

BYRON TOWNSHIP PLANNING COMMISSION

August 20, 2007

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Chairman Dutch Zeinstra called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, August 20, 2007, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Dutch Zeinstra, Seymour Gould, Bernie Schuitema, Jeff Gritter, Tim Slot, John Stone and Carroll Elenbaas. Also present were Township Attorney James Brown, Township Planner Larry Nix, & Brian Wegener, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Tim Slot.

APPROVAL OF MINUTES

A motion was made by Schuitema supported by Elenbaas that the minutes of the July 16, 2007 meeting be approved as corrected. (correct spelling of a word on page one)

Yes - 7. No - 0.

PUBLIC COMMENTS

Marv Van Sweden - 6603 Byron Center Ave made a comment on an article he read in the Advance newspaper regarding sidewalks along Byron Center Ave. He stated he wanted to be on record that he is opposed to sidewalks along a 5 land highway. Bikes have no business on a busy highway. This road was designed to move traffic. He is opposed to the construction of sidewalks along Byron Center Ave.

Byrle Van Solkema - 2727 - 64th St. stated that he agrees with Mr. Van Sweden. Bikes do not belong on this busy section of road.

Chairman Zeinstra asked if anyone else desired to make a comment.

No further public comments were made.

BUILDING INSPECTOR REPORT

The building inspectors report was received and placed on file.

SITE PLANS

A motion was made by Slot supported by Schuitema to approve **Site Plan 07-07a - Pete's Tavern** with the following stipulations:

1. No part of the outdoor patio, including without limitation, the wall or guardrails, any umbrellas, or any awning or similar structure may be used for outdoor displays, advertising or signage of any kind.
2. The outdoor patio shall only be used for the consumption of food and beverages.
3. Materials and items including outdoor furniture and accessory items, shall be secured for normal wind load when the establishment is closed or the patio is not in use.
4. Patrons using the outdoor patio may be served until 10:30 p.m. and must relocate indoors by 11:00 p.m.
5. The Township of Byron may at any time and with good cause require that the property owner decrease the noise levels of any activity on the outdoor patio.
6. Any requirements or comments from the Township Engineer shall be adequately addressed.

and **Site Plan 07-16a – Dykhouse Construction (Clyde Park Farms) 8187 Clyde Park Ave.**, with the following stipulations:

1. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site plan. The Township Engineer shall determine the amount.
2. The applicant shall submit a revised site plan illustrating existing and proposed contour lines, and the Township Planner shall approve the proposed topography of the site prior to any issuance of Township permits.
3. The applicant shall submit a revised site plan illustrating compliance with Section 16.8 (1), or if the owner of the northern and southern properties agree in writing, a solid uniformly painted screening fence or wall at least 4 feet in height shall be installed and approved by the Township Planner prior to installation.
4. Any requirements or comments from the Township Engineer shall be adequately addressed.

Yes - 7. No - 0. Motion carried.

A motion was made by Slot supported by Schuitema to recommend to the Township Board the request to extend **Site Plan 06-09 – RLZ (Great Lakes Heavy Haul)** with the following conditions:

1. A financial guarantee shall be provided equal to the cost of preparing and paving the parking area illustrated on the site plan. The Township Engineer shall determine the amount.
2. Plantings shall meet the requirements of Section 4.44 (5) (c).
3. No more than 30% of total plantings shall be of a single species, as required by Section 4.44 (5) (a).

Yes - 7 No - 0. Motion Carried.

To Set Public Hearing – Wizard Wash Ventures – requesting to amend the Special Use permit to expand the existing car wash for property located at 7599 Clyde Park Ave. SW

An application for Wizard Wash Ventures was reviewed.

A motion was made by Gould supported by Gritter to set a public hearing for the next regular meeting to be held on September 17, 2007.

Yes - 7. No - 0. Motion Carried.

To Set Public Hearing – Plant 1 Landscaping Supply (David DeHamer) – request to rezone the property located at 3741 – 64th St. from R-R Rural Residential to B-2 General Business.

An application for Plant 1 Landscaping Supply was reviewed.

A motion was made by Stone supported by Gritter to set a public hearing for the next regular meeting to be held on September 17, 2007.

Public Hearing – to consider proposed changes in the text and the future land use map of the Township Master Plan.

Chairman Zeinstra declared the public hearing open. Bernie Schuitema read the public notice and affirmed that the notice was published once in the South Advance and posted at the Township Offices.

Planner Larry Nix explained the revisions that were made to the Master Plan involving 5 areas. Wilson Ave and 64th St., 84th St. and Clyde Park Ave., Division Ave. generally between 84th St. and 100th St., 100th Street and Clyde Park, and Byron Center Ave. and 64th /M-6. These are the only areas that will be discussed tonight.

