

BYRON TOWNSHIP PLANNING COMMISSION

April 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 April 19, 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, Jeff Gritter, Dutch Zeinstra and Tim Slot. Absent: Maynard Van Singel. Also present were Township Planner Larry Nix, Township Attorney H. James Telman, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Mr. Jeff Gritter

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Slot that the minutes of the March 15, 2004 meeting be approved as written. Yes - 5. No - 0. Absent - 1. Abstained - 1 (Dutch Zeinstra) absent from the March 15, 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 04-08: Van Andel Propane a grading plan will need to be submitted to address the concern of the Township Engineer. The drainage plan shall be approved by the Township Engineer, the curb cut shall be approved by the Kent County Road Commission, and 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, a new site plan shall be submitted documenting the above conditions and all the above items shall be accomplished and documented prior to the Township issuing a building permit. In addition no other tanks other than those shown on the site plan are allowed on the property.

Site Plan 04-09: First Reformed Church of Byron Center to comply with zoning requirements the applicant must modify the site plan to allow for a five foot setback between the house and church subject to a revised plan indicating a 5 foot setback at the south property line or obtaining a variance from the Township Zoning Board of Appeals. 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.

Application for rezoning Pulte Land Company LLC, - tabled from the March 15, 2004 meeting.

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

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

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

Jean WodarekDerrick representing Pulte stated that they are presenting two layouts for consideration. She stated that one of the items that came up at the March meeting was the signs. Their intentions were to only have one sign and not two. The sign that they will be putting up will face Burlingame Ave. She also asked for some flexibility with the 30' building separation. With the side entry garages on some of the homes it gives them more options in positioning the house on the lot. She also explained that there will be a center turn lane on Burlingame Ave. stating the Road Commission is getting away from bypass lanes.

Jeff Chamberlin was also present to clarify some of the concerns with the wetland, sidewalks, park area and maintenance. He stated some of the green space area would contain a small play field, a tot lot with playground equipment for younger children, dedicated and paved walkways, fencing and landscaping. Those who live next to the fenced walkways are to maintain the landscaping. A sample copy of the Common Element Maintenance Obligation was handed out to the members of the Planning Commission. A copy is hereby attached and made part of these minutes.

Chairman Gould stated that even though this is not a public hearing he would give any one in the audience an opportunity to speak.

No public comments were made.

After much discussion a motion was made by Gritter supported by Slot to recommend to the Township Board approval of layout A, also that lots 68, 69, 70, and 71 be adjusted to accommodate a wider green space and a single sign between the two entry roads.

Roll call vote: Zeinstra - yes. Schuitema - yes. Gritter - yes. Slot - yes. Gould - yes.
Motion Carried.

John Stone resumed his position on the Planning Commission.

Set Public Hearing - Robert Jonker, Margaret Swainston & Dennis Overman rezoning request for property located at 2253 - 84th St., 2285 - 84th St. SW and 2269 - 84th ST. SW from MFR Multi Family Residential to B-1 Central Business

An application for a rezoning request for property located at 2253 – 84th St. SW, 2285 – 84th St. SW and 2269 – 84th St. SW was reviewed.

After some discussion a motion was made by Mr. Zeinstra supported by Mr. Gritter to set a public hearing for the next regular meeting to be held on May 17, 2004.

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

Set Public Hearing – Byron Fun Spot (Jim & Lisa Vandermeer) special use request for an outdoor walk up food service window for property located at 3651 - 84th St. SW

An application for the special use request located at 3651 – 84th St. SW was reviewed.

After some discussion a motion was made by Mr. Gritter supported by Mr. Stone to set a public hearing for the next regular meeting to be held on May 17, 2004.

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

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.

Chairman Gould declared the public hearing open for Wolverine Building Inc. 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 site.

Mr. Nix reviewed his memorandum stating they wish to rezone the subject property from R-R Rural Residential to OS Office Service. The property contains approximately 1.7 acres and a PUD has a minimum lot size of 2 acres.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould declared the public hearing closed.

