

BYRON TOWNSHIP PLANNING COMMISSION

November 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, November 20, 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, and Tim Slot. Absent: John Stone. Also present were Township Attorney Jim Brown, Township Planner Larry Nix, 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 Zeinstra that the minutes of the following meetings be approved as written:

- October 16, 2006 regular Planning Commission meeting
- October 24, 2006 special Work Session meeting
- October 25, 2006 Special Meeting
- November 8, 2006 Master Plan Public Hearing

Yes - 5. No - 0. Abstained - 1 (Slot) Absent - 1 (Stone) Motion Carried.

PUBLIC COMMENTS

No public comments were made.

BUILDING INSPECTOR REPORT

The building inspectors report was received and placed on file.

SITE PLANS

No site plans were submitted for consideration.

To Set Public Hearing - Holiday Inn Express - final Site Development plan approval for the property located at 6569 Clay Ave. SW

An application for Sudhir Modi (Holiday Inn Express) 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 December 18, 2006.

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

W. L. Perry & Associates - Byron Center United Methodist Church for a special use request to construct a recreation center for the property located at 8733 Homerich Ave. SW. (tabled at the September 18, 2006)

A motion was made by Slot supported by Gritter to remove the special use request for Byron Center United Methodist Church from the table for discussion.

Larry Nix gave a brief background report stating the subject property involves 27 acres along the west side of Homerich Avenue between 84th Street and 92nd Street, generally across from the West Middle School. The zoning for this property is R-A Rural Agricultural. This facility would be used by the church for recreation purposes. The proposed improvements include a 20,915 sq ft. building, tennis courts, volleyball courts, soccer fields, basketball courts, a skate park, playgrounds, a softball diamond, an amphitheater, restrooms and concessions buildings. Most of these amenities are designated on the site plan as future improvements. Phase one would include the principle building and a portion of the parking area. Larry then explained some of the modifications that were made for consideration such as signage, parking, and landscaping, and the issues with the water and sewer. Also a concern is the 8' wide wood chip walking and jogging path which is noted on the site plan but is not illustrated on the plan. The applicant should clarify the location and connections of the path. The site plan has been amended to correct elements which did not comply with the ordinance and the Water and Sewer Committee has approved a septic system for the use. Upon clarification of the proposed 8' wide pathway he recommend approval of the special use application as it meets the standards of Section 18.4 (3), subject to the posting of a letter of credit in lieu of sidewalk construction along Homerich Avenue, and posting of a letter of credit for the cost to prepare and pave the parking area. A copy of planning report is attached and made part of these minutes.

Mr. Roger Lamer from W.L. Perry was present to answer any questions of the commission members. He did explain where the jogging path would be located.

Chairman Gould reminded the commission members that this will be our decision.

Gritter asked if the amphitheater and the storage garage would be included in the first phase.

Mr. Lamer responded by saying the storage building would be included in the first phase so they can store some of the equipment they will be using. The soccer fields and the volleyball courts will probably be included in the first phase. The amphitheater will be done at a much latter date.

Commission member Zeinstra asked if there is a date set for completion.

Mr. Lamer commented phase one would be completed in one to two years, but the entire project would depend on donations and funding. Up to 10 years may be realistic. It is hard to determine with a project like this.

Elenbaas asked about the banquet room as to just exactly how it would be used.

Mr. Lamer responded by saying it could be used for family gatherings, wedding receptions, etc. It is not for commercial function and will not be rented out. It is for the church members to use.

After some additional discussion a motion was made by Schuitema supported by Elenbaas to approve this special use request with recommendations given by Township Planner Larry Nix subject to the posting of a letter of credit in lieu of sidewalk construction along Homerich Avenue and posting of a letter of credit for the cost to prepare and pave the parking area.

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

Public Hearing - John Van Singel requesting to rezone the property located at 2160 Pleasant Pond from R-U PUD Urban Residential Planned Unit Development to R-R Rural Residential.

Chairman Gould declared the public hearing open for John Van Singel. 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.

John Van Singel was present to explain why he wishes to rezone this property. He asked the Planning Commission to help him make this a usable site. From an economic standpoint since the cost of extending utilities makes the project not feasible.

