

# BYRON TOWNSHIP PLANNING COMMISSION

August 15, 2005

## MINUTES

### CALL TO ORDER, ATTENDANCE & PRAYER

Vice Chairman Dutch Zeinstra called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on August 15, 2005, at the Byron Township Offices, 8085 Byron Center Avenue, SW Byron Center, Michigan 49315.

Commission members present were: Bernie Schuitema, Jeff Gritter, Carroll Elenbaas, Dutch Zeinstra, Tim Slot, and John Stone. Absent: Seymour Gould. Also present were Township Planner Larry Nix, Township Attorney James R. Brown, 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 Elenbaas that the minutes of the July 18, 2005 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

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

#### **Site Plan 05-11: Michigan Cat**

1. Outstanding issues with the water & sewer department must be resolved prior to a building permit being issued.

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

### To Set Public Hearing – Exxel Engineering – final PUD Site Development approval for property located at 365 – 84<sup>th</sup> St. SW., (Pfeiffer Farms Dr.)

An application for the final PUD Site Development plan for Exxel Engineering was reviewed.

A motion was made by Gritter supported by Elenbaas to set a public hearing for the next regular meeting to be held on September 19, 2005.

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

**To Set Public Hearing – Tom Mouw - rezoning request for property located at 1301 - 76<sup>th</sup> St. SW from D-1 Industrial to D-1 PUD Industrial Planned Unit Development.**

An application for the rezoning request from Tom Mouw for property located at 1301 – 76<sup>th</sup> St. was reviewed.

A motion was made by Schuitema supported by Stone to set a public hearing for the next regular meeting to be held on September 19, 2005.

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

**To Set Public Hearing – Macatawa Bank – rezoning request for the property located at 2253 - 84<sup>th</sup> St. SW., and 2261-2269 – 84<sup>th</sup> St. SW from B-1 Central Business & MFR Multi Family Residential to O-S Office Service**

An application for the rezoning request submitted by Macatawa Bank for property located at 2253 – 84<sup>th</sup> St. SW., and 2261-2269 – 84<sup>th</sup> 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 September 19, 2005.

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

**Everkept – Jason Stoub rezoning request to include the following properties in the rezoning request: 6158 Clyde Park Ave., 6204 Clyde O Park Ave., and 6240 Clyde Park Ave. SW from R-S Suburban Residential to D-1 Industrial.**

(Tabled at the July 18, 2005 meeting)

Mr Nix commented he has not received any correspondence from Mr. Stoub if he was interested in doing the conditional rezoning.

Mr. Jason VanderKoode was present on behalf of Mr. Stoub and stated he had no new information to offer asked the commission members to keep this request on the table for another month.

Vice Chairman Zeinstra stated this item will remain on the table and will be addressed at the September 19, 2005 meeting.

**Public Hearing - Archer Industrial – special use request for a truck repair facility for property located at 720 Clyde Ct.**

Vice Chairman Zeinstra declared the public hearing open for Archer Industrial. 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 site.

Mike May was present on behalf of John & Donna Archer. He commented the applicant is now leasing a building located at 7992 Clyde Park Ave. SW and they would like a building of their own plus they need more room. The new location is also zoned D-1 Industrial but a special land use permit is required for a truck repair facility.

Mr. Nix reviewed his memorandum dated August 3, 2005 of which a copy is attached and made part of these minutes. Mr. Nix recommended to the Planning Commission to approve the Special Land Use for Archer Industrial as it meets the standards of the Zoning Ordinance and the requirements for site plan approval with the following conditions:

1. A landscape plan shall be required in compliance with Section 4.44 of the Zoning Ordinance.
2. The requirement for side walk for this lot be waived as none of the other uses in the industrial park were required to construct sidewalks.

Vice Chairman Zeinstra opened the hearing to the public.

**Gene VanStedum – 1490 Bogey stated his concern that there will be no sidewalks. He does a lot of biking and he would like sidewalks to be required.**

No further public comments were made.

Vice Chairman Zeinstra declared the public hearing closed.

Vice Chairman Zeinstra responded to Mr. Ven Stedum saying this proposed building is not going to be located along Clyde Park Ave.

