

BYRON TOWNSHIP PLANNING COMMISSION

February 20, 2006

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, February 20, 2006, 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, John Stone and Tim Slot. Also present were Township Attorney James Brown, Township Planner Larry Nix, Township Building Inspector Randy Zomerlei, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Seymour Gould.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Gritter that the minutes of the January 16, 2006 meeting be approved as written.

Yes - 7. No - 0. 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 – Van Singel Holdings LLC (Builders Village) – for final site development plan approval for property located at the southwest corner of Clyde Park Ave. & 84th St. SW

An application for the final site development plan for Builders Village 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 March 20, 2006 meeting.

Yes - 7. No - 0. Motion Carried.

Carlisle Crossings – Final PUD Site Plan approval (tabled at the January 16, 2006 meeting.)

A motion was made by Slot supported by Stone to remove this request for the final PUD Site Plan approval from the table for discussion.

Yes - 7. No - 0. Motion Carried.

Mr. Nix commented that the public hearing was held last month with the opportunity for public comments at that time. There were no public comments made at that meeting. Several items were missing. We have communicated with the applicant in an effort to present a complete submittal package. All items have been submitted and included in the draft resolution created by Township Attorney Jim Brown.

After some additional discussion a motion was made by Slot supported by Gritter to approve the final PUD Site Plan for Carlisle Crossings with all the streets throughout the development to be 24’.

Yes - 7. No - 0. Motion Carried.

Mr. Nix commented that the original PUD Site Plan rezoning resolution was approved in September by the Planning Commission and the Township Board with incorrect information. A correct resolution has been created and thus another public hearing is required.

Attorney Brown commented that a brief public hearing is required.

A motion was made by Elenbaas supported by Zeinstra to set a public hearing for the next regular meeting to be held on March 20, 2006 to amend the ordinance for Carlisle Crossings PUD.

Yes - 7. No - 0. Motion Carried.

Public Hearing - Spartan Stores Fuel DBA: Family Fare Quick Stop rezoning request for property located at 2285 – 84th St. SW from MFR Multi Family Residential to B-2 PUD General Business Planned Unit Development.

Chairman Gould declared the public hearing open for Carlisle Crossings. 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.

Darline Wethington was present on behalf of Spartan Stores Fuel DBA Family Fare Quick Stop. She stated they are requesting approval for this rezoning for the Family Fare Quick Stop with some changes made and some special features added. The

proposed building has been pushed back into the property away from 84th St., and side walks and park benches will be added for more relaxed atmosphere.

Mr. Nix reviewed his memorandum dated January 30, 2006 of which a copy is attached and made part of these minutes. Mr. Nix commented the request is to rezone 1 acre located along the north side of 84th St., generally west of Byron Creek Drive and south of the Family Fare shopping center, from MFR, Multi family residential to B-2 PUD, General Business Planned Unit Development. The proprietors of the subject property own the Family Fare to the north, which is zoned B-2 PUD, and desire to amend the subject property to that larger site. The proposal would be a major change to an existing PUD. He suggested the Planning Commission recommend approval of a major change to the PUD; the request to rezone 2285 – 84th Street from MFR to B-2 PUD; and the preliminary site development plan for Family Fare Quick Stop with the following conditions:

1. A note shall be added to the site plan explicitly specifying that Spartan Stores Fuel or a future land owner shall permit the future drive connection to occur to the west.
2. Cross-section and elevation drawings of the fence shall be submitted and approved.
3. For the overall benefit of this site and the adjacent retail center, the owner will need to resolve the location and placement of a common drive between the shopping center and the adjacent retail center owned by Rob Spica. Information should be submitted resolving this issue with the Final Site Development Plan.

Mr. Nix stated that he is currently working with the land owners to establish a meeting to resolve any issues regarding the common drive between the two commercial centers. Attorney Jim Brown has provided a draft resolution stating all the changes.

Chairman Gould opened the hearing to the public.

Daniel Prego – 8717 Ridgebluff Dr., stated he is an employee of Spartan Stores and he is pleased to see this Quick Stop come into the area. It is a convenient location for everyone.

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

Chairman Gould voiced his concern about the agreement between Rob Spica and the Maiers concerning the location and placement of the common drive between the shopping center and the adjacent retail mall owned by Rob Spica. This issue has to be resolved.

Mr. Nix stated the Township Attorney has included a statement in the draft resolution concerning this common drive.

Schuitema agreed that they have to get something that is legal & binding.

Attorney Brown commented what is needed would be a restrictive covenant recorded for the shared drive. This restrictive covenant remains with the property. In this situation we would need two separate covenants for each property owner involved with the shared drive. One would be for the Maiers and Macatawa Bank and one for the Maiers and Rob Spica. He stated by crafting these restrictive covenants it grants all right needed to complete the shared drive.

Zeinstra stated he really liked the overall plan. It will look nice and will add to the new downtown development area.

Gould agreed and added the applicant has been very cooperative with the Township and our addressing our concerns.

After some additional discussion a motion was made by Schuitema supported by Slot to recommend Township Board approval as per the covenants set forth by Township Attorney Jim Brown.

Yes - 7. No - 0. Motion Carried.

Public Hearing – Insurance Auto Auctions - request to amend the existing special land use to allow the public to attend auto auctions for the property located at 700 - 100th St. SW.

Chairman Gould declared the public hearing open for Insurance Auto Auctions. Bernie Schuitema read the public and affirmed that the notice was published once in the South Advance and mailed to all property owners within 300' of the proposed site.

