

**BYRON TOWNSHIP PLANNING COMMISSION**  
**September 18, 2006**  
**MINUTES**

**ADJUSTMENTS MADE**  
**NOT APPROVED**

**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 18, 2006, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Seymour Gould, Dutch Zeinstra, Bernie Schuitema, Jeff Gritter, Carroll Elenbaas. Absent: John Stone and Tim Slot. Also present were Township Attorney Jim Brown, Township Planner Larry Nix, 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 Elenbaas that the minutes of the August 21, 2006 meeting be approved as written.

Yes - 5. No - 0. Absent - 2. Motion Carried.

**PUBLIC COMMENTS**

**Judy Johnson – 2331 Pleasant Pond Dr. SW** – was present to voice her concern on the possible master plan change to the southeast corner of Byron Center Ave. and 64<sup>th</sup> St. She asked that the Planning Commission keep that corner for single family homes only.

Chairman Gould asked if there were a lot of people present at the meeting with the same concerns regarding the corner of 64<sup>th</sup> & Byron Center Ave. Many raised their hands. Chairman Gould then asked Planner Larry Nix to explain the process of the proposed Master Plan. He assured everyone that a public hearing will be held and no changes can or will be made without that public hearing. This public hearing is tentatively scheduled for November 8, 2006. The draft plan may be changed based on the public comments.

Addition comments made from the public were concerns that no apartments would be allowed on the corner of 64<sup>th</sup> & Byron Center Ave., if anything is proposed for the southwest corner of 64<sup>th</sup> & Byron Center Ave., as well as the northwest corner. The owner of the home located on the southwest corner stated that they moved there 22 years ago and there were homes on all three corners. They never envisioned all this development. In other words their home is no longer a country home. You can not stop progress and she is aware of that. In reality if they wanted to sell their home now it

would not be used as a residential home. With all the added traffic, noise etc., no one would care to make their home on the corner. She felt to have it rezoned would be a benefit.

### **BUILDING INSPECTOR REPORT**

The building inspectors report was received and placed on file.

### **SITE PLANS**

A motion was made by Schuitema supported by Elenbaas that the following site plan be approved as presented and per the Township Planners recommendation.

**Site Plan 06-11: Byron-Gaines High Pressure District Pump Station** as presented.

Yes - 5. No - 0. Absent - 2. Motion Carried.

A motion was made by Gritter supported by Zeinstra that the following site plan be approved subject to the following conditions:

**Site Plan 06-12: United Bank**

1. All parking spaces shall be 20' in length.
2. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site plan.
3. Signage shall comply with Section 17.4 (b).
4. Light poles shall be up to 20' in height.
5. An underground irrigation system shall be installed.
6. Plantings shall meet the requirements of Section 4.44 (5) (c).
7. Provide a letter to the Township accepting the idea of a cross access easement with the adjacent property owner to the north when the property owner is receptive to the idea.

Yes - 5. No - 0. Absent - 2. Motion Carried.

A motion was made by Gritter supported by Schuitema that the following site plan be approved subject to the following conditions:

**Site Plan 06-13: Terrytown/Prescott MHP (Riebel Development)**

1. Travel trailer units may only be parked or stored on the existing concrete pads.
2. Said units shall not be connected to water or sewer facilities.
3. Said units shall not be used for temporary or permanent lodging purposes.
4. A vinyl privacy fence shall be constructed along Wallasey Drive and along the western border of the proposed leased area. There will be 2 gates installed at the intersection of Margate Drive and Wallasey Drive.
5. The owner of the property shall apply for rezoning at the end of the lease period as indicated in the letter from Riebel Development Corporation or the site plan becomes null and void. Applicant must come back to the Planning Commission for this request by January 1, 2012.

Yes - 5. No - 0. Absent - 2. Motion Carried.

**To Set Public Hearing – First Companies/Pfeiffer Farms Parcel H – request to amend the B-3 PUD to B-2 PUD for the property located at 365 – 84<sup>th</sup> St. SW**

An application for First Companies regarding the change to amend the B-3 PUD request was reviewed.

A motion was made by Elenbaas supported by Zeinstra to set a public hearing for the next regular meeting to be held on October 16, 2006.

Yes - 5. No - 0. Absent - 2. Motion Carried.

**To Set Public Hearing - Curtis Outdoor Advertising - request to amend the approved PUD for Holland Home Hospice to allow a location for a billboard for the property located at 8250 Pfeiffer Farms Dr.**

An application for Curtis Outdoor Advertising 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 16, 2006.