Slot commented that it is a good use for the property.

Schuitema commented that it will look like a natural fit in that area.

After some additional discussion a motion was made by Schuitema supported by Gritter to send a positive recommendation of approval to the Township Board for this rezoning

request as per the planners recommendations.

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

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

Chairman Gould declared the public hearing open for Dayton Freight. 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.

Bob Johnson was present to represent Dayton Freight. He stated they would like to construct a terminal freight building. He mentioned they meet with the neighbors and feel they have addressed their concerns in this final PUD Site plan. He said they intend to have massive landscaping on the east side. The lighting will be shoe box type lights with lower wattage on the perimeter of the site.

Bob Goodheart from Pathfinder Engineering was also present to answer any questions.

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

Chairman Gould opened the hearing to the public for comments.

Mrs. Bidwell – 8205 Clyde park Ave. SW stated that she was not able to attend the neighborhood meeting that was held earlier, but she operates a day care center across the street and is very concerned about the safety of everyone in the neighborhood. She also was concerned about the drainage.

Steve Horlings - 8241 Byron Gardens Dr. was concerned about the hours of operation. He stated trucks will sit in the parking lot at Mast and idol all night long waiting for them to open in the morning. He was hoping this will not happen at Dayton Freight as well. He also stated his concern about drainage.

Everett Austhof - 8225 Byron Gardens Dr. commented on the existing lighting at the Mast property. He stated he called the Supervisor and he was told it would be checked out. They are supposed to have shoe box type lights which shine down, but it is very bright. He also is concerned about the type of berm and landscaping to be installed on the Dayton Freight property.

Carolyn Huff – 8169 Byron Gardens Dr. agrees with all the comments made so far. She was concerned about the route the trucks will be taking to get to Dayton Freight. Will it be from 76th St. to Clyde Park or from the south using 84th St. She stated that either way the traffic will be bad.

Alan Van Leeuwen – stated his concern about the lighting and the additional truck traffic.

Pete Van Putten – 8045 Clyde Park Ave. is very concerned about additional truck traffic coming into his neighborhood. He stated Clyde Park is only two lanes, and when trucks have to make a left hand turn inpatient drivers will pass on the right going right over his front lawn. He also commented on the fumes of these trucks, school buses loading and unloading school children, and lighting.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Schuitema asked about the time of operation.

Mr. Johnson responded that it will be a 24 hours a day 7 days a week operation. He said there will be additional traffic with heavy times being 5:00am to 10:00am and 6:00pm to 9:30pm. He also stated that their drivers are residential drivers and have no over night runs.

Mr. Zeinstra asked how their berm compared to Mast.

Mr. Johnson stated that their berm will be 18' high with about 60 trees that are up to 8' tall.

Chairman Gould commented many comments tonight were about the Mast operation. Dayton Freight is trying to be a good neighbor and have gone a long way to address all the issues of the surrounding neighbors.

We have two choices: Approve or deny.

After some additional discussion a motion was made by Schuitema supported by Stone to approve the final PUD Site Development Plan with the stipulation that the future maintenance building be located closer to the main building.

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

Amend to the motion was to include no refrigerator trucks on the site unless they come back to the Planning Commission and request a change.

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

Public Hearing – VMG (Marlo Farms) request for PUD/rezoning & preliminary site plan approval for property located at: 1810 - 84th St. SW, 1778 - 84th St. SW, 1946 - 84th St. SW, 1750 - 84th St. SW, 8661 Burlingame Ave. SW, 8451 Burlingame Ave. SW, 8690 Burlingame Ave. SW.

