

BYRON TOWNSHIP PLANNING COMMISSION
May 15, 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, May 15, 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, Brian Wegener from Williams & Works, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Tim Slot.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Zeinstra that the minutes of the April 17, 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 - WLC Company LLC – special use request for approval to build a 195’ wireless telecommunications monopole for proerty located at 3741 - 64th St. SW.

Chairman Gould commented the applicant has requested to have this request postponed to a later date.

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

Chairman Gould declared the public hearing open for Holiday Inn Express. 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.

Doug Stalsonburg from Exxel Engineering was present to explain the request. He stated the final site plan for Holiday Inn and the free standing restaurant was approved

in 2003. Since that time Holiday Inn has purchased .35 acres to the north from MDOT. This property to the north will be used to expand the hotel to the north by 36' with a one story addition. This .35 acres could stay in the D-1 zoning but felt it best to include the additional .35 acre. The proposed parking area on Lot 13 is zoned D-1. They would like to rezone the D-1 area to B-3 PUD and add it to the existing B-3 PUD. There is a 10% deviation on the parking. We are required to have 265 parking spaces, but the plans only show 239 spaces. Also the building footprint for the approved restaurant at the south part of the site has been downsized to 6,000 sq ft. The signage they are requesting for the east and west sides of the restaurant building have been reduced to 50 sq ft.

Brian Wegener from Williams & Works was present on behalf of Township Planner Larry Nix. Brian stated the applicant Sudhir Modi has submitted an application to make a major modification to an approved Planned Unit Development. The subject property is lot 10, 11 and 12 of the Byron Plaza plat located along the west side of Clay Avenue, north of 68th St. and south of M-6. The applicant is proposing to expand the hotel to the north by 36 feet with a one story addition and a 6,600 sq ft. addition on the hotel south wall for a conference/banquet facility. The approved restaurant at the south end of the site has been downsized to 6,000 sq ft., in area. The hotel and the proposed restaurant facility is situated within the B-3 PUD zoning district. The proposed parking area on Lot 13 is zoned D-1. The applicant desires to rezone this D-1 area to B-3 PUD and add it to the existing B-3 PUD. This is consistent with the planning for the area. The parking lot area for the hotel will be served by the existing curb cuts. A new curb is proposed at the south end of the property that will need to be approved by the Kent County Road Commission. Parking spaces are requested to be less than required by calculating the demand on an individual use. Due to the overlap of usage, hotel and convention/banquet facility there is logic to reduce the required number of parking spaces. The reduction of 27 parking spaces makes sense. The applicant is requesting the Planning Commission to modify the requirements under the provision of Section 15.4 which allows limited flexibility for PUD's. No new signage is proposed associated with the hotel use and the proposed expansions. We do note the restaurant is proposing two 80 square foot wall sign on the west and east face of the restaurant building. Ordinance permits a wall sign to be up to 15% of the wall surface area not to exceed 50 square feet in size. We are suggesting the wall sign on the east side of the building not exceed the ordinance requirement and the sign facing the expressway be permitted to be up to 80 sq ft in area. Based on the comments made and for the following reasons and conditions we suggest the Planning Commission recommend approval of the rezoning of Lot 13 from D-1 Industrial to B-3 PUD and recommend approval of the amended Holiday Inn B-3 PUD as presented in the April 20, 2006 plan submitted by Exxel Engineering.

1. The proposed rezoning is consistent with the development pattern in the area.
2. The proposed rezoning is a logical extension of the existing PUD adjacent.
3. The wall sign on the east side of the proposed restaurant shall meet the B-3 Ordinance requirements.
4. The wall sign on the west side of the proposed restaurant be permitted to be up to 80 square feet in area as per Section 15.4 of the Zoning Ordinance.
5. The number of parking spaces is reduced to 239 as proposed on the amended

Plan dated April 20, 2006 as per Section 15.4 of the Zoning Ordinance.

6. The proposed PUD meets the standard for zoning approval as stated in Section 15.7 (a & e) of the Zoning Ordinance.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould closed the public portion of the meeting.

Items discussed by the Planning Commission were parking spaces which they were in agreement will not be an issue and the proposed signage and what is allowed.

Zeinstra commented the project as a whole is a nice project and sees no problem with it.

After some additional discussion a motion was made by Slot supported by Schuitema to recommend Township Board approval to amend the existing PUD and to approve the rezoning of lot13 from D-1 Industrial to B-3 Interchange Business PUD for the Holiday Inn Express with the conditions as per the Township Planners recommendations and the reduction of the required parking spaces.

Yes - 7. No - 0. Motion Carried.

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. SW and part of 7330 Burlingame Ave. SW

Chairman Gould commented that the Planning Commission and the Township Board are aware that this project is in major violation to their site plan. The issues with the help of the Township Engineer are being acted upon. The public hearing tonight is not addressing these violations. Please if you have any comments tonight do not include comments concerning the violations or any complaints. The violations are being worked on and the Township is watching them very close.

Chairman Gould declared the public hearing open for Providence Landing rezoning and for the major change to expand the PUD for Providence Lake. 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.