Yes - 5. No - 0. Absent - 2. Motion Carried.

**To Set Public Hearing - Park West Development on behalf of Marlo Farms - for final PUD Site Development approval for the property located at 1778 - 84<sup>th</sup> St. SW.**

An application for Park West Development 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 16, 2006.

Yes - 5. No - 0. Absent - 2. Motion Carried.

**Public Hearing – Trinity Development – to rezone Phase III of Cooperfield Development from R-U Urban Residential to R-U Urban Residential Planned Unit Development for the property located at 8110 Burlingame Ave. SW.**

Chairman Gould declared the public hearing open for Trinity Development. 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.

Rob Berends from Exxel Engineering was present to explain why they are requesting to rezone Phase III of Cooperfield Development. He stated that he received Mr. Nix's memorandum and met with Larry to discuss the proposed changes. As a result of that

meeting some changes have been made. Where it is possible all of the front yard setbacks have been expanded. None of the proposed units are placed in such a manner as to infringe upon the regulated wetlands. This site is very similar to their Oakleigh Woods site located in Grand Rapids and no issues with the DEQ as to the location of the units and the protection of the wetland. They will work with the DEQ to insure that the wetlands are protected. The internal site plan has had substantial changes. Unit 10 is not in the wetlands as the plan shows. All of the setbacks have been increased. The units have been placed on the site in a manner that makes better use of the property and adds interest to the proposed living environment. Also sidewalks have been included for the entire PUD site and Roger Sabine from the Kent County Parks Department has approved a pedestrian walkway to connect into the Douglas Walker Park walkway. This trail will be located between units 9 & 10. Wetland boundary signs will need to be posted as required by the DEQ.

Larry Nix reviewed his memorandum dated September 6, 2006 of which a copy is attached and made part of these minutes. Larry commented it was his concern of the house being located so close to the wetlands but this has been adjusted and they will be at least 12' away. Lots 2, 3, 4, 10 & 16 will have frontyard setbacks of 20' due to the location of the wetlands. Lot 11 will have a 25' setback, lots 12 & 13 will have 30' setback and all other lots will have the 35' frontyard setback. He suggested that the Planning Commission recommend Township Board approval of the request to rezone the site from R-U district to R-U PUD with the following conditions:

1. Front yard setbacks shall be as noted above.
2. The applicant shall confirm Kent County Parks Department approval of the walkway locations.
3. A master deed and bylaws document shall be submitted for Township review.

Chairman Gould opened the hearing to the public.

No public comments were made.

Chairman Gould closed the public portion of the meeting.

It was commented by Mr. Schuitema that he did not like the setbacks on some of the lots along with this causing a cluster housing effect. We has a planning commission are asking to make adjustments to the lot lines & setbacks so that they can build these condos. Another big concern is the wetlands near lots 1, 2, 3, and 4.

After some additional discussion a motion was made by Elenbaas supported by Gritter to recommend Township Board approval with the conditions has stated by the Township Planner.

Yes - 3. No - 2. (Zeinstra & Schuitema) Absent - 2.  
Motion Carried.

**Public Hearing – W.L. Perry Associates on behalf of Byron Center United Methodist Church – special use request to construct a recreation center for the property located at 8733 Homerich Ave. SW**

Chairman Gould declared the public hearing open for Byron Center United Methodist 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' of the proposed site.

Mr. Roger Lamer from W.L. Perry was present to explain the special use request. He stated they are proposing to construct an activity center on Homerich Ave., designed to accommodate after school events and activities for latch key kids. Facilities proposed include a computer room, training room, volley ball courts, a stage, a banquet facility and wedding receptions, etc. The proposed concession stand will be built in the future but not at this time. The building will meet all setback requirements when it is built.

The church plans on keeping the church at its present location and use this only for an activity center. The building will not exceed 35' in height and the sign will meet the Township Ordinance for signage.

