

BYRON TOWNSHIP PLANNING COMMISSION

December 18, 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, December 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, Tim Slot and 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 Seymour Gould.

APPROVAL OF MINUTES

A motion was made by Zeinstra supported by Schuitema that the minutes of the November 20, 2006 be approved as corrected.

Yes - 6. No - 0. Abstained - John Stone (absent from November 20, 2006 meeting.)
Motion Carried.

A motion was made by Schuitema supported by Zeinstra that the minutes of the December 6, 2006 Special Work Session be approved as written.

Yes - 7. No - 0. Motion Carried.

PUBLIC COMMENTS

Mr. Bill Sterk requested to comment on the Marlo Farms agenda item.

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 – Johnston’s Enterprises, LLC (MTS Transportation) requesting to rezone subject parcel from R-U Urban Residential to D-I Industrial for property located at 7300 Clyde Park Ave. SW.

An application for Johnston’s Enterprises, LLC (MTS Transportation) was reviewed.

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

Yes - 7. No - 0. Motion Carried.

Park West Development (Marlo Farms) – requesting to rezone a portion of the southwest corner of Burlingame Ave., & 84th St. SW to B-2 PUD General Business Planned United Development and another portion rezoned to O-S Office Service Planned United Development. (tabled at the September 18, 2006)

A motion was made by Zeinstra supported by Schuitema to remove the rezoning request for Park West Development from the table for discussion.

Larry Nix commented that the public hearing was held in November and was tabled at that time in order to give Park West time to get an updated and revised plan submitted.

Mr. John Healey of Park West Development was present to explain the changes that were made to their plan for Spartan Stores. He thanked the Planning Commission for all the time and good ideas that was heard at the Work Session last month. Mr. Healey stated that Darlene Wethington from Spartan Stores, Don DeGroot from Exxel Engineering and Jerry Felix of Felix Properties were also present to help answer any questions that may come up. Mr. Healey began by saying that the Family Fare store has been moved 15’ forward to help eliminate the straight drive lane. The rear area has been redesigned to allow for more green space and eliminate the access road in the rear as a through road. It has been redesigned as a supply entrance for the retail buildings. The suggestion to break the retail center off the Family Fare store was looked at and discussed. But through experience they thought it would be best to keep it connected.

Mr. Nix reviewed his memorandum dated December 12, 2006 of which a copy is attached and made part of these minutes. Mr. Nix is suggesting that the Planning Commission recommend approval of the rezoning and preliminary site development plan to the Township Board with several conditions, and any others as necessary to meet the intent and purpose of the PUD.

1. The design of the commercial building’s façade, including landscape and pedestrian features, shall be substantially similar to that of the building presented in the photograph Sunglass Excitement and Bella Pizzeria. Architectural details shall be submitted during the final site development plan review.
2. Landscaping and other buffering mechanisms shall be provided in the space between the rear of the grocery store and the rear lot line of the future homes to the south, so as to substantially screen the store and its activities from the homes in

terms of noise, odor, aesthetics and light pollution.

3. A pedestrian walkway shall link the office building area to the pedestrian network of the site.
4. The following shall be clarified in the final site development plan submission:
 - a. Any design or use restrictions on out lots
 - b. Whether the photograph referenced in item 1 applies to the design of out lot buildings.
 - c. Potential for a walking path between the grocery store and the future subdivision to the south
 - d. The material of the parking area
 - e. Whether pedestrian furniture would be included in the two landscape feature areas between the proposed commercial building and the drive lane.
 - f. C-store refuse collection and details pertaining to all other dumpster enclosures.
 - g. Access to the 1.23 acre out lot and
 - h. Potentially relocating the north access to the 1.14 acre out lot.
 - i. The building height in the B-2 area shall not exceed 35’.

Chairman Gould then gave Mr. Sterk the opportunity to make a few comments.

