

BYRON TOWNSHIP PLANNING COMMISSION

September 19, 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 Monday, September 19, 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, Tim Slot, and John Stone. Also present were Township Planner Larry Nix, Township Attorney James R. Brown, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Mr. Dutch Zeinstra

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Zeinstra that the minutes of the August 15, 2005 meeting be approved as written.

Yes - 6. No - 0. Abstained - 1. (Gould absent from August meeting) Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

No site plans were submitted for consideration.

To Set Public Hearing – St. Sebastian Catholic Church - special use request to build a new church to be located at 9708 Wilson Ave.

An application for the special use request for St. Sebastian Catholic Church was reviewed.

A motion was made by Zeinstra supported by Elenbaas to set a public hearing for the next regular meeting to be held on October 17, 2005.

Yes - 7. No - 0. Motion Carried.

To Set Public Hearing – Hidden Acres Development - rezoning request for property located at 1140 - 64th St. SW from R-S Suburban Residential to R-U Urban Residential.

An application for the rezoning request from Hidden Acres Development for property located at 1140 - 64th St. SW was reviewed.

A motion was made by Elenbaas supported by Slot to set a public hearing for the next regular meeting to be held on October 17, 2005.

Yes - 7. No - 0. Motion Carried.

To Set Public Hearing – Van Singel Holdings, LLC – rezoning request for the property located at the southwest corner of 84th St. & Clyde Park from R-S Suburban Residential to B-2 PUD General Business Planned Unit Development.

An application for the rezoning request submitted by Van Singel Holdings LLC for property located at the southwest corner of 84th St. & Clyde Park Ave. SW was reviewed.

A motion was made by Zeinstra supported by Elenbaas to set a public hearing for the next regular meeting to be held on October 17, 2005.

Yes - 7. No - 0. Motion Carried.

To Set Public Hearing – Rainbow Child Development Center – rezoning request for the property located at 6816 & 6836 Byron Center Ave. SW from R-R Rural Residential & R-U Urban Residential PUD to O-S Office.

An application for the rezoning request submitted by Rainbow Child Development Center was reviewed.

A motion was made by Elenbaas supported by Gritter to set a public hearing for the next regular meeting to be held on October 17, 2005.

Yes - 7. No - 0. Motion Carried.

Everkept – Jason Stoub - 6192 Clyde Park Ave. SW rezoning request to include the following properties in the rezoning request: 6158 Clyde Park Ave. SW, 6204 Clyde Park Ave. SW and 6240 Clyde Park Ave. SW from R-S Suburban Residential to D-1 Industrial. Tabled at the July 18, 2005 meeting.

A motion was made by Slot supported by Schuitema to remove the rezoning request from the table for discussion. Yes - 7. No - 0. Motion Carried.

Mr. Nix stated he spoke to the realtor of this property and Jason Stoub has relinquished his buy sell agreement with them.

Mr. TerMaat from McGregor Real Estate was present to explain Jason Stoub has cancelled the purchase agreement with them but they would like to proceed with this rezoning request on behalf of the owner Best Way Properties. There are no specific uses in mind at this time for the property but would like to continue with this request.

The commission members then discussed what is allowed in the D-1 Industrial zoning and if there were any uses that would not be acceptable for that area. This area is Master Planned Industrial.

After some additional discussion a motion was made by Elenbaas supported by Slot to recommend to the Township Board rezoning approval for D-1 Industrial for the properties located at 6158 Clyde Park Ave. SW, 6204 Clyde Park Ave. SW, 6240 Clyde Park Ave. SW, and 6192 Clyde Park Ave. SW as the D-1 Industrial zoning is consistent with the Byron Township Master Plan.

Yes - 7. No - 0. Motion Carried.

Providence Lake – Latitude Engineering for special use request to mine and create a 13.7 acre lake for property located at 7330 Burlingame Ave. SW., and 7410 Burlingame Ave. SW. Tabled at the August 15, 2005 meeting.

A motion was made by Schuitema supported by Gritter to remove the special use request from the table for discussion.