Chairman Zeinstra opened the hearing to the public.

Ron Van Singel – from Merestone Development stated he was present on behalf of Theo Mol. Their concern is with the M6 & Wilson area. The Mol's own the north west corner of 68th & Wilson. There is 39 acres south of M-6. The future land use map shows this as Mixed Use PUD. This consists of single-family and multi-family and mixed use buildings of retail. He commented that the site plan they are working on would work, but according to the plan Commercial uses within the Mixed Use PUD areas should be comprised of 15% of the gross land area but no more than 30% of the gross area of Mixed Use PUD neighborhood. Creating interior streets in the village concept would work but it's almost like your creating a village in a busy area. This piece does not match up with this location.

Theo Mol – he also has concerns about M6 & Wilson.

Marv Van Sweden - 6603 Byron Center Ave., stated for the last seven years he has had to listen to big sand trucks running past his house. He hears sirens going past. Seeing the zoning of this area as residential is ridiculous. None of you live on Byron Center Ave. The traffic count is unbelievable. I stand in my driveway waiting to get out, but the way the traffic goes by, its very dangerous. The property all along Byron Center Ave., should be commercial. The property on the hill should be zoned commercial. The church owns the property around that corner and commercial should not affect them. You can't expect residents to live along Byron Center Ave. Just look at how this 5 lane highway utilizes traffic.

Byrle Van Solkema - 2727 - 64th St. wonders how the Boverhof's got here alive tonight. It is so dangerous. A gas station would be good for this property. If you take the hill down to road level maybe it will slow traffic down. What's the difference if it's on the north side or the south side of 64th St. A gas station is a good idea for tax purposes.

Jay P. O'Neal - 2311 Van Singel Lake feels that master planning this corner for office is the best fit. Commercial would be a big mistake. In fact the speed probably would go up. He really does not want a high density commercial use there.

Tom Burgess - 6508 Pleasant Valley Dr. commented that if this corner goes commercial there would be a lot more traffic. He complimented the Planning Commission for all the work they have put into the Master Plan and taking the concerns of the Township residents into consideration. Do we want this corridor to look like 68th St. and 131? Lets make this an extra ordinary gateway into our community. He feels M6 & Wilson would be a better fit for commercial than 64th & Byron Center Ave.

Dan Maurer - 2288 Pleasant Pond agrees with the last two comments made. Not in favor of commercial on that corner.

Marilyn Napp - 2297 Pleasant Pond has a real concern about pollution with possible gas spills.

Terri Medema - 1886 - 64th St. is concerned about lighting and pollution.

Krisi Richardson - 6860 Byron Center Ave. has seen so much development go on all around her, but change happens.

Vicki Betras - 6722 Pleasant Hill agrees with those who had concerns about the ground pollution and light problems.

Jim Clark - 2186 Van Singel Lake Dr. agrees that we have a great opportunity to make a attractive gateway into Byron Center. We can make it dignified. He too is concerned about pollution and traffic noise.

Jim Telman - 2140 - 44th St. SE stated he is present on behalf of Marathon Oil Co. who is requesting to rezone the Boverhof property. He commented that the general area

historically has been zoned “Commercial”. M-6 also has been historically known to have been planned to be in this general location. People had ability to plan for uses typically associated with highway interchanges many years in advance. Highway interchanges are the best location for commercial usage due to access. Byron Center Ave., is also a five lane north and south primary road intended as a major north – south corridor. Byron Township has historically allowed commercial uses, particularly gas stations at highway interchanges recognizing that highway interchanges, access, visibility and compatibility are most appropriate to commercial usage. The 1998 Master Plan recognized that the M6 interchange created more favorable conditions for commercial usage and that timing of commercial development should be related to construction of M6 and its interchanges. The proposed Master Plan recognizes Byron Township has 10% to 13% less Commercial SEV than surrounding municipalities making it heavily dependent on residential tax base. To have a balanced tax base to provide stability for municipal services additional commercial is needed. The proposed Master Plan recognizes that M-6 and its interchanges play a critical role in determining nature and intensity use. The proposed Master Plan has found that M-6 and the 68th St. extension have decreased traffic on 84th St. The east – west roads and upon Clyde Park and Burlingame that traffic is funneled to M-6 and Byron Center Ave. which we believe supports Commercial usage at the Byron Center Ave and M-6 interchange. Office space vacancies of 16% and availability of existing office space and those under development is 1,904,000 sq ft., which will make use of the property for offices economically impossible. The 2005 opinion survey found that protecting private property rights was the residents of the Township’s highest priority. Commercial use of the Boverhof property preserves their property rights. The use of the property will not adversely affect the surrounding property or depreciate property values. The surrounding property will be used as a Lutheran School and Church which will buffer the use. They have purchased the surrounding 36 acres since 1991. When he had conversation with Mr. Ronald Steinke the president and CEO of Church Extension Fund they are extremely happy that M-6 was built. The Lutheran Church has no intentions of selling any of the property. The church will happen and so will the school.

