

BYRON TOWNSHIP PLANNING COMMISSION
October 18, 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 October 18, 2004, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

Commission members present were: Seymour Gould, Bernie Schuitema, Tim Slot, Dutch Zeinstra, Maynard Van Singel and Jeff Gritter. Absent: John Stone. Also present were Township Planner Larry Nix, 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 Gritter that the minutes of the September 20, 2004 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 – Nederveld & Associates, Inc. – rezoning request for property located at 10491 Division Ave. SW and 10495 Division Ave. SW from R-A Rural Agriculture to D-1 Industrial.

An application for the rezoning request for the property located at 10491 Division Ave. SW and 10495 Division Ave. SW was reviewed.

A motion was made by Slot supported by Zeinstra to set a public hearing for the next regular meeting to be held on November 15, 2004.

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

Set Public Hearing - Saint Mary's Health Care - rezoning request for property located at 2369 - 64th St., R-R Rural Residential to O-S Office Service PUD.

An application for the rezoning request for the property located at 2369 - 64th St. SW was reviewed.

A motion was made by Schuitema supported by Gritter to set a public hearing for the next regular meeting to be held on November 15, 2004.

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

Agenda Item # 8 - Maier Homes was addressed after Item # 10.

Public Hearing - Sleepy Hollow Pet Cemetery – special use request for additional cremation equipment for property located at 2755 - 64th St. SW.

Chairman Gould declared the public hearing open for Sleepy Hollow Pet Cemetery. Bernie Schuitema read the public notice and affirmed that the notice was published once in the South Advance and mailed to all property owners within 300 feet of the proposed property.

David Fields owner of Sleepy Hollow was present to explain his request to add a large cremation unit in the recently approved storage area. He stated that his business is growing and the demand for larger cremation equipment was needed. He has already installed the equipment and thought the approval he got earlier cover this equipment.

Mr. Nix reviewed his memorandum dated October 12, 2004 stating that the addition of the cremation unit will be hardly noticeable and that the proposal meets the requirements of the Ordinance. A site visit by the Supervisor, Clerk and Planning Commission Chairman during the operation of the unit found no ill effect from the unit.

Chairman Gould opened the hearing to the public.

Bernie Bredeweg – 2941- 64th St. SW stated that he has no objection to the Pet Cemetery, but does object to the noise. It sounds like a jet engine. Also, at times you can smell burnt hair.

Annette Fisher – 2760 - 64th St. SW commented that the noise is a big problem. Even when the windows are closed you can hear the noise. Another problem is the pop machine located outside the building. The lights are so bright at night and at times it attracts kids. Maybe it could be unplugged at night or the bulbs taken out.

Byrle Van Solkema – 2727 - 64th St. SW stated that he probably lives the closest to the Pet Cemetery and there is no noise or odor. He commented that the area is kept up and is a real asset to Byron Township. Other neighbors feel the same way and have no

problem with the Pet Cemetery as well. Lawn mowers create more noise than the cremation equipment.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Items discussed by the commission members were the possibility of placing hours of operation, the pop machine lighting, and that no additional equipment can be added without the necessary approval.

After some additional discussion a motion was made by Slot supported by Van Singel to grant the special use request for the additional cremation equipment for the property located at 2755 - 64th St. with the following stipulations:

1. Hours of operation: Monday – Friday 7:00am. - 7:00pm
Saturday's 8:00am. - 7:00pm
Sunday's no operation
2. Pop machine lighting to be out at night.

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

Public Hearing - Landscaping Regulation Ordinance Amendment Section 4:43

Chairman Gould declared the public hearing open for the Landscape Regulation Ordinance. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance.

Brian Wegener was present to answer any questions in regards to the proposed Landscaping Regulations.

Chairman Gould opened the hearing to the public.

No public comments were made.

An item of concerned discussed by the commission members were trees between the sidewalk and the roadway. It was decided that a setback of 10' from the property line should be established for the planting of trees.

After some additional discussion a motion was made by Zeinstra supported by Slot to recommend approval of Section 4.43 Landscaping Regulations to the Township Board with the addition of a change to article 6 stating that a 10' setback requirement be established for the planting of trees in a residential development from the property line.

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

Public Hearing – Maier Homes (Mark Maier) to rezone property located at 2092 - 76th St. SW from R-R Rural Residential to R-S PUD Suburban Residential Planned Unit Development (tabled at the September 20, 2004 meeting)

A motion was made by Zeinstra supported by Gritter to remove the rezoning request for Maier Homes from the table for discussion.

