

**BYRON TOWNSHIP PLANNING COMMISSION**  
**December 20, 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 December 20, 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, John Stone and Jeff Gritter. Absent: Maynard Van Singel. Also present were Township Planner Larry Nix, Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Mr. Jeff Gritter.

**APPROVAL OF MINUTES**

A motion was made by Gritter supported by Zeinstra that the minutes of the November 15, 2004 meeting be approved as written. Yes - 5. No - 0. Absent - 1. Abstained - 1. (Schuitema absent from November meeting). Motion Carried.

The building inspectors report was received and placed on file.

**SITE PLANS**

A motion was made by Slot supported by Stone that the following site plans be approved as per the Township Planner's conditions as stated.

**Site Plan 04-26: William F. Hendry III** as presented.

**Site Plan 04-27: RDI Development (Robert Deppe) with the following conditions:**

1. 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.
2. Approval of the storm water system by the Kent County Drain Commissioner or the Township Engineer as appropriate.
3. Coordination with the Township Sewer and Water Administrator.

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

**Set Public Hearing – LandInvest Ventures, Inc. rezoning request for property located at 1240 – 60<sup>th</sup> St. SW, 6010 Burlingame Ave. SW & 6156 Burlingame Ave. SW to rezone subject parcels from R-R Rural Residential to R-S Suburban Residential PUD.**

The applicant withdrew request for this rezoning.

**Set Public Hearing – Maclind Development LLC rezoning request for property located at 6922 Burlingame Ave., 7330 Burlingame Ave., 1515 – 76<sup>th</sup> St. SW and 7410 Burlingame Ave. SW from R-S Suburban Residential to R-S PUD Suburban Residential Planned Unit Development.**

An application for the rezoning request for the property located at 6922 Burlingame Ave., 7330 Burlingame Ave., 1515 – 76<sup>th</sup> St. SW and 7410 Burlingame Ave. was reviewed.

A motion was made by Stone supported by Zeinstra to set a public hearing for the next regular meeting to be held on January 17, 2004.

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

**Nederveld Associate** –rezoning request for the property located at 10491 Division and 10495 Division Ave. from R-A Rural Agriculture to D-1 Industrial.  
(tabled at the November 15, 2004 meeting.)

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

It was decided to combine this with their public hearing.

**Public Hearing – Nederveld Associate – application to add a PUD to an existing request for the property located at 10491 Division Ave. and 10495 Division Ave. from R-A Rural Agriculture to D-1 PUD Industrial Planned Unit Development.**

Chairman Gould declared the public hearing open for Nederveld Associate. 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.

Chad Everts from Nedervel Associates was present on behalf of Midway Motor Homes. He stated that at last month meeting they were advised to come back seeking the PUD be added to their rezoning request.

Mr. Nix reviewed his memorandum dated December 14, 2004 of which a copy is attached and made part of these minutes. Mr. Nix stated that he needs the applicant to clarify a couple issue. First being there are four buildings on the eastern parcel, three of which are to be removed. The remaining building has a footprint of about 7,700 sq ft., and would like to know what the use would be for this structure. Also he would like clarification on the parking spaces. The plan provides 46 conventional spaces presumably for customers and employees. Depending on whether the use is considered “vehicle sales,” “auto repair and service station,” or warehousing,” the number of spaces required could vary from 40 to 200. Even if calculated for the two proposed distinct uses (showroom and auto service), 158 spaces would be required. We would ask the applicant

to define the number of employees and customers anticipated at the site at any given time.

Chairman Gould opened the hearing to the public.

Another letter was received from Glenn & Vera Rosenberger stating their opposition to this rezoning request.

No public comments were made.

Chairman Gould declared the public hearing closed.

Chad Everts responded to the clarifications that Mr. Nix requested. He stated the existing building will be saved and used for storage. In regards to the parking spaces, they feel that they do not need 200 spaces. They are paving a large portion of the lot and if additional parking is needed they could use that space.

After some discussion a motion was made by Slot supported by Schuitema to recommend to the Township Board approval of this rezoning subject to the Township Planners and a request to the Township to grant a variance for the water/sewer per the PUD requirements.

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

**Public Hearing – Southside Ice Center – special use request to allow recreational paint ball games to be conducted in the far back portion of the site for property located at 500 – 100<sup>th</sup> St. SW.**

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

Rick Taba was present from T.C. Paintball of Grand Rapids. He commented on the popularity and safety of this sport. He handed out literature to the commissioners about paint ball and how it originated and the safety of which a copy is attached and made part of these minutes.

Mr. Nix reviewed his memorandum dated December 14, 2004 of which a copy is attached and made part of these minutes. Mr. Nix stated that the subject property is about 21 acres and is zoned RA Rural Agricultural. “Private recreation areas” is a permitted special use in the Rural Agricultural District. Therefore, paintball activities are allowed subject to special use approval.

Chairman Gould opened the hearing to the public.

**Brian - Michigan Kenworth** stated that his building is directly behind this property where the paintball activity will take place. He parks a lot of the trucks in that area and is concerned about the net that will be used to prevent paintballs from traveling outside the arena area.

Mr. Nix commented that they will be using a 20' net which will surround the paintball field to prevent paintballs from traveling outside the arena area. Also a 6' stockade fence will surround the netting to reduce noise.

No further comments were made.

Chairman Gould declared the public hearing closed.

Commission member Slot stated that this sport is totally harmless and this will be a great place to go. He also wanted to know the hours of operation.

Mr. Taba commented that the hours would be 9:00 am to 6:00 pm. This will involve no nights and no lighting will be needed.