Mr. Sterk voiced his concern as to how would this type of development would impact the residential area to the south. He thanked the Planning Commission for taking to heart his concern to increase the buffer zone. Mr. Sterk did meet with Mr. Healey again to discuss any visual impairments with the air conditioning/heating etc. units that will be placed on the buildings. Mr. Healey assured Mr. Sterk that all the units will be placed at ground level and with all the plantings that are required this should not be an issue. Mr. Sterk stated he is very pleased with the plan and all his concerns have been addressed to his satisfaction.

Slot commented the applicant has been responsive to the Planning Commission request and thanked them for their effort.

Schuitema asked about the 7 lots that Park West purchased to the south of the project. He was wondering if different owners would have to abide by the plat restrictions.

Sterk stated that they would be subject to the restrictions of the plot.

Zeinstra commented that Spartan Stores has come a long way with their plan. He would still rather see Family Fare stay at its present location but with the elimination of the race track drive in front of the store and the increase buffer area, the layout is a lot better.

Gritter voiced his concerns as to the type of business that would occupy the outlots.

Mr. Healey stated the lots would be used as retail service in nature.

Gritter stated he is not keen on any fast food restaurants at this location. Maybe

medical offices, bank, or other retail but would rather not see fast food. He has no problem with a regular sit down restaurant.

Mr. Healey commented that he had not heard this concern before. He hates to restrict this development any further.

Chairman Gould asked Mr. Healey if he understood all the items listed under Item 4 (a - i) of the planners report.

Mr. Healey commented he did understand those items but does not want to commit to anything now.

Chairman Gould stated that we are not asking for a commitment tonight. We have come along way and have worked very hard on this preliminary plan. He would like to see Family Fare stay at its present location but maybe it is not economically feasible.

After some additional discussion a motion was made by Slot supported by Stone to recommend Township Board approval of the rezoning, and preliminary development plan of the Marlo Farms PUD with the stipulations listed on the planner's memorandum listed above.

Roll call vote: Slot - yes. Gritter - no. Schuitema - no. Zeinstra - yes. Stone - yes. Elenbaas - yes. Gould - yes.

Motion Carried.

Public Hearing – Holiday Inn Express (Sudhir Modi) – final PUD Site Development plan approval for the property located at 6569 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 once in the South Advance and mailed to all property owners within 300' of the proposed site.

Mr. Doug Stalsonburg of Exxel Engineering was present on behalf of Mr. Sudhir Modi. He explained they are seeking approval of the final site plan for the banquet/conference center. The banquet/conference room will be 7200 sq ft. and the parking spaces have been adjusted to be in compliance with the Township Ordinance. Signage would be on the banquet/conference building and if and when the restaurant is built there will be no additional signage. Mr. Stalsonburg stated he has been working with the Kent County Road Commission, the Drain Commission as well as the Township Engineer concerning curb cuts, detention pond location and a grease trap that will be needed for the warming kitchen.

Larry Nix reviewed his memorandum date December 7, 2006 of which a copy is attached and made part of these minutes. He commented that it is a good sign to see a business in the Township wishing to expand. This proposal is generally consistent with the major change approved in May and meets the requirements of the underlying B-3 District. The

applicant should clarify the proposed building height. We are suggesting that the Planning Commission approve the Holiday Inn Express Conference/Banquet facility final PUD site development plan subject to the following conditions, and any other conditions deemed appropriate by the Planning Commission:

1. A financial guarantee shall be provided equal to the cost of preparing and paving the parking areas illustrated on the site plan.
2. Outdoor illumination shall be comprised of fully cut-off fixtures designed and constructed to prevent glare onto neighboring lands and to meet the requirements of the Township.
3. Any additional signage shall be limited to one 80 sq ft. wall mounted sign facing US 131: one 50 sq ft. wall mounted sign facing Clay Avenue: and one 32 sq ft. ground mounted sign adjacent to Clay Avenue.
4. The future restaurant shall be provided 67 parking spaces which meet the dimensional requirement of Section 16.2 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.

After some discussion a motion was made by Gritter supported by Zeinstra to approve the final PUD Site Development plan with the conditions listed by the Township Planner.

Yes - 7. No - 0. Motion Carried.

Williams Sand Mine – annual review and permit renewal.

