reasons why he bought the property.

Roy Gulch - 2039 - 76th St. asked about the property located right next to him and the intended future use.

Mark Eustice - 7556 Whistlewood spoke again and asked if any of the members of the Planning Commission went out and looked at the property. It looks very wet. He also asked if the DNR ever gets involved.

Pete Haaksma - 7544 Whistlewood spoke again and commented on the construction traffic that will be going by their home. If there would be another way to get to the site it would be appreciated.

Mark Eustice - 7556 Whistlewood spoke for the third time and stated his concern about the traffic going on to 76th St. With the park entrance right across the street and all the added traffic coming out of his development it is going to be very dangerous.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Maynard Van Singel voiced his concern about the pond.

Mr. Ken Norman stated that a fence would be placed on the property line to divide the pond from the development. He also stated that the standing water that some people are concerned about will go away as development continues service drainage will be improved. In regard to the question that Mr. Gulch asked about the lot next to his will become a single building site. Also the Kent County Drain Commission will see to it that there will be proper drainage.

After further discussion a motion was made by Mr. Stone supported by Mr. Van Singel to recommend to the Township Board approval of the rezoning to RS PUD with the following recommendations:

1. The overall density of the proposal is less than allowed under RU and RS zoning.
2. Permitting the density allowed in the RU district would be inconsistent with recent actions on requests within the Goose Creek Sewer District.
3. A lot size and width variance be recommended for the following lots:
Lot size - 121, 122, 23, 124, 135, and 136
Lot width - 121, 122, 123, 124, 125, 126, 130, 131, 132, 133, 135, 136, 137, 138, 139, and 140

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

Public Hearing - John Van Singel - application for special use for an addition to an existing pond for property located at 2160 Pleasant Pond.

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

Ron Van Singel was present on behalf of John Van Singel and commented on the special use request. He stated that the addition to the pond would be 2.7 acres. The Township approved the original pond over 10 years ago. Zoning for the pond is RR Rural Residential, and the pond will be part of a recorded Kent County drainage easement. We feel this will enhance the natural beauty and increase the value of the adjacent development. Also lots 38 - 44 are expecting a pond.

Mr. Nix reviewed his memorandum dated November 17, 2003 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public for comments.

Steven DeKam - 2008 Pleasant Pond Dr. stated that the existing pond is a mud hole at times and the water level is down. If the water table is not going to come up, how can you put in another pond?

Tim Westrate - 2046 Pleasant Pond Dr. stated that he agrees with the addition of the pond, but would really like to get their pond up to the level where it was before.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Van Singel asked for clarifications on a few items, such as berm, utilities, stockpiling, and sand removal.

After some discussion it was realized that the applicant had a different plan than what was submitted to the Planning Commission.

Mr. Gritter commented that this is not an acceptable plan. This has to be looked at closer before we make any decisions.

After further discussion a motion was made by Gritter supported by Slot to table this request until the December 15, 2003 meeting or until all the questions are answered. Yes - 6. No - 0. Absent - 1. Motion Carried.

Miscellaneous

PLANTERS ROW ADJUSTMENT

Larry Nix stated that Jason Vander Kode was present to ask the opinion of the Planning Commission if a change in the east/west road suggested at Planters Row would be considered a major or minor change. Mr. Nix stated that no action would be taken at this time he just wants your opinion.

After some discussion it was the consensus of the Planning Commission that the change would be considered minor. A formal request will be submitted along with the Phase III proposal.

DOWNTOWN DEVELOPMENT

Larry Nix commented that with all the new developments and other new business coming into the Byron Center area he felt consideration should be given to creating a downtown development authority. Larry suggested that as a Planning Commission take this request to the Township Board for their input and interest.

After some discussion a motion was made by Stone supported by Schuitema to send a message to the Township Board that the Planning Commission feels with existing economic conditions, the pending completion of the South Belt (M-6), potential commercial development on 84th Street, pending intersection improvements at 84th & Byron Center Ave., and the strong desire to sustain the Byron Center business community, the Township Board should explore methods and opportunities to improve the business area for the overall community.

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

Adjournment

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

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

Bernie Schuitema
Planning Commission Secretary