

**BYRON TOWNSHIP PLANNING COMMISSION**

**May 17, 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 May 17, 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, Tim Slot, and Maynard Van Singel. Absent: Dutch Zeinstra. 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. Tim Slot

**APPROVAL OF MINUTES**

A motion was made by Schuitema supported by Gritter that the minutes of the April 19, 2004 meeting be approved as written. Yes - 5. No - 0. Absent - 1. Abstained - 1 (Maynard Van Singel) absent from the April 19, 2004 meeting. Motion Carried.

The building inspectors report was received and placed on file.

Chairman Gould commented that he received a phone call from the Township Planner Larry Nix stating that that he would be a few minutes late for the meeting. He stated that we will proceed to setting the public hearings.

**Set Public Hearing - Pulte Land Company LLC – request for the final PUD Site Development Plan for the property located at 7330 Burlingame Ave. SW**

An application for the final PUD Site Development plan for the property located at 7330 Burlingame Ave. SW was reviewed.

After some discussion a motion was made by Schuitema supported by Slot to set a public hearing for the next regular meeting to be held on June 21, 2004.  
Yes - 6. No - 0. Absent - 1. Motion Carried.

**Set Public Hearing – Railside West (John Koetje) – rezoning request to rezone property from R-A Rural Agriculture to R-S Suburban Residential for the property located at 8174 Homerich Ave. SW and part of 8178 Homerich Ave. SW.**

An application for rezoning for property located at 8174 Homerich Ave. SW and 8178 Homerich Ave. SW was reviewed.

After some discussion a motion was made by Slot supported by Gritter to set a public hearing for the next regular meeting to be held on June 21, 2004.

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

### **SITE PLANS**

A motion was made by Schuitema supported by Slot that the following site plans be approved:

**Site Plan 04-10: Dave Kregel of Kregel's Landscape Service** with the condition that 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 prior to the Township issuing a building permit.

**Site Plan 04-11: TJD, LLC** 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 of the Township Engineer as appropriate.
3. Submission of a lighting plan with fixture types with a total height not to exceed 20'.
4. Coordination with the Township Sewer and Water Administrator for utility service.
5. Details of the screening fence adjacent to the residential area to the west (Haras Ct).
6. Kent County Road Commission approval of the South Division Ave. curb cut.

**Site Plan 04-12: Dykhouse Construction (Ron Quakkelaar)** 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. Coordination with the Township Sewer and Water Administrator.
3. Approval of the drive across the existing drain by the Kent County Drain Commissioner including the expansion of the existing detention basin. These conditions must be met prior to the Township issuing a building permit.

**Site Plan 04-13: Distinctive Paving Brick** 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 detention basin by the Kent County Drain Commissioner.
3. Approval by the Kent County Road Commission of the curb cut. These conditions must be met prior to the Township issuing a building permit.

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.

A motion was made by Gritter supported by Schuitema that due to the list of conditions suggested by the Township Planner, Site Plan 04-14 should be tabled until some of the conditions are met prior to site plan approval.

Suggested conditions that need to be addressed by the applicant for **Site Plan 04-14** include:

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. Submission of a lighting plan with fixtures types.
4. Submission of a revised site plan reflecting 26' parking lot isles to accommodate 2 way traffic.
5. Submission of a landscape plan reflecting a buffer between the parking lot and the single family home to the south.
6. Coordination with the Township Sewer and Water Administrator.
7. A sworn statement from the owner that the building use shall be restricted to general office use and due to the lack of parking for a medical type of use.

Yes - 6. No - 0. Absent - 1. Motion Carried. Site Plan tabled.

**Site Plan 04-13** for Tom Niewiek was submitted on late Friday afternoon. No action will be taken at this time. If it is the desire of the applicant to have a special meeting he will need to make application, otherwise this will be on the June agenda.

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

Chairman Gould declared the public hearing open for Robert Jonker, Margaret Swainston and Dennis Oeverman. 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' of the proposed use.

Robert Jonker was present to comment on this rezoning request.

Mr. Nix reviewed his memorandum dated May 12, 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.

Items discussed were future outlook for this area, curb cuts, possibly rezoning all seven

parcels together, character of the community, and added traffic.

After some additional discussion a motion was made by Stone supported by Schuitema to table this request until the Township Planner can contact and meet with the owners of the other four parcels to see if they would be willing to rezone their property as well and consider an overall development plan.

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

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

Chairman Gould declared the public hearing open for Byron Fun Spot. Bernie Schuitema read the public notice and affirmed that the notice was published one in the South Advance and mailed to all property owners within 300 feet of the proposed site.

Jim VanderMeer was present to state why this special use request is needed. He stated that he purchased this business in October. The winter months are good months for skating but the summer months are down, so in order to generate a little more business during the summer he would like to have an outdoor walk up food service window. He commented that food is served inside already. A new larger window has been installed and the kitchen remains the same.

Mr. Nix reviewed his memorandum stating the subject property is zoned R-A Rural Agricultural a recreation use is permitted as a special land use given the standards found in Section 18.3 and 18.4 (3). The standards indicate concern for public safety, parking, setbacks, adverse impact on neighbors, traffic congestion, and impact on public services. Based on the side plan the minor alteration to the existing use does meet the special use standards. There are banners on the property as a promotion devise and these banners are not permitted and need to be removed.

Chairman Gould opened the hearing to the public.

**Ed Pepper – 3669 - 84<sup>th</sup> St. SW** commented that he has nothing against serving ice cream, it's the noise, the loud music that upset him. This goes on all hours of the night.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Nix stated the hours of operation should be addressed per Mr. Pepper's concern with the loud music. We do have the ability to control noise under the special use process.

Items discussed were the hours of operation, loud music coming from cars picking up

people and how to control this problem.

Commission members felt that the owner of the property should police his own property, and try and control the noise either by verbal instruction to patrons or signage.

After some additional discussion a motion was made by Schuitema supported by Van Singel to approve this special use request with the stipulation that the hours of operation be 11:00am to 10:00pm calendar months of May 1 to Sept 30.

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

### Miscellaneous

**Farrell Moore** - Mr. Nix and the Township Attorney Telman will work on a draft report for the Moore land use variance and will report back to us next month.

**Workshop** - A motion was made by Gritter supported by Schuitema to hold a workshop on Tuesday, May 25, 2004 at 5:00pm.

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

### 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