

BYRON TOWNSHIP PLANNING COMMISSION

October 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 Monday, October 17, 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, Township Attorney James R. Brown, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Mr. Seymour Gould

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Elenbaas that the minutes of the September 19, 2005 meeting be approved as written.

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

A motion was made by Schuitema supported by Gritter that the minutes of the special meeting held on September 28, 2005 be approved as written.

Yes - 5. No - 0. Abstained - 1 (Slot absent from September 28, 2005 meeting.)
Absent - 1.

The building inspectors report was received and placed on file.

SITE PLANS

No site plans were submitted for consideration.

To Set Public Hearing – Automotive Associates & Restorations – special use request for the property located at 7974 Clyde Park Ave. SW.

An application for the special use request submitted by Automotive Associates & Restorations was reviewed.

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

Public Hearing – St. Sebastian Catholic Church – special use request for the property located at 9408 Wilson Ave. SW to construct a new church building.

Chairman Gould declared the public hearing open for St. Sebastian Catholic 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 feet of the proposed site.

Mr. Bill Cox from Cox Medendorp Olson Architects was present on behalf of St. Sebastian Catholic Church. He commented the lot size is 26 acres and they propose to erect a 10,000 sq ft. single story building. There will be 110 parking spaces which exceeds the number of spaces that the Township requires. They expect to have seating for approximately 430 people.

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

Chairman Gould opened the hearing to the public.

Art McDonald – 8760 Burlingame Ave. SW stated he was in favor of this project.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Zeinstra felt this is a good layout, and keeping the old church is a good idea.

Elenbaas asked the applicant how much seating was available in the old church.

Mr. Cox responded by saying it sat 120 to 130 comfortably.

Gould questioned the landscaping to the south of the proposed church and was concerned for the neighbors.

Mr. Cox commented the house Mr. Gould is concerned about is actually 450 ft away from the church driveway.

After some additional discussion a motion was made by Schuitema supported by Zeinstra to grant this special use request to build a new church as per the written resolution with the deletion of the statement “a landscape buffer shall be provided along the driveway of the new church that is of sufficiently dense to screen the drive from the residential property to the south” (item G on page 4 regarding the landscape plan)

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

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

Chairman Gould declared the public hearing open for Hidden Acres. 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.

Jeff Brinks from DCI Engineering was present on behalf of Hidden Acres. This rezoning request was before the Planning Commission in December of 2004, and the Township board with the Planning Commission input rezoned only a portion of the property. This was due to the concerns with the capacity of the Goose Creek sanitary system that served the southern portion of the property. The northern 60% of the property was rezoned to R-U as it could be serviced by the Buck Creek sewer system. Since the study is complete on the Goose Creek system and it is capable of handling this property they would like the entire property to go to the Goose Creek system, and develop the property in R-U fashion.

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

Chairman Gould opened the hearing to the public.

No further public comments were made.

Chairman Gould declared the public hearing closed.

It was the consensus of the Planning Commission members that this request makes a lot of sense. The Goose Creek system can handle this.

A motion was made by Slot supported by Gritter to recommend Township Board approval for this rezoning request as per Township Planners recommendations.

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

Public Hearing – Van Singel Holdings, LLC – rezoning request to rezone the subject parcel from R-S Suburban Residential to B-2 PUD General Business Planned Unit Development for the property located at 860 – 84th St. SW (southwest corner of 84th & Clyde Park).

Chairman Gould declared the public hearing open for Van Singel Holdings, 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' of the proposed site.

Ron Quakkelaar from Dykhouse Construction was present who introduced Mr. Kenneth Dixon of Dixon Environmental Architecture on behalf of Van Singel Holdings. Mr. Dixon made comments on the exterior look of the building which they are trying to convey a main street character look. The clock tower, benches along the walk way, private gardens, coffee shops will be and look very inviting. Historical light fixtures will add to the main street look. In reference to Mr. Nix's memorandum five elements of concerns were stated. The clock tower is proposed to be 38' high. We looked at bringing it down to the 35' level but it looked short & stubby. It really should remain 38' high. Another issue with this proposed development is it should be under single ownership or control. He stated upon this rezoning approval they are working on documentation of a LLC agreement. Parking requirements are needed regarding differentiation between restaurant/food and food service area uses. On the south side of the building there will be no parking spaces. There is room available and if needed spaces can be provided. Wheel stops or concrete curbing devices will be used to prevent vehicles from trespassing onto the western property.

