

BYRON TOWNSHIP PLANNING COMMISSION
March 15, 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 March 15, 2004, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

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

Prayer was offered by Mr. John Stone

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Stone that the minutes of the February 16, 2004 meeting be approved as written. Yes - 5. No - 0. Absent - 1. Abstained - 1 (Jeff Gritter) absent from the February 16, 2004 meeting. Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

A motion was made by Mr. Slot supported by Mr. Stone that the following site plans be approved:

Site Plan 04-02: McDonalds Restaurant with the condition that a letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the expanded parking area and that the property owner coordinate with the Sewer and Water Administrator for any additional fees associated with expanding the site.

Site Plan 04-04: Rush Creek Bible Church with the condition that a letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the parking area also with the condition the property owner coordinate with the Kent County Drain Commission.

Site Plan 04-06: George Peterson with the condition that a letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the expanded parking area, the Township Engineer review and approves the sewer connection plans, and the Kent County Road Commission approves the curb cut configuration for the site and drainage improvements impacting the roads.

Site Plan 04-07: Gypsum Supply Company with the condition that a letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the parking area, also the property owner coordinates with the Sewer and Water Administrator.

A copy of the Township Planners recommendations for the above site plans are hereby attached and made part of these minutes.

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

Set Public Hearing – Wolverine Building, Inc. - rezoning request for property located at 7740 Byron Center Ave. from R-R Rural Residential to O-S Office Service.

An application for a rezoning request for property located at 7740 Byron Center Ave. SW was reviewed.

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

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

Set Public Hearing – Dayton Freight - request for final PUD Site Development approval for property located at 8230 Clyde Park & 8206 Clyde Park

An application for the final PUD Site Development approval located at 8230 Clyde Park & 8206 Clyde Park 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 April 19, 2004.

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

Set Public Hearing - VMG (Marlo Farms) - request for final PUD Site Development plan approval for property located at corner of Burlingame Ave. & 84th St. (seven parcels involved).

An application for final PUD Site Development plan was reviewed for property located at corner of Burlingame Ave. & 84th St.

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

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

Public Hearing Consumers Energy- special use request to construct a electric sub-station for property located at 2309 - 64th St. SW

Chairman Gould declared the public hearing open for Consumers Energy. 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 site.

Mr. Matthew Bombery a System Engineer for Consumers Energy was present to comment on what they are intending to do. He stated that he monitors all the sub-stations from Kalamazoo to the Mackinaw Bridge. It is a very expensive unit to build, but it is really needed in this area with all the development and new growth occurring in this area. He stated that the sub-station located just to the south of the Township Building is over loaded and the new sub-station will relieve some of that over load. He also mentioned that at this time there will be no lighting on the site.

Mr. Nix reviewed his memorandum dated March 11, 2004 of which a copy is attached and made part of these minutes. Mr. Nix stated that based on the essential service designation and the necessity of the proposed use, it was suggested that the following conditions be met by the applicant:

1. For aesthetics and public safety, all electrical wiring that can be underground, shall be underground, in accordance with Ordinance standards.
2. Lighting shall be minimal and shall illuminate downward and away from adjacent properties and 64th St.
3. A filtered view of the electric appurtenances shall be established through evergreen landscaping planted around the perimeter of the site, especially along the east and south property boundaries

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould declared the public hearing closed.

Schuitema commented that he liked the idea that any electrical wires that can be underground will be put underground.

Also discussed was the planting of evergreens trees, etc. It was brought to the attention of the Planning Commission that there is no water on site and it could be difficult to keep these trees alive. The applicant stated the he could work around that situation.

After some discussion a motion was made by Mr. Stone supported by Mr. Van Singel to approve this special use request with the condition that Consumers Energy work out a landscape plan with the Township Planner.

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

Public Hearing – NTB special use request to continue the use of Lot 1 for parking for the property located at 8440 Piedmont Industrial Dr. SW

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

Rick Koster was present to explain why they wish to continue to use Lot 1 for parking. He mentioned that he did speak to the neighboring business and they have no problem with them continuing to use this lot in the same manner. He commented that they may at a later date install some lighting but at this time the finances do not allow for that.

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

Chairman Gould opened the hearing to the public for comments.

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 grant NTB continued use of Lot 1 as it meets the requirements of Section 18.3 subject to the following conditions: the landscape planting shall be in place no later than June 1, 2004 and be maintained in the living condition into the future and if lighting is proposed for the site the applicant prior to erecting the light fixtures will seek administrative approval. Also a letter of credit shall be established with the Township Clerk in the amount of \$2500.00 to ensure that the landscape planting is completed by June 1, 2004.

