

BYRON TOWNSHIP PLANNING COMMISSION
March 21, 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 March 21, 2005, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

Commission members present were: Seymour Gould, Bernie Schuitema, John Stone, Jeff Gritter & Carroll Elenbaas. Absent: Tim Slot & Dutch Zeinstra. Also present were Township Planner Larry Nix, Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Mr. Bernie Schuitema

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Gritter that the minutes of the February 21, 2005 meeting be approved as written.

Yes - 4. No - 0. Absent - 2. Abstained - 1 (Carroll Elenbaas). Motion Carried.

Item # 12 on the agenda - Chairman Gould stated the applicant for the Holiday Inn Express has requested the public hearing be postponed until the April 18, 2005 meeting. This request has been honored and no public hearing will be held.

The building inspectors report was received and placed on file.

Introduction of new Planning Commission member Carroll Elenbaas

Chairman Gould introduced and welcomed Carroll Elenbaas as the new Planning Commission member. She will be replacing Mr. Maynard Van Singel who resigned from the Planning Commission in February.

Goose Creek Lift Station Bypass

Mr. Nix read a letter from McShane & Bowie, P.L.C. representing Maclind Development. A copy of said letter is attached and made part of these minutes.

Chairman Gould stated that the letter has been read and indicated no action should be taken at this time. The Planning Commission agreed and this item remains tabled until July 18, 2005 or until Prein & Newhof provide engineering direction.

SITE PLANS

A motion was made by Schuitema supported by Stone that the following site plan be approved as per the Township Planners' conditions as stated:

Site Plan 05-05: Abel Vander Woude with the following conditions:

1. A letter of credit be established with the Township Clerk in an amount equivalent to the cost of preparing and paving the parking area.
2. The sign be relocated to be complaint with Section 4.28 and the elements outlined in the township Engineer's letter.

Yes - 6. No - 0. Absent - 2. Motion Carried.

Set Public Hearing – Everkept (Jason Stoub) - rezoning request for property located at 6192 Clyde Park Ave. SW.

An application for the rezoning request from Everkept to rezone the property located at 6192 Clyde Park Ave. SW from R-S Suburban Residential to D-1 Industrial was reviewed.

A motion was made by Stone supported by Gritter to set a public hearing for the next regular meeting to be held on April 18, 2005.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Set Public Hearing – Heritage Christian Reformed Church – special use request for property located at 3089 – 84th St. SW

An application for the special use request for an addition of an Educational - Administration facility including parking to existing church building for the property located at 3089 – 84th St. SW was reviewed.

A motion was made by Stone supported by Gritter to set a public hearing for the next regular meeting to be held on April 18, 2005.

Yes - 5. No - 0. Absent - 2. Motion Carried.

To Set Public Hearing – David & Jennifer Roelofs – special use request for the property located at 2610 Sherwood St. SW.

An application for the special use request to operate a Doggie Daycare Service for property located at 2610 Sherwood St. SW was reviewed.

A motion was made by Schuitema supported by Elenbaas to set a public hearing for the next regular meeting to be held on April 18, 2005.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Marlo Farms - final PUD Site Development approval for Marlo Farms PUD Phase I & Preliminary Plat approval for Sky-View Plat (Marlo Farms) for property located at 8661 Burlingame Ave. SW, 8451 Burlingame Ave. SW, 1778 - 84th St. SW, 1750 - 84th St. SW, 1946 - 84th St. SW, & 1810 - 84th St. SW.

(tabled at the February 21, 2005 meeting)

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

Yes - 5. No - 0. Absent - 2. Motion Carried.

Mr. Nix reviewed his memorandum dated February 11, 2005 (updated March 9, 2005) of which a copy is attached and made part of these minutes.

