

**BYRON TOWNSHIP PLANNING COMMISSION**  
**December 15, 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 December 15, 2003, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

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

Prayer was offered by Mr. Seymour Gould

**APPROVAL OF MINUTES**

A motion was made by Schuitema supported by Stone that the minutes of the November 17, 2003 meeting be approved as written. Yes - 5. No - 0. Absent - 1. Abstained - Dutch Zeinstra (absent from the November 17, 2003 meeting.) Motion Carried.

The building inspectors report was received and placed on file.

**SITE PLANS**

A motion was made by Mr. Schuitema supported by Mr. Zeinstra that the following site plan **Site Plan 03-20: 84<sup>th</sup> St. Marathon** be approved as per the Township Planner recommendation in a Memorandum dated December 11, 2003, of which a copy is hereby attached and made part of these minutes and **Site Plan 03-21: Family Fare** be tabled until such time a meeting can be scheduled between the appropriate people and the Township Planner in regards to the driveway issue.

Yes - 5. No - 1. (Slot) Absent - 1.

**John Van Singel - revised site plan approval - addition to an existing pond.**

Tabled from the November 17, 2003 meeting.

A motion was made by Mr. Gritter supported by Mr. Schuitema to remove this request from the table for discussion.

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

Ron Van Singel was present on behalf of John Van Singel and stated that his intention is

to add on to an existing pond. With this comes the removal of 12,000 cubic yards of material that needs to be removed from the site. Either somewhere in the area or trucked away. He is seeking some ideas tonight as to what to do with the stockpile and how to find suitable elevations for the water levels. After reviewing these comments he stated he would come back to the Planning Commission with his final plan.

Mr. Nix reviewed his memorandum dated December 15, 2003 of which a copy is attached and made part of these minutes.

Chairman Gould asked the commissioners if any of them had any ideas or comments to offer Mr. Van Singel.

After some discussion a motion was made by Mr. Zeinstra supported by Mr. Gritter to table this request until the applicant returns with a definite plan.

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

A public comment was made at this time.

**Harvey DeWit - 2550 Ranchland** stated his concern about the amount of ponds that are being permitted into the Township. He stated that he had to put a well in his pond in order to keep the water level up. Maybe everyone should be required to do this. It's all but fair for everyone.

#### **Whistle Ridge Phase 4 - Preliminary Plat**

Mike Baker from Exxel Engineering was present and commented that this would be for R-S PUD approval and this phase would include 24 lots.

Mr. Nix reviewed his memorandum dated December 15, 2003 of which a copy is attached and made part of these minutes. Mr. Nix stated that Phase 4 of Whistle Ridge as submitted is consistent with the Byron Township Master Plan as a single family residential use, and is in character with nearby neighborhoods in the Township. It also is in compliance with the approved PUD.

After some additional discussion a motion was made by Mr. Slot supported by Mr. Stone to approve Whistle Ridge phase 4 with the following conditions:

1. Plat restrictions and maps/plans need to illustrate that side yard setbacks are 10 feet and rear yard setback is 25 feet.

2. Sidewalks will be installed as per the Township Ordinance including both sides of Whistlepipe Drive, Whistlepipe Court, Whistlewood Drive lots 142, 143, and 144, and lot 144 adjacent to 76<sup>th</sup> St.

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

**Set Public Hearing - VMG (Marlo Farms Plat Phase I) request to rezone property located at 1810 - 84<sup>th</sup> St. SW and 1946 - 84<sup>th</sup> St. SW from R-S Suburban Residential to R-U Urban Residential**

An application for rezoning for property located at 1810 - 84<sup>th</sup> St, and 1946 - 84<sup>th</sup> St. SW was reviewed.

After some discussion a motion was made by Mr. Gritter supported by Mr. Slot to set a public hearing for the next regular meeting to be held on January 19, 2004.

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

**Pulte Land Company LLC – rezoning request for Byron Hills Golf Course for property located at 7330 Burlingame Ave. SW**

(tabled from the October 20, 2003 meeting)

Planning Commission member John Stone stepped down due to conflict of interest.

A motion was made by Mr. Slot supported by Mr. Gritter to remove this request from the table for discussion.

Yes - 5. No - 0. Absent - 1. Motion Carried.

Chairman Gould asked Township Planner Larry Nix to give a brief history of this rezoning request.

Mr. Nix also stated that a letter was received prior to the meeting from Bob Dunston, who is director of land development for Pulte requesting to withdraw the west nine from the rezoning request. They would like to have a decision tonight on their rezoning request.

Chairman Gould then addressed the audience stating that even though this is not a public hearing an opportunity would be given to anyone who had any new comments or concerns that were not addressed at the public hearing.

**Mitch Thorton** - 2466 Marfield was concerned if the ground water is affected at all. He stated that he has a pond behind his home and it has been dry. This is a huge major project.

**Mike Travato** - 1667 Lisa Dr. stated that the government issued grants during the war to construct golf courses and he felt that by taking this golf course away it is unpatriotic. Maybe the Township should keep this for the people.

**Walt Zarnoch** - 1856 - 72<sup>th</sup> St. was wondering with the withdrawal of the west nine, can they come back and ask for it again. They are just trying to bite off one piece at a time.