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

Public Hearing – Holland Home (Hospice of Holland Home) for the final PUD Site Development approval for property located at Pfeiffer Farms Dr. parcels A & B (84th & 131.

Chairman Gould declared the public hearing open for Holland Home. 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 site.

Doug Stalsonburg from Exxel Engineering was present and stated that it has been nearly a year since the initial plans for the project were approved. It has taken a lot of time and effort. He stated that they now are seeking the final PUD site plan approval. He stated that the project includes construction of a 34 bed wellness center. Due to extensive wetlands on the property they had to modify the building layout and had to reduce the number of structures on the property. The Wellness building is a single story

building from the west but is a walk out to the east. Doug also stated that they are very anxious to get this project under way.

Mr. Nix reviewed his memorandum dated March 15, 2004 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public for comments.

No public comments were made.

Mr. Schuitema stated that it should be documented that nothing is proposed in the area of the 50' wide no build zone in the southwest corner of the site extending 320' north from Woodburn Street along the west side of the property.

After some discussion a motion was made by Schuitema supported by Van Singel to approve the final PUD Site Development plan with the following conditions:

1. Landscape: All open areas shall be used exclusively for planting and growing of trees, shrubs and lawns. These landscape areas shall be irrigated with underground sprinkling. Also, a 50' wide no build zone shall be documented in the southwest corner of the site basically extending 320' north from Woodburn Street. If necessary this area shall be landscaped according to the standards of Section 16.8 of the zoning ordinance with consideration for existing vegetation. The applicant shall submit a landscape plan for review and approval by staff prior to the Township issuing a building permit.

2. Lighting: All site lighting shall be located and designed to minimize nightglow. All lighting shall be directed downward and away from adjacent residential areas, existing or future. Shoebox type fixtures with a recessed light source is required for each site. Parking lot light poles shall not exceed 20' in height. The use of wall-pac lighting is not acceptable.

3. Sidewalks: Sidewalks are to be constructed adjacent to Pfeiffer Farms Drive to facilitate pedestrian traffic.

4. Woodburn Street: Emergency access to Woodburn Street will be secured by a locked gate provided by the developer. The developer will be responsible for snow removal on both sides of the gate. Gate security will be coordinated with the Byron Township Protective Services.

5. Engineer Review: The applicant shall secure and accommodate an engineer review by the Township Engineer prior to the Township issuing a building permit.

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

Public Hearing – Center Park Developers LLC a change to the final PUD site plan for property located at Center Park Development (Clyde Park & 84th St.)

Chairman Gould declared the public hearing open for Center Park Developers. Mr. Schuitema read the public notice and affirmed that the notice had been published once in the South Advance and mailed to all property owners within 300 feet of the subject property.

Gene Szpeinski was present to represent Center Park Developers. He stated that the reason they have changed the building design is that hopefully it will be more marketable and we will be able to have a larger price range spread. The stairs were not appealing to many people.

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

Chairman Gould opened the hearing to the public for comments.

Bill Simons – 897 Alles Dr. was concerned about the location of the driveway. He was wondering how close it would be to his property.

Daniel Schaafsma – 8454 North Center Park Dr. was curious if the existing pond would remain, and if there would be more or less visitor parking.

Kris Bieber – 8539 Clyde Park Ave. SW wanted to know when all these phases would be completed.

Abe Vander Woude – 8530 Clyde Park Ave. SW stated that he was impressed with the plans shown and it should be a great improvement.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Chairman Gould asked Mr. Nix to respond to some of the questions that were asked.

Mr. Nix commented that the question Mr. Simons asked about how close the driveway of Center Park would be to his, actually this new plan is better, it shows that the driveway has moved further away from his property. Mr. Schaafsma asked about the pond and visitor parking spaces. The small pond will be eliminated as part of this project, and the visitor parking spaces will be fairly close to the original plan. There may be a few additional spaces scattered here or there. Regarding the question that Kris Bieber asked about the time frame for the completion of the future phases. Mr. Szpeinski responded by saying that hopefully it will be completed in 5 or 6 years.

After some additional discussion a motion was made by Mr. Van Singel supported by Mr. Slot to approve the change to the final site development plan for Center Park PUD subject to following conditions:

1. Minimum front building setbacks of 25 feet shall be established for new buildings, as measured from the travel lane to the face of the garage.
2. Concrete wheel stops or equal shall be installed in the visitor parking areas which face the detention pond. Parking space lines shall be drawn on the visitor parking

areas.