After some additional discussion a motion was made by Schuitema supported by Elenbaas to recommend to the Township Board approval of the Preliminary Plat Phase I for Marlo Farms with the following conditions:

- a. As part of the submission requesting final plat approval, the applicant shall submit a copy of the proposed deed restrictions or master deed.
- b. Buffering along Burlingame Ave. shall comply with Section 4.44 (6) of the Zoning Ordinance. A revised plan needs to be submitted and reviewed by the Planner prior to the Township Board reviewing and taking action on the proposed plan.

Yes - 5. No - 0. Absent - 2. Motion Carried.

A motion was made by Schuitema supported by Stone to approve the final PUD site plan for Phase I of the Marlo Farms PUD.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Public Hearing – Carlos Caceres – rezoning request for the property located at 8748 Burlingame Ave. SW from R-A Rural Agricultural to R-S Suburban Residential.

Chairman Gould declared the public hearing open for Carlos Caceres. 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.

Bill Sterk was present on behalf of his brother who owns the stated property to explain the rezoning request. He stated they are requesting a change to R-R zoning and not the R-S zoning as stated in the rezoning application. He commented they are seeking to rezone the land so the property can be split into two parcels. They would like to move a house from the west side of the street, onto the new northern five acre parcel. The home existing on the site would remain on the southern parcel.

Mr. Nix reviewed his memorandum dated March 9, 2005 of which a copy is attached and

made part of these minutes. Mr. Nix expressed the Planning Commissions concern regarding floodplain elevation on the subject property. The land to the north (part of the Marlo Farms PUD) is very wet, and wetlands exist of the northern portion of the subject property. The site plan submitted with the rezoning application illustrated the 100 year floodplain elevation as being 690 feet. There is a proposed flood elevation in the area of 691.5 but it is only proposed at this time. The proposed relocated home is shown at elevation 693 feet, higher than the existing and proposed flood elevation. While floodplain elevation, in our opinion, is not a critical factor in whether the rezoning is recommended, we provide this information as it was a concern when the public hearing was established.

Chairman Gould opened the hearing to the public.

Sue Kaechele – 2030 - 76th St. SW appreciated the rezoning change to a lower density. She also asked if all applicants had to show wetland on plans that they submit.

Art McDonald – 8760 Burlingame Ave. SW was wondering how far back can this house go before he hits the floodplain.

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

Mr. Nix addressed some of the questions that were asked. The illustration of wetlands on a plan, are regulated by the State of Michigan. We as a Township do not require this on a rezoning application. Maps do show contour lines and if we feel the floodplain is close we will let the applicant know. In response to Mr. McDonald's question as to how far back the structure can go before hitting the floodplain, they can go back 150' to 170' with the home.

After much discussion a motion was made by Gritter supported by Schuitema to recommend the Township Board approve the rezoning of the subject property from R-A Rural Agricultural to R-R Rural Residential as per the Planner's recommendations.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Public Hearing – John Van Singel rezoning request for property located at 2160 Pleasant Pond Ct. SW from R-R Rural Residential to R-U PUD Urban Residential Planned Unit Development.

Chairman Gould declared the public hearing open for John Van Singel. 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 property.

Ron Van Singel was present on behalf of John Van Singel. He commented that due to the

utility requirements they are requesting a PUD. He stated that this property consists of 9.20 acres but thru the platting process there will only be four lots. These four single family lots are to be served by a 250 foot long cul-de-sac, which would intersect with 68th Street..

Mr. Nix reviewed his memorandum dated March 9, 2005 of which a copy is attached and made part of these minutes. Mr. Nix stated the subject property is located along the north side of 68th St., east of Pleasant Pond Dr. The property is served with public water and by the Goose Creek sanitary sewer system.

Chairman Gould opened the hearing to the public.

Sue Kaechele – 2030 - 76th St. asked again about the wetlands and what is required on a site plan.

Bill Evans – 2136 Pleasant Pond Dr. was wondering what the house sizes would be and if the township has regulations on sizes of homes. He also stated his concern for the tree line on that property.

No further comments were made.

Chairman Gould declared the public hearing closed.

