

BYRON TOWNSHIP PLANNING COMMISSION
April 18, 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 April 18, 2005, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

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

Prayer was offered by Mr. Dutch Zeinstra

APPROVAL OF MINUTES

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

Yes - 4. No - 0. Absent - 1. Abstained - 2 (Dutch Zeinstra & Tim Slot absent from March 21, 2005 meeting). Motion Carried.

A motion was made by Schuitema supported by Gritter that the minutes of the special meeting held on April 4, 2005 be approved as written.

Yes - 4. No - 0. Absent - 1. Abstained - 2 (Dutch Zeinstra & Tim Slot absent from April 4, 2005 meeting). Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

No site plans were submitted for consideration.

Set Public Hearing – Hodge Investments – special use request for property located at 637 - 76th St. SW and 641 - 76th St. SW.

An application for a special use request from Hodge Investments for the property located at 637 - 76th St. SW and 641 - 76th St. SW was reviewed.

A motion was made by Zeinstra supported by Elenbas to set a public hearing for the next regular meeting to be held on May 16, 2005.

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

Public Hearing – Holiday Inn Express request to amend the PUD for property located at 6565 Clay Ave. SW

Chairman Gould stated the applicant is working with MDOT to purchase some additional land. A new application will need to be submitted and a new public hearing set.

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

Public Hearing – Everkept – rezoning request for the property located at 6192 Clyde Park Ave. SW from R-S Suburban Residential to D-1 Industrial.

Chairman Gould declared the public hearing open for Everkept. 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.

Bob Winters was present on behalf of Everkept. He stated they are looking to rezone this property to D-1 Industrial which is in line with the master plan. They intend to erect self storage units & a 1,000 sq ft. office. Also present were Ed Molenzaik representing the seller of the property and Jason Stoub owner of Everkept.

Mr. Nix reviewed his memorandum dated March 31, 2005 of which a copy is attached and made part of these minutes. Mr. Nix commented that the applicant wishes to rezone 3.21 acres located on Clyde Park Ave. just north of the new M-6. The parcel is bordered on the east by the US 131 right-of-way and the property to the north & south which are zoned R-S Suburban Residential are owned by MDOT. Section 14.3 (2) stipulates that side yard setbacks for industrial buildings shall be at least 100 feet from a residentially zoned parcel. The subject property is approximately 200' in width. Thus, side yard setback requirements rule out the construction of a building on the property. A single family home exists on a separate parcel in front of the subject property, another home sits south and another home to the north there is a concern that an industrial building constructed on the property would be offensive, hazardous or debilitating to neighboring properties. As stated previously MDOT presently owns the parcels north and south of the subject property. Mr. Peter Loftis of MDOT has submitted a letter for consideration which is attached and made part of these minutes.

Chairman Gould opened the hearing to the public.

Peter TerMaat – real estate agent for the subject property gave a brief history of the property.

Dan Meekhof – 6111 Clyde Park stated that he would like to see no changes in his neighborhood. He is not in favor of this rezoning.

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

Elenbaas commented that anybody can ask for rezoning. If the property adjacent to this parcel is rezoned it would eliminate the setback of 100'. Now the parcel is too narrow.

It was commented that by rezoning this we would be creating a need for a variance from the Zoning Board of Appeals. The way it is now it is an unusable piece of property.

After much discussion a motion was made by Slot supported by Gritter to table this request until applicant has the opportunity to work with MDOT for possible rezoning of the neighboring parcel.

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

Public Hearing – Heritage Christian Reformed Church – special use request for an Educational/Administrative facility including parking to existing church building for property located at 3089 – 84th St. SW.

Chairman Gould declared the public hearing open for Heritage Christian Reformed Church. 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.

Mr. Ken Ball was present on behalf of Heritage Christian Reformed Church. He commented about the need for an addition of an educational/administrative facility and additional parking.