Yes - 7. No - 0. Motion Carried.

Chairman Gould stated the public hearing for this request was held last month.

Mr. Nix stated at the public hearing last month there were a good amount of public comments. Concern were value of houses, the wells in the area, bike paths, hours of operation, access to the site, dust control, fences, duration time for completion of project, set back requirements and dumping & storage. This request was tabled to give the applicant the opportunity to work out these concerns.

Zeinstra commented he had gone over the resolution that was written by the Township Lawyer and with the proposed revisions he just received from Travis he would like the proposed changes explained to him.

Travis Underhill explained the revision he handed out which includes four changes. The duration time for the special land use will begin November 1, 2005 with a one year renewal of the permit if needed. The setback requirements concerning 150' from a principle structure with the exception of the clubhouse located upon the subject land which will be used as a temporary office and the need for a registered professional engineer to measure the elevations for the annual report to the Township.

Various items discussed by the commission members consisted of when the actual work will begin, that work should not begin on site until all approvals have been given, the existing club house located on the property which will be used for an office on site does have a liquor license and it should be documented that no liquor or food sales are to be done on the premises.

Travis responded by saying he would get a letter to the Township stating that no food or liquor will be served on the property and the existing building is for office purposes only.

After much discussion a motion was made by Schuitema supported by Gritter to approve the special land use for mining purposes to create a 13.7 acres lake for the property located at 7330 Burlingame Ave. SW and 7410 Burlingame Ave. SW as per the Township Planners memorandum and the minor changes to the resolution created by Township Lawyer Mr. Brown stating the resolution to become effective September 19, 2005, all stockpiles of mineral material must be removed and all restoration of the land must be completed no later than September 19, 2007, the fencing requirement stating no plastic snow fence can be used, and a written guarantee to be given by the applicant for protection of water supply wells on adjacent and other lands be revised to specify not only the adjacent lands but also other lands that may be adversely affected by the excavation and removal operations.

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

Public Hearing – Exxel Engineering – final PUD Site Development approval for property located at 365 – 84th St. SW (Pfeiffer Farms parcel “H”)

Chairman Gould declared the public hearing open for Exxel Engineering on behalf of First Companies. 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 First Companies. He began by saying this property is located on the northwest corner of 84th St. and Pfeiffer Farms Dr. This will be a multi tenant retail building with adequate parking spaces available and in compliance with the Township Ordinance. The site is serviced with water and sewer and drainage would be directed to the north as part of the Hospice of Holland Home. Sidewalks will be installed along 84th St. and down Pfeiffer Farms Dr. They would like some relief from the Township landscape ordinance stating it would be over done. A complete landscape plan will be submitted for review.

Mr. Nix reviewed his memorandum dated September 6, 2005 of which a copy is attached and made part of these minutes. He again stressed that citizens input is very important.

Chairman Gould opened the hearing to the public.

Dale Bartelds – 8338 East Chester Ave. lives directly behind the proposed project. He expressed his gratitude for the support and the concern the commission members have for the surrounding residential area. He stated his concerns regarding the loading dock on the west side of the building, the lighting that will be on the building and landscaping.

Donna Walters – 425 - 84th St. SW stated her home is 2 lots away from the property and her worst fear was to have a fast food restaurant there. At least that is not being proposed. She also voiced her concern about the loading and unloading of supplies. She hates to see it developed but she realizes growth goes on.

Berwyn Waayenberg – a representative for the Berean Bible Church which is located directly to the north of the property is also glad it is not a fast food restaurant. They are not opposed to this proposed building.

Lisa Smith – a board member of the Berean Bible Church was wondering what type of stores will be going in.

Cynthia Bartelds – 8338 East Chester was asking about the 20’ parcel east of the property line and how much of that does the church own.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Nix stated the 20’ parcel is owned by the church. He then continued to address some of the questions regarding lighting, landscaping and the loading dock.

Doug Stalstonberg stated the proposed use for the building will be retail sales of building products such as lighting, flooring, fireplace etc. At this time it is 75% leased. The loading dock is located at the NW corner of the building. The lights of the trucks will shine to the south when they are loading and unloading. No outdoor storage of supplies will be allowed.