**Jim Bonnema** - 7397 Cactus Cove asked if we knew the reason why they want to

withdraw their request for the west nine.

**Walt Zarnoch** - 1856 - 72<sup>nd</sup> St. stated that the Master Plan does have it as green space. We should be consistent.

**Henk Horst** - 7522 Burlingame mentioned that he is confused as to what this property is really zoned.

**Dave Hunt** - 7460 Burlingame stated that he did not attend the public hearing but he said he is little confused about what this property is zoned.

**Barb Wenzler** - 1482 Bogey St. was wondering if everyone knew the drastic affect this will have on property values in that area.

No further comments were made.

Chairman Gould asked Mr. Gritter to answer some of the concerns about the water levels.

Mr. Gritter commented that as we all know dewatering does have a drastic affect on pond levels. It's hard to say if the levels will ever be up again. We hope it will return to where it was before in a reasonable amount of time. It's a balancing act and we are trying to do our best.

Mr. Nix reviewed his memorandum dated December 11, 2003 of which a copy is attached and made part of these minutes.

After further discussion a motion was made by Mr. Schuitema supported by Mr. Gritter to recommend to the Township Board denial of the Pulte Land Company rezoning of the subject property to MFR PUD for the following reasons:

1. The subject property can be used as presently zoned.
2. The vast majority of single family planned unit developments in Byron Township result in a density of less than 2 dwelling units per acre. These project have successfully been approved, infrastructure installed, marketed, homes constructed and families occupied over the past 20 years.
3. The use of transition land uses with the 173 acre site is not warranted as the adjacent land uses provide this transition.
4. Comments at the public hearing favored a traditional single family development on the subject property utilizing the existing adjacent developments as transitional uses.
5. The proposed rezoning is not consistent with the Byron Township Master Plan.
6. High density development at this location would be detrimental to other areas that are Master Planned and zoned residential growth given the sewer capacity of the Goose Creek sewer.
7. Existing road need improvements to accommodate the existing planned and zoned residential areas in this vicinity and the density for the area should not be increased

to compound the problem.

Roll Call Vote:

Slot - Yes. Gritter - Yes. Schuitema - Yes. Zeinstra - Yes. Gould - Yes. Motion Carried.

Note: The request to withdraw the west nine was not specifically acted on by the Planning Commission.

John Stone resumed his position on the Planning Commission.

### **Williams Sand Mine - renewal of permit**

Williams Sand Mine Operation is requesting their annual permit. Mr. Goodheart from Pathfinder Engineering, Inc. was present to request the renewal of their permit. Mr. Goodheart addressed the planning commission and explained what has been happening at the Sand Mine to date.

Mr. Schuitema stated that it appears that they are working in phase 3 already. The original permit is not being followed.

Chairman Gould stated that there have been no complaints reported concerning this mining operation, but he does have a big concern that when we approve something and then they just go ahead before they are permitted to continue. Lets face it what is happening here did not get approved.

Chairman Nix stated that we have several options. We can deny this request and have them stop operations immediately, maybe we can say “just let it go”, or we can table this until they come back with a new re-submittal plan and go through the public hearing process again.

Chairman Gould stated that this can be worked out.

After further discussion a motion was made by Mr. Zeinstra supported by Mr. Schuitema to table this permit renewal request until such time that the applicant resubmits a plan as to what they are actually doing and plan to do.

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

### **Miscellaneous**

- **Ridgestone Condominiums**

Discussed was the drive access to 84<sup>th</sup> St. from the new storage buildings located on Ridgestone Condominiums property. Mr. Jay DeKleine was present to state that he honestly never gave the PUD a thought when they decided to just extend this drive. It looked like a good idea and it did make it more convenient for delivery vehicles, they can

just drive in and exit out the new drive. But if you want it out I'll do that. He did hand out a list of considerations for the Planning Commission to look at. After some discussion it was the consensus of the commission members that this would be considered a minor change to the PUD.

After additional discussion a motion was made by Mr. Slot supported by Mr. Zeinstra to allow this drive to remain with the condition that an EXIT ONLY sign be placed near the drive going out onto 84<sup>th</sup> St.  
Yes -6. No -0. Absent -1. Motion Carried.

- **Group Day Care Home**

Mr. Nix explained that Lisa Cappon who lives on Ridgecrest is present to explain the type of group day care home she would like to operate. She would like your input to determine if this use is suitable for the location where she lives and if this would need special use approval.

Lisa explained that she currently cares for 6 children in her home during the day. She feels there is a need for this in the Byron area with all the building going on. And many are inquiring about availability to her facility. She does follow a schedule with a pre-school program and does have a fenced in yard for outdoor activities and play. She stated that she has spoken to her neighbors and they are very supportive of this type of day care in their neighborhood.

After some discussion it was decided that this would probably have to go through the Special Use process.

### **Adjournment**

A motion was made by Schuitema supported by Stone that the meeting be adjourned.  
Yes - 6. No - 0. Absent - 1. Motion Carried.

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Bernie Schuitema  
Planning Commission Secretary