Mr. Nix reviewed his memorandum dated March 31, 2005 of which a copy is attached and made part of these minutes. Also a letter from Prein & Newhof regarding the storm water management and sanitary sewer and water service is attached and made part of these minutes. Mr. Nix recommended that the Planning Commission approve the special land use and site plan for Heritage Christian Reformed Church as it is compliant with Section 4.18 and Section 18.3 of the Zoning Ordinance with one condition: the new parking area maintain a 26' wide aisle width as required by Ordinance.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould declared the public hearing closed.

After some additional discussion a motion was made by Gritter supported by Slot to approve the special use request and site plan as presented with the stipulation that the new parking area maintain a 26' width as required by ordinance and approve terms and

conditions of attached resolution.
Yes - 6. No - 0. Absent - 1. Motion Carried.

Public Hearing – David & Jennifer Roelofs – special use request to operate a doggie day care for the property located at 2610 Sherwood St. SW

Chairman Gould declared the public hearing open. 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.

Jennifer Roelofs was present to explain their request. She commented that they would like to put an addition off the back of the garage to house this business. The dogs would be dropped off for daily care. Hours would be Monday thru Friday, 7:00 am to 6:00 pm at night, closed weekends and holidays. There will be no overnight stays. The backyard will have a fenced in area and only a couple dogs will be allowed out at a time. The building will be fully insulated to help for noise control.

Mr. Nix reviewed his memorandum dated April 5, 2005 of which a copy is attached and made part of these minutes. Mr. Nix commented that the property is zoned B-1 Central Business District. Surrounding zoning is MRF to the north and west, and B-1 to the east and south. The proposed use is unusual and different. Even though it is unusual and different it is a service type of operation and permitted as a special land use in the B-1 Central Business District. Noise is out largest concern. The Township does have an ordinance addressing barking dogs and noise. This is Ordinance 236 – Animal Control. Article 120.003 directly addresses barking dogs. If noise is an issue, there is an ordinance that can be applied to address the issue. In terms of the addition the Township has an Ordinance stating that you can't exceed 60% of the footprint of main floor square footage. The proposed addition would exceed that amount, thus a variance would be needed from the Township Zoning Board of Appeals.

Chairman Gould opened the hearing to the public.

Melissa Bulkowski – 9643 Wilson Ave. - owner of the duplex located to the west of the property is concerned about the noise factor. She stated she is not in favor of this type of business coming into the neighborhood.

Bernie Schuitema read a letter from Barbara Wildley – 8316 Merton SW and Doris Biesbrock – 2555 Sherwood SW stating their opposition to this request. A copy of said letter is attached and made part of theses minutes.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Bernie Schuitema stated that he visited a doggie place on Breton Rd. off 28th St. and said

that the noise was phenomenal, they all bark. Also the owner stated that a 6' high fence is really not adequate.

After much discussion a motion was made by Schuitema supported by Slot to deny this request.

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

Public Hearing – Stations Edge – request for final site development plan approval for property located at 2092 – 76th St. SW

Chairman Gould declared the public hearing open for Stations Edge. 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 Stalstonberg from Exxel Engineering was present on behalf of Mark Maier. Doug stated the Township Board approved this PUD rezoning. Before final site development could be approved the storm water drainage issued had to be resolved. He stated they do have all necessary permits and approvals that are needed. The Township Board approved drainage by their action on February 14, 2005 and by the Kent County Drain Office, per a letter dated February 14, 2005 which is attached and made part of these minutes. In regards to the wetlands on the property they hired King & McGreger a wetland consultant company to determine the level of wetlands on the property. It was determined that they are level 3 wetlands and are not regulated. A copy of that letter is attached and made part of these minutes.

Mr. Nix reviewed his memorandum dated April 5, 2005 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public.

Tim Wiest – 2030 - 76th St. SW was wondering if and when are wetland shown on a site plan. He also commented that he did not see the large oak tree on the site plan as well as the ash & walnut tree. He is also very concerned about the runoff.

Sue Kaechele – 2030 - 76th St. SW stated that she lives next door to this property and commented that she is the one who called the DEQ concerning the wetlands. She also commented that her original concerns she voiced back in August, 2004 were never addressed. A letter was handed out to the planning commission members stating her concerns and issues she would like answered. A copy of said letter is attached and made part of these minutes.