Craig Baker commented the hours of operation would be regular retail hours.

Stone commented on the lights on the building and the light that is located on the south edge of the lot along 84th St. by the sign.

Gould asked if there would be a problem removing that light. It really serves no purpose.

Stalstonberg said they would remove it or comply.

Gould also commented on the proposed landscaping. They will be required to comply with the Township regulations. The plan calls for it and the neighbors deserve it. After some additional discussion a motion was made by Slot supported by Stone to grant approval for the final PUD Site Development plan for property located at 365 – 84th St. SW per the Township Planners recommendations, the landscaping must comply with the Byron Township Landscape Ordinance, the hours for the loading dock only to be Monday thru Saturday 8:00 to 5:00, and the light located on the south edge of property line be removed.

Yes - 7. No - 0. Motion Carried.

Public Hearing - Tom Mouw – rezoning request for property located at 1301 – 76th St. SW from D-1 Industrial to D-1 PUD Industrial Planned Unit Development.

Chairman Gould declared the public hearing open for Tom Mouw. 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 site.

Mr. Mouw was present to explain the rezoning request. He stated he is proposing self storage buildings which he feels is a good fit for this location due to the condos located near the site. Also it is zoned D-1 Industrial and many other uses could be placed there. The reason for the PUD zoning is because of the required 100’ rear yard setback because of the abutting residential condominiums. His site plan shows and is designed for a 50’ rear yard setback. The Township’s PUD process allows for flexibility of ordinance standards. A 15’ buffer strip will be placed around the sides and rear of the property. There will be no outside storage.

Mr. Nix reviewed his memorandum dated September 6, 2005 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public.

Bob Deppe - 1239 – 76th St. SW owner of Sierrafield Condos feel you can’t do a proper landscape job with a 15’ buffer strip. He is concerned about the landscaping.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Bernie Schuitema read a letter from Fred Spica who is the developers of Sierrafield Condominiums located directly to the north of this proposed project. He stated he has no objection to this project.

Schuitema stressed that no outside storage is to occur. We have to make sure that doesn't happen.

Slot commented on the landscape ordinance. At lot of hard work and time when into the Township Landscaping Ordinance and it has to be enforced. The 50' year yard setback we can live with but they have to follow the landscaping ordinance.

All commission members agreed.

Additional items discussed by the commission members were the lighting, the height of the buildings and fencing.

Mr. Mouw commented the lighting on the building is for security reason. He can reduce the number of lights with no problem.

Elenbaas asked what the height of the buildings would be.

Mr. Mouw stated the building height would be 3 different heights. Due to the style of the building it will have three different heights. 12', 14', and a little shy of 16'. He also stated there will be no outside storage.

A comment was made to include in the resolution a statement saying no outside storage and applicant shall comply with the Byron Township Landscape Ordinance.

Mr. Mouw commented the fencing will be a 6' chain link fence.

After some additional discussion a motion was made by Zeinstra supported by Slot to recommend to the Township Board approval of this rezoning request with the minor changes to be made to the resolution.

Yes - 7. No - 0. Motion Carried.

Public Hearing – Macatawa Bank (Build-Rite Inspections – rezoning request to rezone the subject parcel from MFR Multi Family Residential to O-S Office for the property located at 2253 – 84th St. SW and 2261 - 2269 – 84th St. SW

Chairman Gould declared the public hearing open for Macatawa Bank. 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 site.

Mike Beutendorf from GMB Architects was present to explain the rezoning request.

Mr. Nix reviewed his memorandum dated September 6, 2005 of which a copy is attached and made part of these minutes.

Mr. Nix also made comments on the site plan for Macatawa Bank.

Chairman Gould opened the hearing to the public.

Mr. Jim Van Timmeren manager of Macatawa Bank feels the best use for this property would be to put a bank there.

Darlene Wethington - epresenting Family Fare LLC stated they fully support Macatawa Bank. They have a beautiful building and by taking out the big hill in front of Family Fare it will give the needed exposure to the area.