The applicant was asked if there would be any outside storage and if any trucks would be left running for a significant amount of time.

Mr. May informed the commission members that no outside storage would be needed and no trucks will be left running.

Township Attorney Brown explained there is a portion in the resolution which states everything will be stored in the closed building and if outside storage is needed in the future an 8' high privacy fence would be required.

Mr. Nix commented there would be an advantage including this fence requirement in the resolution for future needs. Since this special use would remain with the property.

After some additional discussion a motion was made by Slot supported Stone to grant the special use request for Archer Industrial as per the Township Planners comments

and recommendations and the proposed resolution.

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

**Public Hearing – Latitude Engineering - Providence Lake special use request to mine and create a 13.7 acre lake for property located at 7330 Burlingame Ave. SW., 7410 Burlingame Ave. SW and 1515 - 76<sup>th</sup> St. SW.**

Vice Chairman Zeinstra declared the public hearing open for Latitude Engineering. 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 site.

Travis Underhill was present to explain the request. They would like approval to remove natural resources as regulated in Section 18.4 (1) of the zoning ordinance. He explained were the parking areas for loading and excavating equipment will be located, that no temporary drainage facilities proposed, dewatering may be required and is at this time dependent upon which contractor is selected to perform the work. If dewatering is required the small pond will be excavated first and all dewatering processes will be directed through it.

Mr. Nix reviewed his memorandum dated August 3, 2005 of which a copy is attached and made part of these minutes. Mr. Nix stated the proposed operation appears to comply with ordinance stipulations and recommends approval of the special use request to the Township Board subject to the applicant receiving all the necessary approvals from the Michigan Department of Environmental Quality, the Kent County Drain Commissioner and the Kent County Road Commission.

Vice Chairman Zeinstra open the hearing to the public.

**Henk Horst – 7523 Burlingame Ave. SW – is concerned about big trucks that will be going down Burlingame Ave. His house shakes when the big trucks go past. He also stated that a sand pit in the neighborhood is disturbing to him. With the increase in pedestrian and bike traffic the road is not wide enough and is very dangerous. He also asked how long this project would take.**

**Roger \_\_\_\_\_ representing Nancy Deater - 7484 Burlingame Ave. SW is concerned about the pond located in the back of her property. She wants to keep that there.**

**Yvonne Visser - 1546 Bogey questioned the depth of the lake and if the township can control the depth of the lake. She does not want a swamp there.**

**Job Moore - 7444 Burlingame Ave. SW concerned about the wells.**

**David Springvloed - 8656 Eldora enjoys riding bike everywhere and with all the lakes coming into the area it would be nice to be able to bike there. Also added access spots to the Kent Trail system would be very nice for the community.**

**Art Bellgraph - 7566 Burlingame Ave. SW also voiced concerns on the area wells. Their house and windows also shake when those trucks go by their home. He stated this is very upsetting to have this come into the neighborhood. Now the road is being torn up because they are running a water main down the road.**

**Larry Mayberry - 7541 Burlingame Ave. SW commented his home is close to the road and has the same concerns that the other residents have. Another concern is the safety of the school children getting on the bus.**

**Wes Mayberry - 7555 Burlingame Ave. SW agrees with all the comments that have been made so far.**

No further public comments were made.

Vice Chairman Zeinstra declared the public hearing closed.

Commission member Schuitema asked the applicant if construction will be going on while the mining operation is in progress.

Travis Underhill responded by saying probably not.

Other items discussed by the commission members were the truck route, dewatering, how area wells will be affected and the need to figure out the hours of operation.

Travis Underhill stated that based on the depth of the wells in the area they are all deep enough and it should not affect or harm them.

Mr. Nix commented there are some older homes in that area who might have shallow wells. These wells should be documented in case of future problems.

Yvonne Visser's questioned what the depth of the lake would be. The pond will be 50' deep and this pond is not designed in a manner to form a swamp. The lake across the street on Burlingame was designed in certain areas to be a swamp.

Those who voiced concerns about sidewalks, there is a proposed 10' wide bike/walking path along Burlingame Ave., in front of the development.

Vice Chairman Zeinstra gave an opportunity for one additional public comment.