After some additional discussion a motion was made by Schuitema supported by Gritter to approve this special use request also a copy of the draft to be attached to original minutes.

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

**Public Hearing – DeKleine Builders - rezoning request to rezone property located at 1140 - 64<sup>th</sup> St. SW from R-S Suburban Residential to R-U Urban Residential.**

Chairman Gould declared the public hearing open for DeKleine Builders. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance and mailed to all property owners within 300 feet of the proposed property.

Don DeGroot from Exxel Engineering was present on behalf of Jay DeKleine. He stated they are trying to get this property rezoning for the purpose of building single family home sites. The Township Master Plan indicates the subject property to be single family residential.

Mr. Nix reviewed his memorandum dated December 14, 2004 of which a copy is attached and made part of these minutes. Mr. Nix stated commented that he recommends approval of this rezoning request to the Township Board based on the following:

1. The request conforms to the Master Plan's future land use designation of the property.
2. Rezoning the property to RU as utilities are made available is consistent with Section 7.1 of the Zoning Ordinance.
3. A subdivision developed under RU stipulations would not be out of character with

existing neighborhoods in the vicinity.  
Chairman Gould opened the hearing to the public.

**Lisa Schuel – 6619 Runway Ct.** who lives south of the property was concerned on the size of the proposed lots, and if there would be any drainage issues.

**Charles Bosscher – 1150 - 64<sup>th</sup> St. SW** stated that this piece of property is a beautiful wooded lot. He also is concerned about drainage since the south side of the property is lower.

**Gordon Brinks – 1062 Northmeadow** was wondering if they plan to extend the street through. He also mentioned that would this development follow the same deed restrictions that their development has in regards to size of house, parking trailers, shrubs, tress, etc.

**Pat Duemler – 6621 Runway Ct.** commented that her property is located a south of the property and really has no drainage problems but she to loves the woods. Traffic would be another concern.

**Ron Niswonger – 1141 - 64<sup>th</sup> St. SW** lives across the street from the property and whas wondering where the street would come out of the development.

**Mrs. Short – 1127 - 64<sup>th</sup> St. SW** lives across the street and was concerned if it would devalue her property.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Nix commented that the questions about this development following the same deed restrictions as the homes around them, they to would have to meet what the Township requires in regards to lot sizes, landscaping, and the drainage issues would have to be approved by the Kent County Drain Commission. The street coming out of this development would probably not be off 64<sup>th</sup> St.

Mr. Slot commented that there should not be a concern about the value of homes surrounding a new development. He has never seen the value of surrounding homes go down.

After some additional discussion a motion was made by Schuitema supported by Slot to recommend to the Township Board approval for this rezoning request.  
Yes - 6. No - 0. Absent - 1. Motion Carried.

**Public Hearing – Byron Township Zoning Ordinance amendment changes to Section 23.1 (4), 23.2 (1) and (3), and Section 23.4**

Chairman Gould declared the public hearing open for proposed Byron Township Zoning Ordinance changes. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance and posted outside the Township Offices three weeks prior to the public hearing.

Mr. Nix stated that these amendment changes involve the Building Inspector in regards to administration and zoning enforcement. It involves deletion and or adding of words.

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 Stone supported by Gritter to recommend to the Township Board approval of these changes to Section 23.1 (4), 23.2 (1) and (3), and Section 23.4 of the Byron Township Zoning Ordinance.

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

**Preliminary Plat – Copperfield Plat (Trinity Development) 8068 Burlingame Ave. SW.**

Bruce Brown president of Trinity Development was present to seek approval of this preliminary plat.

Mr. Nix reviewed his memorandum dated December 14, 2004 of which a copy is attached and made part of these minutes.

Items discussed by commission members were property lines from existing home, suggestions of a buffer to be place where needed, street lighting, landscaping regulations, drainage issues, and road being placed over wetlands.

After much discussion a motion was made by Stone supported by Schuitema to recommend to the Township Board approval of the preliminary plat with the stipulations that the landscaping and the road location issue be worked out to the satisfaction of the Township Planner.

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

## Miscellaneous

### \* Stanley Steemer

Mr. Nix stated that that Stanley Steemer is requesting a larger sign to be put on their building located at 8228 Pfeiffer Farms Dr. The sign will be located on the expressway side of the building and will not be visible from any residential homes in the area. It will not protrude above the roof line. We consider this a minor change to the PUD and encourage the Planning Commission to approve this minor change.

A motion was made by Schuitema supported by Gritter to approve this minor change to the site plan for Stanley Steemer.

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

### \* Williams Sand Mine (permit renewal)

Mr. Nix stated that an updated plan has been submitted along with a narrative explaining the activity over the past year and the proposed operation for the upcoming year. The application was modified last year to permit a crusher for up to 2 months to produce gravel. This did not work as planned and was shut down after two weeks. A condition of this activity was the Building Inspector was to be notified prior to commencing this activity but was not notified. The narrative that was submitted does not mention the use of a crusher. This will have to be clarified. It is their contention due to the extensive overburden on the property it is not reasonable to effectively mine the materials without exposing the entire site. There are concerns with blowing material, size of stockpiles, erosion, and neighbor impact over the next 3 years of the operation.

After some additional discussion a motion was made by Gritter supported by Slot to set a public hearing for the next regular meeting to be held on January 17, 2005.

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

### \* Workshop (Master Plan Update)

A workshop meeting has been scheduled for January 6, 2005 at 5:00pm.

## Adjournment

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

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

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Bernie Schuitema  
Planning Commission Secretary