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

Chairman Gould opened the hearing to the public.

Art McDonald – 8760 Burlingame would like to know where the outlets will be located. 84th St. is 55 mph through there and there is plenty of traffic on 84th already.

Chairman Gould stated there will be two outlets one on 84th and the other on Clyde Park.

Mr. Schuitema then read a letter from Abe & Lola Vander Woude - 8530 Clyde Park Ave. SW who are in favor of this rezoning request.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Zeinstra commented he would like to see a project like this closer into Byron Center. It is a beautiful layout and he has no problem with the clock tower height.

Chairman Gould stated the clock tower height is 3' above what is allowed.

Schuitema asked the applicant if the clock tower will be a clock tower with a sign or a sign with a clock tower.

The applicant responded by saying he wants the tower to be legible from the road and the tower will have a clock with no signage.

Elenbaas commented she also liked the design of the building and has no problem with the higher clock tower. Her concern was who will maintain the clock.

Mr. Dixon stated they will have a property management group who will probably do the maintenance of the clock along with the landscaping/snowplowing, etc.

Gritter stated his concern for the people living behind the proposed building. He would like the south side of the building a little more upscale and possible resemble the north (front) side of the building. With the condo's located behind this building there are a lot of people living in the back. He also has no problem with the height of the tower being 38'.

Chairman Gould voiced his concern regarding the south side of the building as well. He also felt it could be up scaled for the residents behind the proposed building.

Schuitema commented the proposed landscaping behind this building would have to be pretty big and tall. With the height of the condos it will be hard to block the view of this building.

Parking spaces were discussed. The site plan indicated that 347 spaces would be required. At this time only 292 spaces are going to be made available with the additional 60 spaces to be constructed in the future if needed.

After some additional discussion a motion was made by Slot supported by Schuitema to recommend Township Board approval for the property located at 860 – 84th St. SW as per Township Planners recommendations regarding the future need for additional parking be required by the Township.

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

Public Hearing - Tom Mouw - for final PUD Site Development Plan approval for the property located at 1301 - 76th St. SW

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

Tom Mouw was present and made comments on the 25' rear buffer and the proposed signage.

Mr. Nix reviewed his memorandum dated October 6, 2005 of which a copy is attached and made part of these minutes. Mr. Nix stated the Township Board will take action on the rezoning request at their October 24, 2005 meeting so what is decided tonight will be contingent upon that decision.

Chairman Gould opened the hearing to the public.

Susan Panik – 7440 Navajo Valley – is concerned about the lighting that will be used on the buildings and if sidewalks will be required. She also asked about lot one which is located right next to Sierrafield entrance why someone came in and took all the trees down that were on that lot.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Mr. Mouw was asked to address some of the concerns Susan had. He stated the lighting on the north and south side of the buildings will be hooded. The light will shine down and not out. The sidewalk will be installed and it will join the RDI sidewalk. He also mentioned he spoke to Mr. Spica who owns lot one and Mr. Spica has no plans for the lot at this time he just removed the trees.

Chairman Gould commented anyone can remove trees from their lot. He owns the lot and there are not rules or regulations concerning the removal of trees.

After some additional discussion a motion was made by Gritter supported by Zeinstra to approve the final PUD Site Development Plan contingent on the Township Board rezoning approval.

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

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

Chairman Gould declared the public hearing open for Rainbow Child Development Center. 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.

Dale Van Kooten from Medema, Van Kooten & Associates was present to explain the rezoning request. He stated the property is located on the southeast corner of 68th & Byron Center Ave. He felt this development would have a much lower impact on the surrounding homes since it would be a 5 day a week operation with no activity on the weekends. He also stated that two variances would be required if this rezoning is approved.

Mr. Nix reviewed his memorandum dated October 6, 2005 of which a copy is attached and made part of these minutes. Mr. Nix commented if this rezoning is approved by the Township Board the applicant will have to come to the Township Board of Appeals to seek the approval of two variances. They would need a variance for the fence height

and a variance for a 10' front yard setback variance. The Master Plan does show this as single family homes and the O-S zoning is not consistent with the Master Plan. But given the style and the low impact this would create at this locate is would be a good fit.