**Ted Conrad - 1450 Bogey** stated that he has heard a lot of maybes, I think so, not sure, probably not statements tonight. He would like some solid answers.

Mr. Nix responded to the public comment concerning the pond in the back yard for the home owner at 7484 Burlingame Ave. SW. With the drop of ground water it could experience an impact but it will come back.

Commission member Carroll Elenbaas asked if we could add to the resolution a conditional statement regarding any damage that may occur to property or wells. This way the applicant would be obligated to repair any damage that is done.

After some additional discussion a motion was made by Gritter supported by Elenbaas to table this request until the next regular meeting to be held on September 19, 2005.

Yes - 4. No - 2 (Schuitema & Zeinstra) Absent - 1. Motion Carried.

**Public Hearing – Latitude Engineering - Providence Lake for final PUD Site Development approval for the property located at 7330 Burlingame Ave. SW, 7410 Burlingame Ave. SW., and 1515 – 76t St. SW.**

Vice Chairman Zeinstra declared the public hearing open for Latitude Engineering. 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 site.

Travis Underhill made comments on the proposed signage saying it will comply with township ordinance. Regarding the landscaping they intend to use many of the onsite trees and they will meet all Township landscaping standards. Instead of a 10' bike path it will be 8'. We felt this would be safer and it would keep someone from driving down the path.

Mr. Nix reviewed his memorandum dated August 3, 2005 of which a copy is attached and made part of these minutes. Mr. Nix stated the Final Site Development Plan is consistent with the approved preliminary plan. This would result in a benefit to future residents and the character of neighboring developments. Approval is suggested with the following conditions:

1. Any proposed signage shall comply with Township standards and shall be approved prior to construction.
2. A landscape plan shall be submitted and approved in accordance with Section 4.44 of the Zoning Ordinance prior to construction.
3. The Township Attorney shall review any proposed master deed and bylaw documents and such document shall be approved prior to construction.

Vice Chairman Zeinstra opened the hearing to the public.

**Henk Horst – 7225 Burlingame Ave. was concerned if any of these homes will need sump pumps. Also it is nice to see an increase in the value of our homes but along with that the taxes go up. So we pay some more money. Also people are doing a lot of biking especially with the cost of gasoline, the safety of these people are a big concern. The hill on Burlingame Ave. close to 76<sup>th</sup> St. is so dangerous especially in the winter months this also involves the safety of the school children getting on and off the school bus.**

**Debra Brooks – 1525 Bogey was asking about the property north of the Goose Creek Drain and what will be happening to that.**

**Gene VanStedum – 1490 Bogey felt the bike path should remain 10’.**

**Roger \_\_\_\_\_ representing Nancy Deater again stated the concern she has for the pond.**

**Ted Conrad – 1450 Bogey was concerned about the distance from the Goose Creek Drain to the back of the lots.**

**Art McDonald – 8760 Burlingame Ave. SW is tired of these people with lots of money coming into the area to build more & more.**

**Arthur Bellgraph – 7566 Burlingame Ave. SW is still very opposed to this project. The traffic flies down Burlingame going 55 mph and who is going to control that. He also questioned 1515 – 76<sup>th</sup> that was listed on the notice. The plans do not show what they intend to do with that piece of property. Are there plans to put a road to 76<sup>th</sup> St. He really does not want a road right next to his property. The dust would have to be controlled somehow. Probably have to water or oil every day.**

**Henk Horst – 7225 Burlingame Ave. SW commented on the soccer field so close to the lake.**

No further public comments were made.

Vice Chairman Zeinstra declared the public hearing closed.

Slot explained the taxes and house values. The value does go up but they can not raise your taxes more than the cost of living. He did sympathize with those living along Burlingame Ave. but there is nothing the Township can do to control the roads. That is all up to Kent County.

Schuitema reminded the public that by zoning this as a PUD the number of houses that are going in there are a lot less. He felt it was very thoughtful of the developer to do this. This property could have 300 or more homes on it and now it will only have 185

homes.