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

Carlos Caceres was present to explain the site plan. He commented months of work and planning have led to a unique and innovative development which puts aesthetics, nature, and traffic circulation in concurrence with the Township Master Plan. He stated the proposed project consists of approximately 118 acres which includes the Marlo Farms Phase I. He mentioned it was his desire to create a development that harmonizes areas for commercial usage, condominiums, multiple family residential and estate single family residential. The 84th St. frontage is proposed as a commercial area. They are including a primary access road which will divert the commercial traffic away from the busy 84th St. which should be beneficial. The condominium village will have a distinctive touch where many of the units will be a separate house with a design variety of three styles, giving the area a true neighborhood feeling. The multiple family residential area will be geared to higher rent tenants, focusing on professionals and singles. The proposed project promotes the conservation of the natural features of the land using the creeks, preserving the woods, and using the flood plain for storm water storage. The 10% minimum requirement for green space has been exceeded.

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

Chairman Gould opened the hearing to the public for comments.

Mr. Arther MacDonald - 8760 Burlingame Ave. SW stated he has been living there for 56 years. He asked that the Planning Commission please stop & think before you approve all this stuff.

Mattie MacDonald - 8760 Burlingame Ave. SW was concerned about the flood plain and the two lakes proposed. It is wetland & flood plains?

Lee Ott - 1977 Bluffview Dr. SW was concerned about the high density of the condos. He also stated that the access would be out onto Bluffview. He mentioned there is a lot of green space, but it looks like it is all on the east side of Burlingame.

David Rusticus - 1961 Bluffview Dr. SW stated his concern about all the added traffic that will generate from this project.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Schuitema stated that he was upset when he saw this plan for wetland issues and the street that stretches over 1900 ft. He was very disappointed with this plan.

Mr. Slot commented he understands their desire to want the most return out of their investment, but the traffic in this area would be a nightmare. And with the high school across the street it would not be good.

Chairman Gould commented that by ordinance only a 1200' stretch of road is allowed. So that would have to be changed.

After much discussion a motion was made by Slot supported by Schuitema to recommend denial to the Township Board as the application does not comply with design standards for the PUD.

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

Miscellaneous

River Tree Community Church – Mr. Nix stated a revised site plan with modest modifications have been received and reviewed. The plan reflects a slightly smaller foot print for the main worship area and the elimination of the basement area. Added to the plan is the northeast future building addition. This results in a smaller worship area, reduced parking area and cost saving. The overall plan is consistent with the approved plan and recommend approval of the modified site plan.

A motion was made by Stone supported by Gritter to accept this change as presented.
Yes - 6. No - 0. Absent - 1. Motion Carried.

Family Fare - Mr. Nix stated the original site plan was tabled at the December 15, 2003 meeting to discuss with Mr. Spica the potential of providing a shared driveway. At the January 19, 2004 meeting, the Commission instructed Mr. Nix to meet with both parties to resolve the access concern. The meeting was finally held on April 14, 2004. There seems to be a multitude of misunderstandings between the two property owners resulting in no agreement between providing an access point between the two properties. Mr. Maier desires to have the Planning Commission make a decision on the Final PUD Site Plan for Family Fare as presented.

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

Mr. Gould commented that both parties have met with Mr. Nix and still have not agreed.

After some discussion Chairman Gould stated we can either table this again or deny the request. It's obvious that an agreement between these two parties is not going to happen soon.

A motion was made by Schuitema supported by Slot to deny this request for Family Fare for the final PUD Site plan approval based on the need to have a shared access point for public safety purposes.

Roll call vote: Stone - yes. Zeinstra - yes. Slot - yes. Gritter - yes. Schuitema - yes. Gould - yes. Motion carried.

Tom Niewiek – Mr. Nix has been working with Mr. Niewiek on the site plan. A new plan was submitted to late for this meeting and Mr. Niewiek desires a special meeting to discuss this site plan revision.

A motion was made by Schuitema supported by Zeinstra to set a special meeting for May 3, 2004 at 4:00pm if the site plan is acceptable.
Yes - 6. No - 0. Absent - 1. Motion Carried.

Adjournment

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

Bernie Schuitema
Planning Commission Secretary