3. Addition evergreen landscaping shall be planted along the north and northwest development boundaries.

4. Building height shall not exceed 35 feet or 2 ½ stories.

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

Public Hearing – Pulte Land Company LLC - request to rezone property located at 7330 Burlingame Ave. SW (Byron Hills Golf Course west 9) from R-S Suburban Residential to R-S PUD Suburban Residential Planned Unit Development.

Chairman Gould declared the public hearing open for Pulte Land Company LLC. 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 subject property.

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

Jeff Chamberlin was present to state that they are requesting to rezone approximately 41.1 acres which is the western portion of Byron Hills Golf Course. They are proposing to develop a single family residential community with public roads and utilities, consisting of 71 single family site condominium units. The project includes a centrally located 2.64 acre park with a total of 4.51 acres of open space. They would like to make some sliding hills for the children, park area for the residents and game area such as a soccer field. The entrance off Burlingame would have a water feature entrance. He also stated that the property falls within the current water and sewer district of Byron Township, utilities serve the surrounding developments and are available adjacent to the site.

Chairman Gould opened the hearing to the public for comments.

Tim Laven – 1728 - 72nd St. SW stated that by looking at the plans, this looks like it will be more beneficial for the surrounding neighborhood.

Mary Foster – 1847 - 72nd St. SW was concerned if Pulte could change the rezoning again. She stated that she does not trust their company at all.

Daniel Dexter – 1773 - 72nd St. SW questioned the Goose Creek Sewer and its capacity. He also stated that Burlingame Ave. is not in good condition.

Todd Foster – 1847 - 72nd St. SW did not really understand what R-S PUD meant.

Rob Linsley – 1758 - 72nd St. SW was concerned about the wet land behind his property.

Ron Bartz – 1480 - 76th St. SW was also concerned if they could come back at a later date and change the zoning again. He stated that he was not against this, but he would be against the project if they would tried to rezone it again.

Dennis Stellard – 1520 Dexter thought that this rezoning was denied earlier. How can they come back and try to rezone only part of it.

Robert Linsley – 1758 – 72nd St. SW was concerned about any buffering that would be used, and the elevation of the ground is higher behind their lot and was concerned about the run off.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Nix addressed some of the questions that were raised.

Mr. Van Singel commented on a couple items. The set back on an R-S PUD is 30' between buildings, which would be side yard of 15' on both sides. The distance between the two intersections of course the Kent County Road Commission would determine that. They are talking about green space with possible playground equipment, soccer field, etc. who would could this up and maintained.

Mr. Schuitema commented on the two signs on the plan. He was wondering if they really need two signs.

Mr. Chamberlin stated that maybe if they could get a larger sign they could eliminate one. They are looking for a stately entrance. The sign would not be just a sign but would be made out of concrete/masonry.

Mr. Chamberlin was asked what their starting date would be. He responded by saying that they obviously would like to start this summer. But realized they can not start until everything is approved. He commented on the question or concern about the up keep on the green space and park like area. An association would be formed with the residence and it will be kept up.

Chairman Gould commented that a lot of good public comments were heard tonight. It sounds like Pulte wants to be good neighbors to everyone. Maybe we should table this for a month and have them address some of the public concerns and to polish up the plan. Drainage should be looked at, the sign, the detention pond at the entrance, if that is workable, the entrance off Burlingame, a bypass lane would be needed and is required, and the traffic issue.

After some additional discussion a motion was made by Mr. Van Singel supported by Mr.

Schuitema to table this request until the April 19, 2004 meeting with the stipulation that the following items have to be discussed with the Township Planner:

1. A south access
2. North entrance (modify design)
3. Entry sign (one or two)
4. Use of park area
5. Water entrance
6. Clarification from Kent County Road Commission about bypass lane on Burlingame.
7. A copy/picture of what they have done in other Pulte Development with the green space areas.

Yes - 5. No - 0. Absent - 1. Motion Carried. Tabled until April 19, 2004

John Stone resumed his position on the Planning Commission.

Miscellaneous

Family Fare - Mr. Stone asked Mr. Nix about the situation with Rob Spica and the owner of Family Fare regarding the drive way issue.

Mr. Nix commented that the owner of Family Fare is still in Florida. When he returns there will be a meeting with Rob Spica. Hopefully when this happens we can move this site plan along.

Adjournment

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

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

Bernie Schuitema
Planning Commission Secretary