David Maier – 235 Port Sheldon Rd. in Grandville was present and supported the project.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Zeinstra commented he has no concerns with this. It is a very nice building.

It was discussed to have a possible conditional rezoning for a full service bank nly on the property.

Gould stated that any of the permitted uses in the O-S zoning would be acceptable at that location.

A motion was made by Gritter supported by Schuitema to recommend the Township Board approve this rezoning request for Macatawa Bank.

Yes - 7. No - 0. Motion Carried.

Site Plan approval for Macatawa Bank for property located to 2253 - 84th St.

Mr. Nix stated that all issues have been addressed and everything is in order.

A motion was made by Slot supported by Zeinstra to approve the site plan for Macatawa Bank with the following condition:

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. Meet all requirements set forth in the Township Engineers letter dated September 15, 2005.

Yes - 7. No - 0. Motion Carried.

Planters Cove – Preliminary Site Condo approval for property located at 8608 Woodruff Dr.

Mr. Nix reviewed his memorandum dated September 6, 2005 of which a copy is attached and made part of these minutes. Mr. Nix commented that the subject property is located north of Planter's Row No 2, west of Hightree Estates, and south of Marlo Farms. The portion of Planters Row Drive that would be extended is 791 feet in length and would be formed into a cul-de-sac. While this is less than the maximum length of 800 feet permitted by Section 8.2 (4) of the Site Condominium Ordinance, the total length of the cul-de-sac measured from Bethany Drive is approximately 921 feet. The applicant would need to coordinate with the Kent County Road Commission on this matter. The parcel has no frontage on a major road. The proposal is to extend the existing Planter's Row Drive into the subject property for the development of 15 lots. The 10.2 acre property is zoned R-U Urban Residential and public utilities are available.

Jason VanderKoote from Nederveld Associates was present on behalf of the property owner Mr. Dan O'Brien. He stated the cul-de-sac which is longer than what is allowed has been approved by the Kent County Road Commission. He also has the needed storm water approvals.

It was commented this 10 acres is already zoned R-U and this type of use is allowed. It is fully intended for single family homes.

Chairman Gould stated they will need a variance for the approval of the length of the cul-de-sac.

After much discussion a motion was made by Stone supported by Zeinstra to recommend approval from the Township Board including the need for a variance for the cul-de-sac.

Yes - 7. No - 0. Motion Carried.

Miscellaneous

▶ Sierrafield PUD –

The developer desires to change an approved 7 unit building in the approved PUD to a 3 unit and a 2 unit building. This would reduce the density by 2 units. We consider this proposed change as a minor change.

A motion was made by Zeinstra supported by Stone to grant this minor change.

▶ Reader Board Zoning Amendment –

A draft of suggested changes to the existing sign regulations will be discussed and a public hearing be set at the October 19, 2005 meeting.

▶ Billboard Research –

No desire to change.

- ▶ Dog House/Playhouse –
Amending the definition of Accessory Building. This will be discussed and reviewed and a public hearing will be set at the October 19, 2005 meeting.
- ▶ Green/Open Space in Industrial Area –
This will be discussed and reviewed and a public hearing will be set at the October 19, 2005 meeting.
- ▶ Bike Paths - Larry Nix explained this is still being worked on

Public Comments

Yvonne Boucher – 2430 Marfield – stated her concern as well as many others that no sidewalk were installed along Byron Center Ave. There is not room for children or adults on their bikes. It is a 5 lane road and vehicles go 55 mph. Would like to see sidewalks/bike path to be installed from 64th St. to 76th St. She was wondering what her next step would be to try and get this done.

Art McDonald - 8760 Burlingame Ave. SW asked if bikes were allowed on sidewalks. He also was wondering if Everfresh received permission to have cold storage instead of onion storage. He stated trucks sit and idle for hours.

Adjournment

A motion was made by Schuitema supported by Elenbaas that the meeting be adjourned.

Yes - 7. No - 0. Motion Carried

Bernie Schuitema
Planning Commission Secretary