Dennis Gammon – 7399 Whistleridge was concerned about the about the run off and also concerned as to what impact this will have of the fish pond at the park.

Dennis Wycoff – 2210 - 76th St. SW was concerned about the run off.

Art McDonald – 8760 Burlingame Ave. SW stated that you can ask these people anything and they won't tell you anything anyway.

Roger King – 2211 N. Whistlevale Dr. SW commented that if the Township changes the rules this area will be jammed packed with people and houses.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Chairman Gould attempted to address some of the concerns that Sue voiced. He commented in regards to the lights of the park, the park was there first and the people who purchase there are aware there are lights at the park. The developer nor the Township can be held responsible. The concern regarding the cost per unit and the marketing technique can not be a concern of the Township or the Township Board. Chairman Gould stated the run off now is from the parking lot into the pond.

Doug Stalsonburg commented about some of the trees on the property will either be removed or replanted. The big oak tree located between lots 6 & 7 can not be saved. We worked hard on the layout & grading to save that tree but it is impossible. The large pine tree will be saved and the smaller ones will be transplanted around the site. They will try and save as many trees as possible.

Chairman Gould addressed Sue's concern about the various zoning ordinance she felt the Township violated. He believes everything was done properly according to our zoning ordinances.

Mr. Schuitema commented that he has walked this property and the park. He stated that the first site plan presented for this location was not a good one. We were looking out for the neighborhood. We as a Planning Commission did what we thought would look good there. We do care.

Chairman Gould stated that he used to farm that land and has seen a lot of changes over the years.

After some additional discussion a motion was made by Schuitema supported by Elenbaas to approve the final site plan and resolution for Stations Edge.

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

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

Mark Marlo manager of the Court House was present stating they have a lot of families

coming in thru that entrance of the building and the lighting is very inadequate. He stated that they were unaware that they were in violation by adding the additional lighting. The lights are on timers which go on at 6:00 am (the fitness center opens at 6:00am.) They do adjust the timer for daylight savings time.

Some of the comments made were that the lights are very bright when you approach the building.

Mr. Marlo stated that he would do anything to get this problem resolved.

After much discussion a motion was made by Schuitema supported by Elenbaas that Mr. Marlo and the Township Planner work out a lighting plan and present it to the Planning Commission for approval.

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

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

----- was present on behalf of M & K Truck. He stated they did put lights on top of existing lights and put them at a 45 degree angle aiming downward onto the lot. They are a 24/7 business and it is dark in the back. They do have problems in that area with theft. So for the safety of the employees they do need the additional lights.

Slot stated that they do have a hardship and need extra lights.

Elenbaas commented this is in an Industrial park and if she worked there she would like the additional lighting as well. Industrial parks should have a lot of lights.

After some additional discussion a motion was made by Gritter supported by Zeinstra to have them work with the Township Planner and come back to the planning commission for approval.

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

Public Comments

Art McDonald – 8760 Burlingame Ave. SW stated there are 63 new homes across the street from his home and if you want to take care of the lighting coming into your home you buy shades for your windows.

Sue Kaechele – 2030 -76th St. SW again commented on the park lighting and the hazard it is causing. She also stated that she sent a letter to Mr. Gould on August 28, 2004 with a lot of her concerns and none of those concerns were addressed. Nothing ever gets answered, that is the reason she handed out a list of her concerns tonight. They deserve attention.

Miscellaneous

- The report on a possible ordinance change for reader board signs.
Mr. Nix stated that his report was not complete but should have it completed by the May 16, 2005 meeting.
- Eagle Development – Campbell Insurance requesting a one year extension of the site plan approval for three office buildings located at 1877 - 84th St. SW, 1833 - 84th St. SW and 1845 - 84th St. SW

After some discussion a motion was made by Gritter supported by Slot to grant the request for a one year extension.

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

- Mr. Nix informed the planning commission members that the meeting to be held after the Township Board meeting on Monday, April 25, 2005 has been postponed.

Adjournment

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

Bernie Schuitema
Planning Commission Secretary