Chairman Gould opened the hearing to the public.

Art McDonald – 8760 Burlingame Ave. SW – gave his approval of this proposed project. With all the new homes in the area there is a need for this.

Gary Richardson – 6086 Byron Center Ave. SW – stated he lives just to the south of the proposed building and there is building all around his property. He feels like he is being pushed out. He is also concern on how it will affect the value of his property.

Tony Cullen – 6821 Byron Shores Ct. – stated his backyard goes up against the proposed parking lot. He is also concerned about the value of his property. Maybe this type of business is needed in the area but not at that location.

Marcia Westrate – 6827 Byron Center Ave. SW – commented she also has concerns regarding the property value.

No further public comments were made.

Chairman Gould declared the public hearing closed.

Gould stated it is hard to tell what this project will do to the property value of the homes.

Slot commented it will not hurt the value, if anything it will increase the value.

Schuitema made a comment saying if duplexes were built on those lots you could get up to 3 duplexes. Duplex are allowed there. Each duplex could have four or more cars. This would cause a lot more traffic issues seven day a week compared to people dropping off and picking up children five days a week. He would not mind something like this in his back yard.

Gould stated the fence height of 4' will need a variance as well as a 10' front yard set back off of Byron Center Ave.

Gritter asked what the hours of operation would be.

Dale responded by saying they would be 7:00am to 6:00pm Monday thru Friday.

Gould stated this could be approved subject to the approval of the Board of Appeals regarding the two variances.

The applicant stated if this property is not approved for rezoning he will not continue. If he can not put a child development center there the deal will be off.

Commission member Elenbaas was concerned that this request is not part of the master plan. This type of rezoning is spot rezoning. If we rezone this, what about the property to the south? Do we want to open the door for more? We have a master plan and we do have property in the Township that is zoned for office.

Slot commented this property will be developed.

Gritter stated he did not want to see a row of duplexes on this corridor.

After much discussion a motion was made by Gritter supported by Slot to recommend approval to the Township Board for the rezoning of the property located at 6816 & 6836 Byron Center Ave., subject to the Township Zoning Board of Appeals considering the two variances stated in the offer.

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

Land Use Variance – John & Carol Reynolds

Mr. Nix commented he is preparing a report for the November 21, 2005 meeting. No action is necessary at this time.

Miscellaneous

- ▶ Reader Board Zoning Amendment
A motion was made by Zeinstra supported by Gritter to hold a public hearing on the next regular meeting to be held on November 21, 2005.
- ▶ Required Landscape buffer in D-1 Industrial District
A motion was made by Zeinstra supported by Gritter to hold a public hearing on the next regular meeting to be held on November 21, 2005.
- ▶ Accessory Building Provisions (Dog House/Playhouse)
A motion was made by Zeinstra supported by Elenbaas to hold a public hearing on the next regular meeting to be held on November 21, 2005.
- ▶ Bike Paths - Larry Nix explained his report is not complete at this time and still is open to suggestions.
- ▶ Discussed were the procedure of the Township Attorney writing resolutions prior to the Planning Commission's discussion & decisions.

- ▶ Request from Exxel Engineering to amend the minutes from the September 19, 2005 regarding the hours of operation for the property located at 365 - 84th St. SW. A motion was made by Schuitema supported by Elenbaas to amend the minutes to reflect the hours of operation to change from 8:00am - 5:00pm to 7:00am-6:00pm.

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

- ▶ Community Opinion Survey – Mr. Nix does expect a high rate of return on these survey's.

Public Comments

Art Mc Donald - 8760 Burlingame Ave. SW - complained about the microphone system that the Township has. It does not work! He would like to hear what the commission members have to say. He sits in the front row and still can not hear anything. He also commented he would rather have had a day care center across the street from him instead of all the houses.

Thomas Williams - 8584 Eldora - also complained about the sound system. He suggested it was about time they spend money on lapel microphones.

Susan Panik – 7440 Navajo Valley – was asking about sidewalks for Flow-Rite. There are four places that do not have the sidewalks. She thought they were required.

Mr. Nix assured her he would check it out.

Tom – a resident of Byron Center who walks along 84th St. near McDonald stated the sidewalks are grown over and not maintained at all. Who would be in charged of taking care of these sidewalks.

Adjournment

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

Bernie Schuitema
Planning Commission Secretary