Doug Stalsonburg was present to explain the request. He stated Doug Wanroy and Jim Ogg were present as well to answer questions. Going back to June of 2005 the preliminary PUD was approved but with concerns with the Goose Creek sewer main the property north of Goose Creek was withdrawn from the plan. The Township Board approved the PUD in July of 2005, and in August of 2005 came back to the Planning

Commission for final PUD approval. Tonight they are requesting to make a major change to the property south of Goose Creek to add 3 lots which all meet the minimum lot sizes and square footage. We are asking for a positive recommendation to the Township Board for approval to amend 3 lots south of Goose Creek and the rezoning request for the 21 acres north of Goose Creek. They are proposing 64 duplex condo units with the building design being very unique. The garages are set back from the condo, getting away from the garage door look when riding past. Two stall garages separate units for privacy. By having the garages set back allows for a longer driveway for additional parking. The plan has no additional parking spaces. The setback requirements in an MFR are 50' front yard and we are asking for 14', the side yard setback is 25' we are seeking 20' and the rear is 50' we are asking for a setback of 40'. These requested setbacks are consistent with other condo developments in the Township. Doug commented that the revised plans were hand delivered to all the commission members on Friday showing some last minute changes. Doug explained the signs that are proposed. The 4.85 acres that was included in the legal description is not part of the PUD. With this the density has changed from 2 ½ units per acre to a little over 3 units per acre. Doug then gave a brief status report on the project stating that the berm has been planted, the lake is filling with water, the dewatering pumps have been turned off and the water table is coming back, and they hope to have a paved street in Phase I soon.

Brian Wegener then reviewed the memorandum and raised several issues concerning the building elevations and rear load garages. Brian felt since this was brought to his office on Friday and due to personal reasons of Planner Nix, he has not had a chance to look over the revisions and feels this should be tabled until he can review the changes and write his report.

Chairman Gould opened the hearing to the public.

John Stuiwe – 7041 Baltic was wondering how many homes will be located south of Goose Creek and the number of proposed condo units for the property north of Goose Creek.

Doug Stalsonburg commented there will be 138 single family homes and 32 duplex condos equaling 64 condo units.

Mike Trovato – 1667 Lisa asked what ever happened to the original rezoning to build this project.

Ted Conrad – 1450 Bogey questioned the type of berm that the plan was showing. He also asked if the density changes with MFR zoning.

Chairman Gould commented that by rezoning this to MFR it allows these condos to be built there.

Tim Wiest – 2030 - 76th St. SW is concerned about the type of street lighting that will

be used.

Kathy Roerig – 1481 Bogey asked what the acreage size was and if it included the 4.85 acres that belong to the Byron Hills Condo Association. She also stated her concern about the water problems and the fact that they are losing a lot of the wild life. Also she thought there was a problem with the Goose Creek Sanitary Sewer and if this development was included in their study.

Chairman Gould stated that the 4.85 acres is part of Byron Hills green space. Also concerning the capacity of the Goose Creek Sanitary Sewer the Township Engineer has assured us that what is proposed tonight the Goose Creek sewer can handle.

Barb Wenzler – 1482 Bogey questioned the type of berm, the pond situation and if the level of the pond will be maintained. She also is concerned about the wildlife.

William Tuinstra – 7583 Sierrafield Dr., he also had the concern about the Goose Creek sewer but that issue has been discussed another concern he had is that the plan does not show any visitor parking, and if parking would be allowed on the street. He also asked if any of these units would be used for rental purposes. He also commented on the sub-street that runs dead on the far south end of Providence Lake. If this street would ever go out onto 76th St.?

Gene Van Stedum – 1490 Bogey – asked what the square footage and the price range of the condos would be.

Roger Haight – 1748 Lisa Dr. – was wondering if Burlingame Ave. is going to be widened in the future.

Marilyn Armstrong – 1754 Lisa - commented that there is a pond behind her condo and with all these other ponds proposed will the water level be lower.

Mary Keil – 1727 Lisa – stated her concern about the width of Burlingame Ave. A wider road is needed and if a bike/walking path proposed.

John Carlson – 7405 Cactus Cove – commented that the word “major” on the notice is a dangerous word. It sounds like a really big change! He felt this developer has been less than honest with everything. Why didn’t we stick with the original plan, and why do they keep trying to change it.

No further public comments were made.

Chairman Gould closed the public hearing to the public.

Commission member Zeinstra asked that Mr. Stalsonburg to address the questions about the proposed berm.

Mr. Stalsonburg stated there will be a landscape berm around the development, but

keep in mind that we have to come back to the Planning Commission for final PUD approval. At that time we will come back with a complete landscaping plan for approval.

Slot asked how many bedrooms each unit would have?

Doug responded by saying each unit could have up to 4 bedrooms. There will be four daylight units and the rest will be walkouts.

Zeinstra asked about the square footage of each unit and price range.

Doug said the main floor will have 1132 sq ft., a finished basement of approximately 600 sq ft., and a loft area of 632 sq ft. The price will range from \$230,000.00 \$350,000.00 and no units will be rented out.

Stone asked how deep the pond will be north of Goose Creek.

Doug replied that it would be at least 12' deep.