Larry Nix reviewed his memorandum date November 8, 2006 of which a copy is attached and made part of these minutes. He commented that Mr. Van Singel has submitted an application to rezone 9.2 acres from R-U PUD Urban Residential Planned United Development to R-R Rural Residential. The subject property is located along the north side of 68th Street just east of the Van Singel Farm Development. The subject property was zoned R-U PUD in 2005 to accommodate Pleasant Pond Plat, a development of 4 lots and a cul-de-sac street. According to the ordinance the R-U district is meant for single family dwellings where utilities are available. The minimum lot size in the R-U district is 10,500 sq ft., and a lot width of 90 feet. Mr. Van Singel is proposing R-R zoning which

the Township Ordinance states that this district is intended primarily for agricultural uses and single-family dwellings without public utilities. Lands in the vicinity of the subject site falls with the R-U PUD district and R-R district. Van Single farms to the west, and Byron Lakes Estates to the south are zoned R-U PUD. Land to the east are zoned R-R but have been developed consistent with R-U provisions due to a consent judgment. A concern of fronting lots directly onto 68th Street may create a traffic hazard as vehicles turn in and out of driveways. As it currently approved Pleasant Pond Plat and the final site development plan for the site require the improvement of a cul-de-sac street to provide one access point to 68th Street. The rezoning petition is inconsistent with development trends in the vicinity. It is therefore suggested that the Planning Commission recommend denial to the Township Board for the application to rezone 2160 Pleasant Pond from R-U PUD to R-R.

Chairman Gould opened the hearing to the public.

A resident who resides at 2110 Pleasant Pond - asked if anyone ever contacted the DEQ to find out if these are buildable lots. What about the wetlands on that property? Someone from the DEQ should come out to the property and check on these issues.

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

Mr. Nix stated that the DEQ was involved but it is possible to get someone out there again.

John Van Singel spoke to say that there was a study done on the wetland.

Gould stated his concern is the sanitary sewer along 68th St. Sewer is available and if we permit well & septic and they go bad in a few years is the Township responsible?

Attorney Brown stated the Township would not be liable.

Gritter commented that the Water and Sewer Department says connect to the public system is realistic. This is really not an issue. Zoning is the question. He is not in favor of the down zoning.

After some addition discussion a motion was made by Gritter supported by Schuitema to recommend denial of this request to the Township Board since the request is not consistent with the Master Plan, public water and sewer is available in the area, residential development adjacent to the subject property is served with public utilities, three curb cuts to accommodate the proposed home sites does not promote public safety on 68th St. and the use of private well and septic systems in this area of the Township is inconsistent with the Township Master Plan and the recommendation of the sewer and water committee.

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

Public Hearing – The Villas of Copperfield PUD request for the final Site Development Plan approval for the property located at 1462 Beaconsfield

Chairman Gould declared the public hearing open for the Villas of Copperfield. 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 as well as Bruce Brown from Trinity Development to answer any questions the commission members may have.

Larry Nix reviewed his memorandum dated November 8, 2006 of which a copy is attached and made part of these minutes. The final Site Development Plan addresses the concerns that arose during review of the preliminary plan while being consistent with the intent of the PUD district. He suggested that the Planning Commission approve the Villas of Copperfield Final Site Development Plan subject to Zoning Administrator approving the proposed sign and Township Engineer review and approval.

After some additional discussion by the commission members a motion was made by Slot supported by Zeinstra to approve the Final Site Development Plan as per the Township Planners recommendations.

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

Public Hearing - Park West Development (Marlo Farms) request to rezone a portion of the southwest corner of Burlingame Ave & 84th St., to B-2 PUD General Business Planned Unit Development and another portion rezoned to O-S PUD Office Service Planned Unit Development.

Chairman Gould declared the public hearing open for Park West 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.

Mr. John Healy with Park West Development, Mr. Jerry Felix of Felix properties and Mike Baker from Exxel Engineering were present to explain their rezoning request and answer any questions. Mr. Healy commented that the Spartan Store representative was not able to make the meeting tonight due to another appointment. They attended the work session a couple weeks ago and listened to all the concerns. The buffer to the south of the project seemed to be a big concern. Mr. Healy stated he has meet with Mr. Sterk and they have agreed to purchase the 7 lots south and east of the wetlands which will help for the buffer zone. Most of the other concerns will be addressed on the final site plan and should be resolved at that time.

Mr. Nix reviewed his memorandum dated November 9, 2006 of which a copy is attached and made part of these minutes. The request has been submitted to supersede the

original preliminary site development plan and zoning approved by the Township. The property is currently zoned B-2 PUD and OS PUD as part of Marlo Farms. The proposal would maintain those two zoning districts but would amend the boundaries for an expanded B-2 PUD area compared with current zoning. Current B-2 PUD zoning exists approximately 500' into the site south from 84th St. The proposal includes a commercial area roughly 700' south of 84th Street. The approved plan included 14.4 acres of commercial land area while the proposal includes 20.6 acres of commercial land area. There are a variety of elements of the present application that need attention and the applicant should clarify the questions raised. Many of these elements directly impact the intent of the Master Plan to create a transition or buffer between the commercial elements of the PUD and the adjacent single family residential use to the south. The submittal is sufficiently incomplete to table the request until the applicant presents a more thorough application addressing the items listed in his memorandum.