Mr. Nix then addressed some of the concerns and questions the public voiced. The question regarding the property located just south of Byron Hills Condominiums has been removed from the plan. It originally was proposed to have 85 single site condo units. The question of the distance between the drain and the lots is 60'. Mr. Horst was concerned about the soccer field and the lake. The water is 180' away from the soccer field. That's the size of a football field. There should not create a problem. The question about the property located at 1515 – 76<sup>th</sup> St. SW. This piece of property was part of a land split and it was never changed. The property is land locked. There will be no exit out onto 76<sup>th</sup> St. from the new development.

Gritter commented the overall plan does increase the value of homes in the area.

A motion was made by Gritter supported by Elenbaas to adopt the proposed resolution and approve the final PUD Site Development plan with the stipulation that the bike path be 10' wide.

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

**Public Hearing - Spartan Stores (Family Fare Quick Stop) rezoning request for the property located at 2285 – 84<sup>th</sup> St. SW from MFR Multi Family Residential to B-2 PUD General Business Planned Unit Development.**

Vice Chairman Zeinstra declared the public hearing open for Spartan Stores. 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.

Darline Wethington was present on behalf of Spartan Stores and explained their rezoning request. She stated the owners of the property David & Marlene Maier, and John Kraus of Kraus & Kessenich the Civil Engineers are present to answer any questions. Darline commented multiple meetings have been held with Mr. Nix, Township Supervisor Nevins, Township Clerk Joel Hondorp, and three Planning Commission members. These meetings planned to accomplish the development of a Family Fare Quick Stop opening this fall. At this time we have two completed Quick Stops that are not only successful in their own right but have made a major impact on the health of the supermarket. We have had feedback from our customers of deep appreciation not only for the convenience but also for the added choice of fuel purchasing and savings. One of the most exciting opportunities is the cross marketing that we offer to the community. Each customer will have the opportunity to receive discounts on gasoline and grocery items. She stated they have successfully offered such savings in the two existing Quick Stops and are being rewarded by customer loyalty which is critical in today's marketplace. The Quick Stops are customer friendly, clean modern, convenient, secure sites with state of the art equipment. She also commented

on bringing the berm down along 84<sup>th</sup> St. to gain better visibility.

John Kraus from Kraus & Kessenich then showed the commission member the site plan and explained some of the concerns that Mr. Nix listed in his memorandum. First the proposed use is a convenience store, with a canopy and dispenser islands as well as underground storage tanks. He also commented on the site grading, and the site lighting.

Mr. Nix reviewed his memorandum dated August 3, 2005 of which a copy is attached and made part of these minutes.

Vice Chairman Zeinstra opened the hearing to the public.

**Henk Horst – 7225 Burlingame Ave. SW asked if the state had any laws or rules concerning fueling overflow.**

**Larry Buist – representing Pathway Ministries located near the proposed site stated he is not opposed to this project but is concerned about removing the berm and the 8’ elevation that will affect their property.**

**David Springvloed – 8656 Eldora Dr. commented on pedestrian space and to use the Pathway Ministries parking lot for a potential farmers market and the ability to share that space.**

**Art McDonald – 8760 Burlingame Ave. SW commented with the price of gas no one would spill any gas on the ground.**

**David \_\_\_\_\_ - \_\_\_\_\_ expressed support of this project and loves this community especially all the bikes path.**

**Clip Slapcer a Spartan Store Executive urged the commission members for a favorable decision.**

**Mike \_\_\_\_\_ from Macatawa Bank stated his support for the Family Fare Quick Stop, and their willingness to work with them.**

No further public comments were made.

Vice Chairman Zeinstra declared the public hearing closed.

Schuitema commented there are a lot of the big box stores coming into the community and really do not feel this fits in at this location.

Zeinstra stated he rode out to the Zeeland Family Fare Quick Stop and it is a beautiful set up but it is further off the road.. With this one being proposed so close to the road it

could be very hazardous for traffic as well as pedestrians.

Slot stated if this were proposed on a 2 acre site then maybe, but they are trying to put a lot on this site. The curb cut is also an issue.

Elenbaas stated she agrees with the comments made by the other commission members. This really does not fit in the neighborhood and we have to take into consideration that this is located next to a lot of residential homes.