Mr. Nix stated the Planning Commission approved the Williams Sand Mine located at the northeast corner of Kenowa Ave., and 104th St., in 2001 as a special use. A series of conditions was attached to the approval one of which being annual review of the special use permit. The applicant has submitted a site plan with a print date of November 29, 2006 illustrating proposed final grading and a narrative for Mining Operations dated December 2006 to comply with this stipulation. The original approval requires that mining activities end and reclamation be completed by June 1, 2007. The narrative states that full restoration of the site may not be completed by this time. The applicant is asking to end all mining and removal of material on the site by the June 1, 2007 date, with extension until October 31, 2007 for completion of on site restoration. It is recommended that the Planning Commission approve the request to renew the annual permit, subject to the following conditions, and any others deemed appropriate by the Planning Commission:

1. Final slopes on the property shall not exceed 5% and a not shall be added to the site plan and submitted to the Township.
2. Final grading shall be such that no area is created which would fill with water after completion of the operation and a not shall be added indicating compliance and

submitted to the Township.

3. Original conditions of approval, including any modification of those conditions as approved by the Planning Commission over time, shall be met.
4. Removal of material off site shall cease by June 1, 2007 and on site restoration shall be completed no later than October 31, 2007.

Tom Larrabel from Pathfinder Engineer was present and explained why they are requesting the extension.

Various items were discussed regarding the site and the date posted on the bond.

After some discussion a motion was made by Stone supported by Elenbaas to approve the special use extension to October 31, 2007 with the stipulation that the site is reviewed before October 31, 2007 and the conditions stated in the Township Planners memorandum listed above.

Yes - 7. No - 0. Motion Carried.

Master Plan

Chairman Gould stated that we have been working on the Master Plan for a year and a half. The public hearing was held on November 6, 2006 at Zion Christian School. It was well attended and a lot of good comments were offered. Mr. Wegener and Mr. Nix took those comments and presented them to the Planning Commission at a workshop meeting December 6, 2006. On December 13, 2006 we received a letter from Byron Township Downtown Development Authority. Seymour Gould then read the letter which stated the DDA would like the Planning Commission to table the Master Plan until they are able to meet with the Planner and the Planning Commission concerning the M-6 & Wilson area.

Commission member Slot stated that the DDA is a newly formed and struggling committee and there are always issues coming up. He does not think that another 30 days would make a difference or hurt anything. Maybe they have ideas that the Planning Commission did not consider.

Cynthia Vincent who is the Vice-Chairman of the DDA made a few comments and shared her desire to have the opportunity to meet with the Planning Commission and discuss the M-6 & Wilson area. She stated that the DDA wants to see Byron Center as a destination and not a pass through location.

After some discussion a motion was made by Zeinstra supported by Slot to table this for 30 days giving time for the DDA to meet with the Planning Commission.

Yes - 7. No - 0. Motion Carried.

The date set for the meeting is January 3, 2007 at 8:00 am.

Miscellaneous

- Carlisle Crossing

Planner Larry Nix stated that Jay DeKleine has submitted a lighting plan for the roads and tennis courts which are located internally the Carlisle Crossing Development. Mr. Nix thought these lights were good and really has no concern since this is all part of the condo Association. It was the consensus of the commission members that the proposed lighting is acceptable.

- Curtis Outdoor Advertising

Mr. Nix stated that Mr. Jay Carll wishes to locate a billboard on the Pfeiffer Farms property and has submitted new plans to the Township. The application was submitted late but Mr. Carll desired to be on tonight's agenda to set a public hearing for next month.

After some discussion a motion was made by Elenbaas supported by Zeinstra to set a public hearing for the next regular meeting to be held on January 15, 2007.

Yes - 7. No - 0. Motion Carried.

- **Randy Zomerlei** asked the commission member if we could change the site plan/application deadline time from noon to 5:00. The commission members agreed that should not be a problem.

- **Mr. Gould** shared with the Commission the desire of the Township Board to expand the Planning Commission to nine members. Reasons provided included broader citizen representation, expanded knowledge base and greater participation.

Adjournment

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

Yes - 7. No - 0. Motion Carried

Bernie Schuitema
Planning Commission Secretary