Mr. Nix reviewed his memorandum dated September 6, 2006 of which a copy is attached and made part of these minutes. Mr. Nix commented a special Water/Sewer committee meeting was held this morning concerning the request for public sanitary sewer for the proposed Methodist recreation facility. At that meeting the request from W.L. Perry to have access to public sanitary sewer was denied. This is a major factor in the final design of this project. They will need a well & septic system installed on the site which is not shown on the proposed plan. In reviewing the plan submitted there are many issues that must be clarified. The following items should be considered by the applicant to include:

1. Building height and building materials; as well as height for various structures.
2. Sidewalks or posting of a letter of credit as required by the Planning Commission.
3. Signage details.
4. Pavement of the parking area.
5. Lighting details.
6. Width of parking area maneuvering lanes.
7. A 8' tall evergreen buffer.
8. Encroachment of the southern curb cut onto a neighboring property.
9. Adjustment of the toilets and concessions building.

After some additional discussion a motion was made Zeinstra supported by Elenbaas to table this request until a later date and after an acceptable site plan has been received.

Yes - 5. No - 0. Absent - 2. Motion Carried.

## **Maclind Development – renew special use permit**

Larry Nix disturbed a letter to the planning commission members from Exxel Engineering dated August 23, 2006.

Doug Stalstonberg from Exxel Engineering stated he is seeking to renew the special use permit for Providence Lake. Even though the majority of the stockpile is for use on-site, there may be some minor removal of sand from the site in the coming year. Based on this he is requesting the Planning Commission grant the one year extension of the special use.

A motion was made by Schuitema supported by Gritter to approve the renewal of the special use permit including all previous conditions as noted in the resolution approving the original special use.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Doug also requested permission to change or have the option regarding the haul route to go north on Burlingame to 68<sup>th</sup> St. As stated in the resolution that all resource material removed from the site shall be removed by means of trucks using Burlingame Ave., traveling south to 76<sup>th</sup> St. It was his understanding this was required by the Kent County Road Commission likely because of the poor condition of Burlingame Ave. Now that the majority of Burlingame Avenue between 72<sup>nd</sup> & 68<sup>th</sup> Streets is being constructed this year traveling to the north is more desirable and a direct route to M-6 or US131 and will pass less residential homes. The Kent County Road Commission has no objection to the truck traffic traveling north on Burlingame. He stated he is requesting this condition of the special use be reconsidered and amended.

Township Attorney Jim Brown asked if this would be considered a minor or major change. If it is a major change another public hearing would have to be held.

Larry Nix suggested it would be a minor change. There have been no complaints about any traffic issues. Most of the hauling is complete.

After much discussion a motion was made by Elenbaas supported by Gritter to amend Item 8 (c) of the approved resolution to add the option of the truck routing to go north on Burlingame Ave., as well as south on Burlingame Ave., with proof from the Kent County Road Commission agreeing to this change. Also the removal of the top soil stock pile located at Providence Landing must be removed by September 18, 2007.

Yes - 5. No - 0. Absent - 2. Motion Carried.

Doug Stalstonberg also needed a clarification on Section 9b of the approved resolution. It states “there shall be no sand or gravel processing operations or processing equipment on the site.” Because of the excessive thickness of topsoil on site and the excavation of the lake an abundance of topsoil has been created. The topsoil is high quality but has enough

foreign material such as roots, irrigation piping, wires, golf balls, etc to discourage potential buyers from purchasing this topsoil unless screened. This would create a very saleable commodity once processed. His interpretation of the resolution is that Section 9 (b) does not pertain to topsoil, only gravel or sand. The developers are requesting concurrence from the Planning Commission before they proceed with marketing the topsoil for sale.

He commented they would like to but screening equipment on the property to screen the top soil before it is taken off the site.

After much discussion it was decided a public hearing would have to be held for this approval.

Doug also asked about the approved PUD concerning the 10' wide bike path. He asked about the master plan for sidewalk in that area and he really does not want to see a 10' wide bike path connect to a 5' concrete sidewalk. It was noted the bike path subcommittee May have a recommendation at the October meeting.

### **Miscellaneous**

- **Day Care Centers**

Mr. Nix handed out his report to the Planning Commission members concerning Day Care Centers. A copy of that report is attached and made part of these minutes. This will be discussed at a later date.

- **Macatawa Bank**

Due to the grading done for Macatawa Bank the available parking spaces have been reduced from 304 spaces down to 277. It was the consensus of the Planning Commission that this would be a minor change.

- **Master Plan Public Hearing**

It was decided to set November 8, 2006 to hold the public hearing for the proposed Master Plan. It was also decided to find an alternative location due to the large number of concerned residents anticipated.

### **Adjournment**

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

Yes - 5. No - 0. Absent - 2. Motion Carried

NOT APPROVED

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Bernie Schuitema  
Planning Commission Secretary