Doug Stalsonburg then asked permission to address some of the issues that were raised by the public.

1. The lighting that will be used will be shown on the final site plan when we come back for that approval.
2. Question regarding the amount of acreage – there is 95 acres south of the Goose Creek drain and 21.4 acres north of Goose Creek drain. This 21.4 acres does not include the 4.8 acre parcel in question.
3. Regarding the original plan – the first plan had 85 single unit homes now the plan is proposing 64 units which is significantly less than the original plan.
4. Loss of wildlife – with the addition of the ponds this wildlife will come back.
5. No visitor parking available – with the design of the condo units the driveways are a lot longer in fact can easily park 4 cars on the drive. There will be no need to park on the street.
6. The emergency connection within the project will be gated and the Fire Department will probably hold the key to that emergency connection.
7. The concern about the dead end street on Amesbury Street – this will be for future development and depending how this 10 acres will be laid out and developed it is possible the street would go out onto 76th St.
8. Burlingame has been widened from 76th St. to 72nd already and the Kent County Road Commission is looking into widening up to 68th St. yet this year.
9. Due to dewatering the water levels will go down. It will be leveling off now that the dewatering pumps have been shut off.
10. The term “major change” does not have to scare you. With a major change it has to go to the Planning Commission for consideration. A minor change can be taken care of administratively.
11. The original plan shows rear load garages but that has changed, now the garages will be in the front.

12. Signs proposed – there will be one at the 72nd St. entrance and one further south on Autumn Valley Dr. the boulevard island at Providence Landing will have a two sided sign.

Commission member Jeff Gritter commented on the water table concern. He does agree when a dewatering process is going on the water table will go down. But generally it will level off when dewatering is completed. He also felt the wildlife in that area will be enhanced with the additional ponds.

After some additional discussion it was the consensus of the commission members that Township Planner Larry Nix should be given the opportunity to look at the revised plans and be able to write his report.

A motion was made by Elenbaas supported by Schuitema to table this request until the next regular meeting to be held on June 19, 2006, which will give Larry Nix time to review the revised plan and given the opportunity to write his report.

Yes - 7. No - 0. Motion Carried.

Byron Lakes Estates East No. 2 – tentative preliminary plat approval

Doug Stalsonburg from Exxel Engineering was present to explain his request. He stated that due to the housing market they are asking to change the next phase of Byron Lakes Estate East No. 2 to 16 lots instead of the original 40 lots.

Brian Wegener reviewed the memorandum dated May 4, 2006 stating all the proposed lots exceed the width requirement of the RU District. All lots are in excess of 90 feet in width and most 95 feet in width. The plan submitted indicates sidewalks will be constructed as per the ordinance. To clarify this point, sidewalks will be required adjacent to Byron Shores Drive. The Zoning Ordinance requires one canopy tree to be planted per dwelling unit in a subdivision development. (Section 4.44 (6)). A note to this effect should be placed on the preliminary plat prior to submission to the Township Board for approval consideration.

We recommend that the Planning Commission give a positive recommendation for approval with the following conditions:

1. Sidewalks are required as per the subdivision ordinance.
2. The Kent County Drain office shall approve drainage.
3. The applicant will address the comments of the Township Engineer during Step 2 phase of the preliminary plat.
4. Street trees shall be planted as required by Section 4.55 (6) of the Zoning Ordinance.

After some additional discussion a motion was made by Schuitema supported by Slot to recommend the Township Board approve the tentative preliminary plat for Byron Lakes Estate East Phase No.2 as per the conditions per the Township Planner and to adopt

the resolution per the Township Lawyer.

Yes - 7. No - 0. Motion Carried.

Miscellaneous

- **Attorney Jim Brown** explained the Michigan Zoning Enabling Act which is an important change in Michigan zoning law. On April 7, 2006, Governor Granholm signed Public Act 110 of 2006, know as the Michigan Zoning Enabling Act. The Act repeals the Township Zoning Act, the City and Village Zoning Ace and the County Zoning Act, and replaces them with a single zoning enabling act that applies to all municipalities. The Act takes effect on July 1, 2006. Since this is a change to our Ordinance a public hearing must be held. This is a recommendation to the Township Board for approval.

After some discussion a motion was made by Stone supported by Slot to set a public hearing for the next regular meeting to be held on June 19, 2006.

Yes - 7. No - 0. Motion Carried.

- **Ron Quakalaar** was asking if the Township would allow for a veterinary clinic to be located in a D-1 Industrial zone. Attorney Brown commented we could do a conditional zoning or amend the list of Special Land Use to include a veterinary clinic. A public hearing is necessary to make this change.

After some additional discussion a motion was made by Slot supported by Elenbaas to set a public hearing for the next regular meeting to be held on June 19, 2006.

Yes - 7. No - 0. Motion Carried.

Public Comments

Tim Wiest – 2030 - 76th St., - would like someone to check the lighting at Stations Edge. They shine out and not down. He thought a shoe box type lighting was approved. Chairman Gould suggested the Building Inspector check out what type of lighting was approved for this project.

Adjournment

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

Yes - 7. No - 0. Motion Carried

Bernie Schuitema
Planning Commission Secretary