Mr. Nix commented on Mr. Evans questions in regard to house sizes and the tree line. The Township requires a minimum of 1000 sq ft., but we have no idea what the sizes of these houses will be until the plans are submitted. The Township does not have a tree ordinance. A property owner could come and cut all those trees down.

Chairman Gould stated that since this is located in the Goose Creek sewer district, we have no choice but to table this until the July meeting, at which time it is anticipated that we will have a result of the sewer study by the Township Engineers.

After some additional discussion a motion was made by Stone supported by Gritter to table this request until the July 18, 2005 meeting or until Prein & Newhof provide engineering direction.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Public Hearing – Amendment to the Zoning Ordinance to establish Municipal Civil Infraction Penalties, Administration and Enforcement of Zoning Ordinance and Site Development Plan Review.

Chairman Gould declared the public hearing open. Bernie Schuitema read the public notice and affirmed that the notice was published twice in the South Advance.

Mr. Nix reviewed the proposed Ordinance Amendment. He emphasized the provisions of Civil Infrctions and the “change of use” provision in the site plan chapter.

Chairman Gould opened the hearing to the public.

Sue Kaechele – 2030 - 76th St. SW was wondering if an omission of wetlands on a site plan would result in a civil infraction.

Mark Riemersma – 1590 - 92nd St. SW stated that ticketing people who are in violation is a good thing, but does it also apply to the Township when they are in violation of something.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Nix commented that the ability is there if a site plan is in violation of an omission of wetlands. This civil infraction’s will not be adapted for up to 2 months yet. Also the Township tries very hard to follow all the ordinances.

It was commented that the Township planner is not an expert on wetlands. They hire someone who specializes in wetlands. If someone feels that they are in violation the D.E.Q. takes care of it.

Chairman Gould reminded the commission members that we are not dealing with wetlands at this hearing.

After some discussion a motion was made by Gritter supported by Stone to recommend to the Township Board approval of the Zoning Ordinance Amendments as presented.

Yes - 5. No - 0. Absent - 2. Motion Carried.

The Court House - minor change to the PUD for additional lighting for the property located at 8455 Byron Commerce Dr. SW

Mr. Nix explained their request. Due to the high demand from patrons, the current lighting did not supply enough security lighting. These lights are already up and they were cited as being in violation of their site plan. They added two lights on two existing poles. These lights are located on the east side of the lot and they are tipped into the parking lot.

After some discussion Chairman Gould suggested that maybe this should be tabled until next month, this will give each commission member time to drive out to the site and check how the new lighting affects the neighborhood.

This will be placed on the agenda for the April 18, 2005 meeting.

M & K Truck – minor change to the PUD to accommodate yard lighting for the property located at 8800 Byron Commerce Dr. SW.

This request will be put on the agenda for the April 18, 2005 meeting for the same reason as stated above.

Miscellaneous

- Recommendation from the Byron Zoning Board of Appeals to check into changing the Township sign ordinance to include reader board signs. Chairman Gould stated that they are not allowed at this time. Mr. Nix stated that he would do some research on what other communities are doing and report back to the planning commission next month.

- Spartan Store Properties – Jay De Kleine requesting special meeting to be held on April 4, 2005 to set a public hearing for May 2, 2005. This would speed up the normal process by 2 months.

- Stations Edge (final PUD) is also requesting to set a special meeting to be held on April 4, 2005 to set a public hearing to be held on the regular planning commission meeting on April 18, 2005.

After some discussion a motion was made by Stone supported by Elenbaas to set a special meeting for Spartan Store Properties and Stations Edge to be held on April 4, 2005 at 5:00 p.m. also that the public hearing for Spartan Store Properties be held on May 2, 2005.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Adjournment

A motion was made by Schuitema supported by Stone that the meeting be adjourned.
Yes - 5. No - 0. Absent - 2. Motion Carried

Bernie Schuitema
Planning Commission Secretary