

BYRON TOWNSHIP PLANNING COMMISSION
April 17, 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, April 17, 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 Jim Brown, Township Planner Larry Nix, Township Building Inspector Randy Zomerlei, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Jeff Gritter.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Stone that the minutes of the March 20, 2006 meeting be approved as corrected, removal of Zeinstra as being present. Yes - 6. No - 0. Abstained - 1. (Zeinstra absent from March meeting) Motion Carried.

The building inspectors report was received and placed on file.

SITE PLANS

A motion was made by Zeinstra supported by Stone that the following site plans be approved as per the Township Planner's conditions as stated:

Site Plan 06-05: Pioneer Steel (Wolverine Building) subject to the following conditions:

1. A new site plan shall be submitted indicating the proper building setbacks.
2. The curb cuts shall be reviewed and approved by the Kent County Road Commission.
3. Site drainage shall be reviewed and approved by the Kent County Drain Commission.
4. Site lighting shall be directed downward and not outward on the property, and the source of light shall not be visible from the public street.
5. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site plan.
6. Review and approval of sewer and water by the Township Engineer and the Sewer and Water Department.
7. A new landscape plan shall be prepared and submitted for review and approval by the Township Planner.

These items shall be submitted to the Township Building Department and approved

prior to the issuance of a building permit.

Site Plan 05-07: Best Block subject to the following condition:

1. Extension requested granted.
2. Submission of a landscape plan consistent with the provisions of Section 4.44 of the Township Ordinance.

Yes - 7. No - 0. Motion Carried.

To Set Public Hearing - Holiday Inn Express – Sudhir Modi requesting to amend the existing PUD and rezone lot 13 from D-1 Industrial to B-3 Interchange Business PUD for property located at 6565 Clay Ave.

An application for Holiday Inn Express to amend the existing PUD and to rezone lot 13 from D-1 Industrial to B-3 Interchange Business PUD 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 May 15, 2006.

Yes - 7. No - 0. Motion Carried.

To Set Public Hearing – Exxel Engineering requesting a major change to expand the PUD for Providence Lake and a rezoning request to rezone property from R-S Suburban Residential to MFR PUD Multi Family Residential Planned Unit Development (Providence Landing) for property located at 6922 Burlingame Ave. & part of 7330 Burlingame Ave. SW

An application for Exxel Engineering requesting a major change to expand the PUD and a rezoning request was reviewed.

A motion was made by Zeinstra supported by Schuitema to set a public hearing for the next regular meeting to be held on May 15, 2006.

Yes - 7. No - 0. Motion Carried.

Public Hearing – Spartan Stores Fuel DBA: Family Fare Quick Stop request approval of the PUD Final Site Development Plan for the property located at 2285 - 84th SW.

Chairman Gould declared the public hearing open for Spartan Stores. 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 Montgomery project manager for the fuel business for Spartan Stores was present to explain his request for the PUD Final Site Development Plan approval.

Mr. Nix reviewed his memorandum dated April 6, 2006 of which a copy is attached and made part of these minutes.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould closed the public portion of the meeting.

Slot commented if this Final Site Development Plan is approved we must be assured that nothing moves forward until the planner's conditions have been met.

It was noted that a copy of the signed agreement between Mr. Spica and Mr. Maier was available for review.

After much discussion a motion was made by Schuitema supported by Stone to approved the Final Site Development Plan for the Family Fare Quick Stop per the Township Planners conditions and Mr. Browns comments.

Yes - 7. No - 0. Motion Carried.

Miscellaneous

*** Providence Lake**

Mr. Nix commented that some complaints have been received regarding the sand pile located on the east side of the Providence Lake development. When acting on those complaints it is obvious that according to the original site plan the sand pile is in the wrong location. It is clear that they are in violation of their original special use site plan. The area of sand is 45' to 50' tall and is at the property line of the Sierrafield Condos.

Doug Stalsonburg from Exxel Engineering was present and stated he became aware of these problems when he went to the Township Board for step II Plat approval. At that meeting his request was tabled and it was suggested that he meet with Larry Nix. The main issue is the sand pile. 75,000 yards of sand are needed for this site project and this had to be set aside for the future phases. The original place to stock pile the sand didn't make sense as stated by Mr. Stalsonburg. It had to be placed at a location out of the way tucked in a corner for further use. Exxel took this project over from another engineering company. Nobody is proud of what happened, but it happened. To avoid blowing sand a snow fence has been installed as well as a silt fence at the crest of the hill. They are not sure how effective this will be but it is a good first step. He also commented there are some contractor's interested in purchasing some of the sand. Dan Valley Excavating is interested for the Carlisle Crossings project. But they would be hauling sand as they need it which will probably be in a couple of weeks. Mr. Stalsonburg also stated that a letter will be sent out to the neighbors as to what will be

going on to solve this problem. It is an unfortunate situation. But we also have to look on the positive side. They did do all the complete earth work in a short time. Oetman Contractors have purchased 10,000 yards of sand which is located on the parking lot. That pile is almost gone. And they voiced their desire to purchase more. Sierrafield Phase 4 have hauled 35,000 yards of sand off the site. Consider the size of the project and only receiving two or three complaints is not very many. He commented he is very please with the progress this far. We have to look at the bright spots of the project.

Slot asked if the developer was present.

Doug stated he was not. He thought it was for the best interest of everyone that he did not attend.

Schuitema commented the sand pile is huge. It can not stay there all summer.

Stone stated the top soil pile located in the northeast corner of the property is also in the wrong location. The designated location was on the south end. This also has to be addressed. A proposed second entrance on the north side of the project will generate complaints because of the dust.

Stalsonburg commented that the original location that was approved for this stock pile was a poorly conceived location in the middle of Phase 2.

Chairman Gould excused himself from the meeting due to personal reasons. (8:50p.m.)

Vice Chairman Zeinstra took over position.

Additional items discussed by the commission members were, the entrance located on the north part of the project should be eliminate, reasonable time table to remove the sand pile, the option to use the letter of credit, bond, or cash to hire a contractor to remove the pile, the berm they agreed to be planted on the east side of the project prior to mining on the property, and reasonable deadlines to have the pile removed, and seeding the top soil pile for dust control.

After additional discussion a motion was made by Slot supported by Schuitema to recommend that the Township Board require that the top soil pile on the north east corner of the project be seeded by Friday, April 21, 2006, the large sand pile located on the east property line adjacent to the Sierrafield condos is to be moved to the approved location or removed off site and the pile must be reduced by 50% by June 1, 2006 and the remaining 50% by July 1, 2006.

Yes - 6. No - 0. Absent - 1 (Gould) Motion Carried.

Public Comments

No public comments were made.

Adjournment

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

Bernie Schuitema
Planning Commission Secretary