H. James Telman was present on behalf of Insurance Auto Auctions. He commented that Mr. Mike Madden from the Chicago office and Mr. Mike Howdie were also present to answer any questions. Mr. Telman commented they are requesting to have permission to allow for weekly auctions to be held on Mondays and to allow the general public to attend the auto auctions. He presented pictures to the commission members of an auction he attended in January showing the parking lot and the number of cars parked in the lot. He also showed a picture of the auction wagon which is occupied by the auctioneer. This auction wagon has a loud speaker system which enables the people to hear the bids which are being taken. They have no intentions of making this system louder. Also they would like the time of the auction to be from 11:00a.m. - 3:00p.m. Previously it was from 10:00a.m. – 2:00p.m. This will not have a high intensity of use. There are only a few people who buy distressed cars as these are and take the time to fix them.

Chairman Gould opened the hearing to the public.

Cal DeVries - 830 – 100th St. SW stated he lives adjacent to the Auto Auction. He commented the drainage situation has greatly improved. He also stated his concern if there would be a need for additional parking. He also stated the

speaker system can be heard at his house but really doesn't have a problem with that, but asked that it would not be made louder.

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

Mr. Nix reviewed his memorandum dated February 2, 2006 of which a copy is attached and made part of these minutes. Mr. Nix stated the original and approval if this was predicted on the fact auctions were to be conducted no more than on a weekly basis and only attended by licensed auto dealers or licensed auto repair representatives. At that time public comments were raised concerning drainage, Sunday sales, fencing, landscaping. To date only limited concerns have been expressed to Township officials regarding this use since it opened.

Items discussed by the commission members were weekly auctions, location for dealer parking, pick up & delivery of the cars, traffic concerns, number of car to be auctioned off, auction hours and the loud speaker system that they are presently using.

Bernie Schuitema then read a letter which was received from Dorothy Roossien – who resides at 654 - 100th St. stating her opposition to allow the public to attend the auctions.

Gritter commented all the original restrictions are still in effect for this property. Yes this could add a little more traffic which will be once a week but it won't make that much difference. We have to decide if we want these auctions to be open to the public and the auction hours.

After some additional discussion a motion was made by Gritter supported by Elenbaas to amend the existing special land use with the following conditions:

1. Auction will be open to the general public.
2. Auction hours are to be 11:00a.m. – 3:00p.m. on Mondays
3. Pick up and delivery of autos are to be done within the fenced area only during normal business hours of 8:00a.m. – 5:00p.m.
4. The sound amplification equipment shall be used only during auctions and it shall be no louder than its current noise level.

Yes - 5. No - 2 (Slot & Zeinstra) Motion Carried.

Providence Lake Phase I – preliminary plat approval

Mr. Doug Stalsonburg of Exxel Engineering was present on behalf of Maclind Development. He stated in November of 2005 they were asked to take over this project from Lattitude Engineering. A few changes have been made. The boulevard from the 72nd St. entrance has been omitted. Also note that some of the lot sizes are slightly different than shown on the original PUD plan. Lots with frontage on Providence Lake

are deeper than shown on the original PUD plan. He stated the resolution prepared by Mr. Brown looks good but did question the 10' bike/walking path. If that was correct.

Mr. Nix reviewed his memorandum dated February 2, 2006 of which a copy is attached and made part of these minutes.

Gould did state that the applicant did agree to a 10' path.

After some additional discussion a motion was made by Schuitema supported by Stone to recommend the Township Board approve the Preliminary Plat for Providence Lake Phase I.

Yes - 7. No - 0. Motion Carried.

Amendment to the Zoning Ordinance – Changeable copy signs.

A motion was made by Zeinstra supported by Gould to remove this proposed amendment change to the Zoning Ordinance regarding changeable copy signs from the table for discussion.

Yes - 7. No - 0. Motion Carried.

Mr. Nix stated that Randy Zomerlei, Jim Brown and himself have worked hard to meet the intent of what we have already done and seek to achieve this for the community.

After some discussion a motion was made by Stone supported by Zeinstra to set the public hearing for the next regular meeting to be held on March 20, 2006.

Yes - 7. No - 0. Motion Carried.

Amendment to the Zoning Ordinance – Required landscape buffer in D-1 Industrial zoning district: location of certain off street parking areas.

A motion was made by Gritter supported by Elenbaas to remove this proposed amendment change from the table for discussion.

Yes - 7. No - 0. Motion Carried.

After some discussion a motion was made by Stone supported by Elenbaas to set the public hearing for the next regular meeting to be held on March 20, 2006.

Yes - 7. No - 0. Motion Carried.

Amendment to the Zoning Ordinance – Accessory building provisions.

A motion was made by Zeinstra supported by Stone to remove this proposed amendment

change from the table for discussion.

Yes - 7. No - 0. Motion Carried.

A motion was made by Stone supported by Zeinstra to set a public hearing for the next regular meeting to be held on March 20, 2006.

Yes - 7. No - 0. Motion Carried.

Miscellaneous

- **Sierrafield Condos Phase 5**

Mr. Nix commented they are proposing a minor change regarding the reduction of one unit. It was 83 now it is 82. The street pattern remains the same as well as the parking.

A motion was made by Zeinstra supported by Stone to grant the minor change to the PUD for Sierrafield Condo Phase 5,

Yes - 7. No - 0. Motion Carried.

Public Comments

No public comments were made.

Adjournment

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

Yes - 7. No - 0. Motion Carried

Bernie Schuitema
Planning Commission Secretary