Chairman Gould stated there was a public hearing held for this request once but since there was a complete change in the application it was decided to notify everyone and have another public hearing.

Doug Stalsonburg from Excel Engineering was present on behalf of Maier Homes. Mr. Stalsonburg commented that they have submitted a revised PUD Plan illustrating side and rear yard setbacks consistent with the RS district. They also submitted a new design plan, with 19 single family homes, owner occupied and would have a condo association. With some creative thinking they felt a private road would allow them to be more creative in the lay out. He stated that they feel this is a much improved plan. He also commented that there will probably be a lot of discussion on the drainage issue.

Mr. Nix reviewed his memorandum dated October 11, 2004 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public for comments.

John Wyllis – 2154 - 76th St. is real concerned about the drainage. He has water standing within 10' of his property. Also the Township promised a berm and nothing has ever been done.

Don Wycoff – resides in Burnips (brother of Dennis Wycoff - 2154 - 76th St. SW) stated that his brother lives on the farm near this proposed rezoning project. He said a lot of promises were made and never kept by the Township. He sees no reason why this drainage can not go to the north. He feels this was not designed correctly when the Woodward Baptist Church was built there. Now why add to the problem with this development.

Tim Wiest - 2030 – 76th St. SW was also wondering why the drainage can not go to the north.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Chairman Gould commented that there is a real concern over the drainage. He admitted that they don't know all the answers but we do have to sit down with the Township Engineer and the Drain Commission and discuss this situation.

Planner Larry Nix stated the drainage issue is a big factor to be resolved. We realize that the drainage flows to the west and the issue needs to be resolved without having an impact on nearby property. This does have to be resolved before going any further.

Chairman Gould stated this is a good plan but we need to deal with the drainage problem. This will be looked at and addressed. But tonight the request is for the rezoning of this property.

A petition was presented to the planning commission in opposition to the proposed project. Chairman Gould commented that this is only how the public feels about this matter. It was noted that some of the signatures were from people who do not even reside in Byron Township. We always view the public comments as important.

After much discussion a motion was made by Van Singel supported by Slot to recommend approval from the Township Board the rezoning request for 2092 - 76th St. SW from R-R Rural Residential to R-S PUD Suburban Residential Planned Unit Development with the stipulation that prior to coming back to the Planning Commission for final plan approval all drainage issue be resolved.

Roll call vote: Slot - yes. Gritter - yes. Schuitema - yes. Van Singel - yes. Zeinstra - no. Gould - yes. Stone - absent. Motion Carried.

Land Use Variance – Abel & Lola Vander Woude

Mr. Nix commented this property is located at the northeast corner of 84th & Clyde Park and was the subject of a rezoning request in September. The subject property is zoned R-S Suburban Residential which is intended for single family development. Properties at the four corners of the 84th/Clyde intersection are also zoned R-S. Subject to the surrounding properties and development in that area a new home being built at that location will probably not happen. Section 21.7 of the Zoning Ordinance states that a land use variance may not be issued unless the property cannot be reasonably used for uses allowed within the district in which the property is located. We feel the subject property as a residential use in not a desirable place to construct a new residential dwelling given the type and magnitude of motorized traffic along Clyde Park and 84th St. Thus we believe this warrants the issuance of a land use variance for the property.

We suggest the following recommendations for the Zoning Board of Appeals.

1. A site plan will need to be reviewed and approved by the Planning Commission.
2. The total number of vehicles on display shall not exceed what can be parked on the paved area, and vehicles shall not be parked on any lawn area, including vehicles of customers. Adequate provision shall be made for customer parking area to view vehicles.
3. Adequate signage and or pavement markings shall distinguish customer-parking areas from vehicle display areas.
4. The Kent County Road Commission shall approve access to the site.

5. Site drainage will need to be approved by the Township Engineer, Kent County Drain Commission or the Kent County Road Commission.

After some discussion a motion was made by Schuitema supported by Zeinstra to send a report to the Zoning Board of Appeals for approval of a land use variance request per the Township Planners recommendations. Yes - 6. No - 0. Absent - 1. Motion Carried.

Miscellaneous

- Leighton Township Draft Master Plan

After some discussion a motion was made by Schuitema supported by Slot to send a letter of approval to Leighton Township.

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

- Joint Meeting with Jamestown Township

Mr. Nix stated that the meeting which was scheduled for Nov. 3, 2004 has been canceled.

- Mailing of Planning Commission packets

It was decided that instead of the commission members picking up their monthly packets at the Township Office each month, they will be mailed out one week prior to the Planning Commission meeting.

Adjournment

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

Bernie Schuitema
Planning Commission Secretary