Chairman Gould opened the hearing to the public.

Bill Sterk - who is the owner of the property to the south of the proposed site stated he did meet with Mr. Healy and Mr. Felix to discuss the sale of 7 residential lots to the south. They have come to an agreement that they both can live with regarding this sale.

Carlos Careas - questioned the drainage and noted approval is still pending.

No further public comments were made.

Chairman Gould closed the public portion of the meeting.

Chairman Gould commented that two or three weeks ago they met with Spartan Stores and had a good discussion. It was a good and friendly work session and many good ideas were discussed. He felt they have come a little way but personally he would like to see this tabled until all the issues are resolved as the concerns impact the layout and design of the PUD. If this property is extended we do not have the correct legal description.

Mr. Healy commented they do have a written agreement with Mr. Sterk to purchase the 7 lots. These lots would still be used and sold as single family homes. He also thanked the Planning Commission for the meeting that was held and appreciated all the comments and ideas offered.

Schuitema stated he would like to see a revised plan addressing the changes before we can make a decision.

Zeinstra agreed with Schuitema and would like to see the plans as well.

Elenbaas commented she is very disappointed with the plans that were submitted. The present plan does not reflect any changes or suggestions discussed at the various work session.

Slot stated he is familiar with this property and familiar with retail lease space. If this store has to be moved to allow a buffer zone it would cause parking to go to the rear. For retail sales that is a killer. Out lots need at least an acre to be functional. The 7 lots that Mr. Healy has purchased will sell for residential homes. This is workable.

Chairman Gould stated that we have not seen one change on this plan after all those meetings. We have come a long way, but maybe we need another work session. Don't forget that 84th & Burlingame is considered the front porch of Byron Center and it has to look nice.

Mr. Healy stated he has appreciated all the comments offered. In reality when you look all around Byron Center a lot of the property has rolling hills. But for them to change the location for the store is just does not work. We know what you are looking for and we respectfully ask that you table this until the changes are made.

Chairman Gould thought by selling those 7 lots they would be used for a buffer zone not residential homes. The change in ownership does not properly address the buffer/transition concern of the Commission.

Mr. Healy was asked how much time they need to make the necessary changes. He responded by saying they would be ready in a month.

After some additional discussion a motion was made by Slot supported by Zeinstra to table this request until the next regular meeting to be held on December 18, 2006.

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

Miscellaneous

- Railside PUD – minor change to Railside PUD for approval to relocate sign.

Mr. Nix commented that Dr. Combs office would like to move the sign on their site from the south side of the property to the east side along Byron Center Ave. They will be refurbishing the old sign and adding the time and temp. The sign will not be made any larger.

After some discussion a motion was made by Elenbaas supported by Gritter to allow the sign to be moved to the east side of the property as a minor change to the Railside PUD.

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

- Curtis Outdoor Advertising

Mr. Nix stated this request came before the Planning Commission at the October 16, 2006 meeting. At that meeting this request was tabled because the billboard had certain departures from the zoning regulations.

Mr. Jay Carll was present commenting that he met with Mr. Nix to revise the proposed modification to the PUD to bring the billboard in full compliance with the ordinance. The billboard can be moved to the south 50' and be in compliance with this zoning ordinance. The lot 50' to the south is vacant making the billboard the primary use. Also the billboard can be set back the full 75' from the property line and the billboard could be reduced to 300sq ft. Following these changes the billboard could be added to the PUD as a minor amendment and be in compliance with the zoning ordinance. He met with Mr. Pfeiffer about lowering of the existing sign. He was in agreement.

Slot thought it was a good idea to lower the sign.

Mr. Nix will work with Mr. Carll and come back next month with the proposed changes.

- A question was asked when voting on minutes if it is necessary for someone to abstain if they were absent from those meeting. Attorney Brown stated it is not necessary for someone to abstain. You are just voting on the approval of the minutes.

- Master Plan Work Session
The special work session for the Master Plan will be held on December 6, 2006 at 5:00 p.m.

Adjournment

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

Bernie Schuitema
Planning Commission Secretary