Mr. Nix then commented on an idea that he which he has not even presented to the applicant yet. It would involve placing this on a different location on the property and could be further away from the road. Also this would eliminate the need for any new curb cuts onto 84<sup>th</sup> St. as well. This is just a thought for consideration.

After some additional discussion a motion was made by Schuitema supported by Stone to recommend to the Township Board to deny this rezoning request for Family Fare Quick Stop from MFR Multi Family Residential to B-2 PUD.

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

Commission member Gritter made a comment to Larry Nix that his concept was a good one and is worth exploring.

**Carlisle Crossing – DeKleine Builders – rezoning request for property located at 1162 – 76<sup>th</sup> St. SW and 1280 – 76<sup>th</sup> St. SW from D-1 Industrial to MFR PUD Multi Family Residential Planned Unit Development.  
(Remanded back to the Planning Commission from the Township Board)**

Township Planner Larry Nix reviewed the concerns the Township Board had. Items discussed were loss of Industrial property, transition zoning, and the Kent Trails.

We feel there is ample land in the Township master planned and zoned for industrial purposes, some of which are vacant. It may not be in the best interest of the Township to allow industrial uses so near single family homes. A transition should be provided between existing industrial facilities and approved and planned single-family uses.

A motion was made by Slot supported by Gritter to send this request back to the Township Board for approval per Mr. Nix memo.

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

**Planters row Phase 4 - Preliminary Plat approval**

Jason VanderKodde from Nederveld Associates was present.

Mr. Nix reviewed his memorandum stating the proposed phase 4 meets or exceeds the approved dimensional requirements of the Planters Row PUD and is consistent with the established residential development pattern in the vicinity. He suggested the Planning Commission recommend approval to the Township Board of Planters Row Phase 4 Preliminary Plat, subject to the Byron Township Sidewalk Ordinance.

A motion was made by Schuitema supported by Elenbaas to recommend the Township Board approve Planters Row Phase 4.

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

### **Special Work Session**

Due to the extended list of miscellaneous items to be discussed it was decided to hold a special work session.

A motion was made by Slot supported by Elenbaas to hold a special work session on Wednesday, August 31, 2005 at 4:30 pm.

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

### **Miscellaneous**

- ▶ M & K Trucking regarding the outside lighting. The lights have been adjusted and meet the approval of the Planning Commission members.

A motion was made by Schuitema supported by Slot to approve the site lighting for M & K Trucking.

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

- ▶ The Courthouse: Another site lighting issue. The owner is in the process of developing a plan to improve site lighting.
- ▶ Amber Creek Condo - Larry Nix explained a minor change has been submitted from Don DeGroot of Exxel Engineering regarding a small segment of the Amber Creek project. Sixteen units in the north east corner of the project, on the north side of Creekside Dr. were approved perpendicular to the street. The proposed change is to realign the 16 units to be parallel to Creekside Dr. This permits a 48' vs. a 30' setback from the north property line. The density remains the same.

After some additional discussion a motion was made Elenbaas supported by Zeinstra to approve this proposed minor change.

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

- ▶ Pace Trailer - landscaping plan for site. Mr. Nix commented Mr. Bart Arrigo attended the July meeting and presented an alternate landscape plan for consideration. It was decided to visit the site and discuss the idea at this months meeting. His landscaping plan does not meet our landscape regulations.

Zeinstra commented there is no reason why they cannot comply with our landscape regulations.

Slot stated we created the landscape ordinance for a reason.

Stone commented he did not disagree with the comments made but what he has done looks really good. The other business in that area have similar landscaping

After some discussion it was decided that Mr. Nix will send Bart Arrigo a letter stating he must comply with the Byron Township Landscape Ordinance.

### **Public Comments**

Art McDonald - 8760 Burlingame Ave. SW commented that commission member John Stone does not use his microphone. He has trouble hearing and would like to hear what everyone has to say.

Henk Horst - 7225 Burlingame Ave. SW is concerned about West Nile with all the lakes coming into the area.

Commission member Gritter responded by saying that mosquitoes breed in still bodies of water. So it should not impose a problem.

### **Adjournment**

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

---

Bernie Schuitema  
Planning Commission Secretary