

BYRON TOWNSHIP PLANNING COMMISSION
January 17, 2005

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 January 17, 2005, 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 Attorney James R. Brown, Township Planner Larry Nix, Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Mr. Tim Slot.

Chairman Gould introduced and welcomed Attorney James R. Brown as the new Township Attorney.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Zeinstra that the minutes of the December 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 – Final PUD Site Development approval for Marlo Farms Phase I & Preliminary Plat approval for Sky-Vue Plat (Marlo Farms).

An application for the final PUD Site Development approval for Marlo Farms Phase I & the Preliminary Plat approval for Sky-Vue Plat (Marlo Farms) located at 84th St. & Burlingame Ave. (southwest corner) was reviewed.

A motion was made by Slot supported by Gritter to set a public hearing for the next regular meeting to be held on February 21, 2005.

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

Set Public Hearing – AOG Holdings LLC (M4 Motors) special use request for an automotive repair facility for property located at 639 - 76th St.

An application for the special use request for the property located at 639 - 76th St. SW was reviewed.

A motion was made by Zeinstra supported by Stone to set a public hearing for the next regular meeting to be held on February 21, 2005.

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

To Set Public Hearing – Orchard Plaza (K-Mart) request to rezone the property located at 701 – 68th St. SW from R-U Urban Residential to B-2 PUD General Business Planned Unit Development.

An application for the rezoning request for the property located at 701 - 68th St. SW was reviewed.

A motion was made by Slot supported by Gritter to set a public hearing for the next regular meeting to be held on February 21, 2005.

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

Public Hearing – Maclind Development, LLC – application to rezone property located at 6922 Burlingame Ave. SW, 7330 Burlingame Ave. SW, 1515 – 76th St. SW, and 7410 Burlingame Ave. SW to rezone the subject property from R-S Suburban Residential to R-S Suburban Residential Planned Unit Development.

Chairman Gould declared the public hearing open for Maclind Development, 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 proposed property.

Travis Underhill from Latitude Engineering & Surveying was present to explain why they would like this property rezoned to R-S PUD. He stated that the proposed PUD is comprised of two separate developments, which will be phased independently of each other. Providence Landing is north of the Goose Creek Drain and Providence Lake is to the south. Providence Landing is proposed to have 82 single family detached condo sites and Providence Lake will have 155 single family lots. With the proposed PUD the density would be 2 units per acre. A question as to who in the development would have access to the lake. Those living in Providence Lake would have access to the lake and not those living in Providence Landing. The connecting road between the two developments would be used for emergency use only.

Mr. Nix reviewed his memorandum dated January 11, 2005 of which a copy is attached and made part of these minutes. Mr. Nix stated that given the concern with the sewer capacity, he suggested that the Planning Commission table this application until the July meeting. Over the next six months, the Township Engineer anticipates a refined study of Goose Creek peak flow, which must be achieved during the spring season when flow is the greatest. Over this time period, the applicant will have time to address concerns, and meet the requirements of the Ordinance. At the July meeting the Township should be better educated as to the capacity of the sewer and better equipped to address the sewer issues.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould declared the public hearing closed.

Items discussed by commission members were lot sizes, proposed green space, connecting road between the two developments, the present road condition of Burlingame Ave., and the Goose Creek Sewer system and its capacity. It was noted that the Goose Creek Sewer system may be anywhere from 70% - 110% capacity at peak flow.

After much discussion a motion was made by Zeinstra supported by Schuitema to table this request until the July 18, 2005 meeting at which time the results of the Goose Creek Sewer study will be made available.

Roll call vote: Slot - yes. Gritter - yes. Schuitema - yes. Zeinstra - yes. Stone - yes. Gould - yes. Van Singel - absent. Motion Carried. Request tabled.

Cal Becksvvoort, President of Latitude Engineering addressed the Planning Commission to reconsider their decision to table this request until July, based on previous actions of the Planning Commission over the past year. The motion and action was not reconsidered.

Public Hearing – Williams Sand Mine (annual permit renewal for a major change to an original restriction.

Chairman Gould declared the public hearing open for Williams Sand Mine. 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' of the proposed property.

Dave Maas of Diversco was present stating that they would like to open up the entire site for mining and grading. By doing this it will also speed up the completion date. In order to control the blowing material silk fencing will be put up and rye grass planted along 104th and Kenowa Ave. Once all the work is done it will be ready for lot sales.

Mr. Nix reviewed his memorandum dated January 11, 2005 of which a copy is attached and made part of these minutes. This request to open up the entire site involves operating the "hill" area in the southwest area of the site. The original request and permit was to proceed in phases to minimize impacts on adjacent property owners. This revised operation will not impact neighbors as they will be working on the downside of the hill and working into the bank minimizing blowing material moving east. A berm will be constructed adjacent to Kenowa and 104th to help mitigate any blowing material as the operation progresses west and south. Public comment is always welcome and provides a different prospective in many instances.

Ray Batts - 519 Kenowa (Jamestown residents) was wondering when the completion date would be, and if the access to the site would change.

Larry Raterink - 103 Mason (Jamestown residents) is concerned about a few things. First of all the fence that is suppose to be up, has just been put up. A huge boulder fell off a truck and was in the middle of the road, finally someone came and moved it. The road surface never gets cleaned. And the intersection of 100th & Kenowa is all broken up and in bad shape. The Planning Commission put 18 restrictions on this and he felt that the Williams Sand Mine has not been real good neighbors in the past.

Jim Bantjes - 4742 -100th St. is concerned about the traffic. He stated he is anxious to see it completed as soon as possible.

Larry Raterink -103 Mason spoke again wondering about how many lots would be going in.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Chairman Gould commented that keeping up the fencing has been a problem. Also in response to Mr. Batts question about access to the site, it will remain the same.

After much discussion a motion was made by Stone supported by Schuitema to approve the Riverfront Sand & Gravel/Diversco Construction Co., Inc - Williams Sand Mine resolution drafted by Mr. Brown of which a copy is attached and made part of these minutes.

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

Miscellaneous

*** Election of Officers**

A motion was made by Stone supported by Gritter to renew the officers for a one year term. Yes - 6. No - 0. Absent - 1. Motion Carried.

Chairman-----Seymour Gould
Vice Chairman-----Dutch Zeinstra
Secretary-----Bernie Schuitema

*** Civil Infractions**

A motion was made by Stone supported by Slot to set a public hearing for the next regular meeting to be held on February 21, 2005.

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

*** Master Plan**

Discussed was the upgrade to the Master Plan.

After some additional discussion a motion was made by Zeinstra supported by Schuitema that we recommend to the Township Board approval to continue the use of Williams & Works in the Master Plan study.

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

Adjournment

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

Bernie Schuitema
Planning Commission Secretary