

BYRON TOWNSHIP PLANNING COMMISSION
January 19, 2004

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 January 19, 2004, 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. Bernie Schuitema

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Zeinstra that the minutes of the December 15, 2003 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

No site plans were submitted for consideration.

Set Public Hearing - Byron Community Ministries - amend final PUD Site Plan approval for property located at 8250 Byron Creek Dr.

An application to amend the final PUD Site Plan for the property located at 8250 Byron Creek Dr. was reviewed.

After some discussion a motion was made by Mr. Slot supported by Mr. Gritter to set a public hearing for the next regular meeting to be held on February 16, 2004. Yes - 6. No - 0. Absent - 1. Motion Carried.

Set Public Hearing - Railside West Development (John Koetje) rezoning request for property located at 8020 Homerich Ave. SW

An application for rezoning for property located at 8020 Homerich Ave. SW was

reviewed.

After some discussion a motion was made by Mr. Stone supported by Mr. Zeinstra to set a public hearing for the next regular meeting to be held on February 16, 2004.

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

Family Fare – final PUD site plan (tabled from the December 15, 2003 meeting.)

Mr. Nix stated that a revised site plan as been received. The entry drive has been adjusted to the east beyond the 84th St. curb cut which eliminates a portion of the existing drive and provides a better entry into the shopping center.

Mr. Greg Petroeije was present on behalf of Mr. Maier and stated that they have spoken to the adjacent property owner Rob Spica about joining the means of egress into the Family Fare plaza property. Mr. Spica is open to suggestions, but as of now he is willing to work this out only if he can purchase some additional land to the north of his building for future expansion. Mr. Maier is willing to sell Mr. Spica some additional property for the drive but not willing to sell a larger piece for an expansion.

Mr. Gould commented that he is tired of hearing people say, “you said, I said, he said”. Last month Mr. Nix requested that both parties come in and meet with him and get this issue resolved. Since this meeting has not taken place, we really have no choice but to table this again.

No motion was made thus issue remains tabled.

John Van Singel - revised site plan and special land use(tabled from the December 15,2003 meeting.)

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

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

This item was tabled for a second month to permit the applicant time to revise the plan. A revised plan has been submitted and letters received from the Township Engineer and Kent County Road Commission, which are attached and made part of these minutes.

Mr. Gould read a letter from Suzanne Kelly DeWitt who resides at 2550 Ranchland SW stating her concerns about the ground water levels in area ponds.

After some discussion a motion was made by Mr. Slot supported by Mr. Gritter to approve the revised site plan and special land use for the pond proposed by John Van Singel.

Yes - 5. No - 1 (Zeinstra) Absent - 1. Motion Carried.

Williams Sand Mine permit renewal (tabled from the December 15, 2003 meeting.)

A motion was made by Mr. Schuitema supported by Mr. Slot to remove this request from the table for discussion. Yes - 6. No - 0. Absent - 1. Motion Carried.

Mr. Nix commented that he received a letter from Mr. Goodheart stating that he did not have time to provide the Planning Commission with new information and would like this request tabled for an additional 30 days.

Chairman Gould stated that a complaint has been received by the Stevens family who live next to the mining operation. They have expressed their disapproval as to what is happening very close to their property.

Mr. Nix commented that they have to come in and show us as to what they are doing and be sure it is consistent with what as been approved.

Mr. Schuitema stated that they are not permitted to over excavate and that is what they are doing. The Planning Commission did not approve this process.

Mr. Nix stated that we have a couple options. Their permit expired in December 2003. They are continuing to operate without a permit.

Mr. Nix asked Township Attorney Telman how we should handle this legally. Mr. Telman responded by saying that we could continue to table this and call for a cease operation. Actually the Township Zoning Administrator is the one who is to enforce this by either issuing a stop work order or call the \$100,000.00 letter of credit or do both.

Chairman Gould stated that if we do table this and if any work is being done either hauling or excavating a stop work order can be posted on the project.

After further discussion a motion was made by Mr. Zeinstra supported by Mr. Schuitema to table this for another 30 days with a strong message from the Planning Commission that a stop work order should be considered by the Township Zoning Administrator if any hauling and or excavating work continues at the job site.
Yes - 6. No - 0. Absent - 1. Motion Carried.

Public Hearing - VMG (Marlo Farms Plat Phase I) rezoning request for property located at 1810 - 84th St. SW & 1946 - 84th St. SW from R-S Suburban Residential to R-U Urban Residential.

Chairman Gould declared the public hearing open for VMG. Bernie Schuitema read the public notice and affirmed that the notice was published twice, and mailed to all property owners within 300 feet of the proposed site.

Carlos Caceres was present to state why this rezoning request is needed. He stated that

he wishes to rezone the far south end of the property that fronts on 84th St. It is consistent with the Township Master Plan and the R-U zoning district. He commented that there will only be 17 lots in this phase. Sewer and water are available. The area is heavily wooded and he stated that he would try and preserve as many trees as possible.

Mr. Nix reviewed his memorandum dated January 13, 2004 of which a copy is attached and made part of these minutes. Mr. Nix commented that this is consistent with the zoning to the south of the property which is Hightree Estates and the lot sizes will be consistent with area lot sizes. He suggested that the Planning Commission recommend approval to the Township Board for this rezoning request.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould declared the public hearing closed.

After some discussion a motion was made by Mr. Slot supported by Mr. Stone to recommend to the Township Board approval of this rezoning request for the property located at 1810 - 84th St. and 1946 - 84th St. SW

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

VMG (Marlo Farms Plat Phase I) Preliminary Plat Approval

Mr. Nix reviewed his memorandum dated January 13, 2004 of which a copy is attached and made part of these minutes. Mr. Nix stated if a positive recommendation is sent to the Township Board for the plat, a condition of rezoning approval would be appropriate, plus a decision by the sewer and water committee regarding sewer depth, if necessary.

After some additional discussion a motion was made by Mr. Stone supported by Mr. Slot to recommend approval from the Township Board for the Preliminary Plat for Marlo Farms Phase I, subject to the rezoning approval from the Township Board and the issue with the water & sewer be resolved prior to the Township Board Meeting.

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

Miscellaneous

- **Dan Charles** was present to get some feedback from the Planning Commission as to the possible rezoning of 2 ¼ acres located on South Division near 76th St. The property is located directly across the street from 5/3 Bank. He was interested in finding out from the Planning Commission if it would be better to submit this request as a straight rezoning or a PUD. After some discussion Chairman Gould commented that he would like to see it come to the Planning Commission as a PUD for the proposed office/retail use.

Election of Officers

A motion was made by Mr. Stone supported by Mr. Gritter to renew the officers for a one year term. Yes - 6. No - 0. Absent - 1. Motion Carried.

Chairman -----Seymour Gould
Vice Chairman -----Dutch Zeinstra
Secretary -----Bernie Schuitema

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