Steve DeKam - 2008 Pleasant Pond Dr. stated if the property on the north west corner is already zoned for a gas station, why not put it at that location.

Bill Kitchen - 2218 Pleasant Glen is also opposed to the gas station on the southwest corner. The northwest corner would be better. He still would like to see the traffic slowed down to maybe 45 mph on Byron Center Ave.

Robert Barber - 6683 Byron Center Ave. commented you want to talk about light pollution the Van Singel development put in 40 street lights and the huge house on the corner of 68th and Byron Center Ave., which has all kinds of spot lights on the outside of the house that really lights up the sky. He can’t sit and watch TV at night because of the noise of the traffic that comes out of the Van Singel development. The young kids that come out of there with their fancy cars making all kinds of noise is not called for. I know they don’t want to deal with a gas station on the corner of 64th and Byron Center Ave. Let’s face it this is not a residential area any more. He had to destroy his front yard

to make a turn around so he could safely drive out onto Byron Center Ave. He commented that they were here first.

Glen Eckelkamp - 6672 Pleasant Hill complimented the Planning Commission for the nice job they have done so far. You have listened over and over again on comments from Township residents. How many more meetings are there going to be? Can't you tell Tim to tell the Township Board that this is it? The Township Board should listen to the wishes of the residents..

Tom Johnson - 2331 Pleasant Pond agrees that we have the opportunity to create a nice looking gateway into the Township. He is not interested in Commercial for that corner.

Nancy Hochstetler - 2299 Van Singel Lake stated this is not a debate but it will have a domino affect. Like we heard tonight what about the property next to this one and then the next property and so it goes. We all have heard it. She thanked the Commission members for listening to the residents and sticking to their convictions. Just because every other corner is commercial this particular corner does not have to be the same.

Gord Van Singel - representing Van Singel Holdings (64th & Byron Center Ave) read a letter from John Van Singel regarding the south east corner of Byron Center Ave., and 64th St, A copy of that letter is attached and made part of these minutes.

Brian Smits - 6756 Pleasant Hill Dr. stated that they were invited to a meeting at the Boverhof's house. They assured us that this project would not increase traffic, and no signage. How do you think a business can operate without either of these? What is the approved use for this property? He has environmental concerns. He would like to see reports on the ground water flow. Is this a good place for a gas station? What about gas spills? He did a study on gas spills and there are many. The study showed that Marathon is the biggest offender. How about ground water contamination? Traffic would be an issue. He thanked the Planning Commission for sticking to their guns.

Carol Boverhof – 6419 Byron Center Ave began by saying they are the owners of “the property”. She stated that they have been in front of these meetings many times. They have lived here a long time. She really does not feel like being here tonight and she hates the negative words that have been spoken. She has talked to so many people that feel their property should be commercial. It's a major intersection. She stated that the Planning Commission has received many letters from various people and none of those letters have ever been acknowledged. Across the street they looked at a dirt hill when Van Singel Lakes was being developed. That's done now but the dirt and noise was bad. At times they could not even get in their own driveway. In fact their driveway is still crummy. Everyone knows and understands that whatever goes up on that corner it will be graded to street level. So if this hill is taken down it will be out of view of the Lakes people. She feels that Byron has a strong need for revenue and jobs. Everyone knows that Michigan has one of the worse unemployment rates in the country. People are so concerned about the lighting. That's a big joke. We all know that there are plans for a church to be built. Parking lot lights are on all night long. And some asked where do we

stop with commercial. She hears comments that “all they want is money”. Anyone else would do the same thing. We are in a middle of a changing area. She stated they did invite people from Van Singel lakes to come to their house for a meeting and an informal vote. Nobody said anything. Someone did say “maybe not a bad thing to have at this location”. The Marathon people answered all their questions at that meeting. Think about it – farms have gas tanks on them. They had an environmental study on their property and it was good. It seems like the new people are making all the ruckus! We have attended many Board and Planning Commission meetings over the years and a statement that we have heard many times was “I wouldn’t want this in my backyard”. If you allow us to sell our property for commercial use, you can keep it a nice looking corner. They don’t want to see a vacant office building on their property either. We need to fill the office spaces that we have now in Byron that are sitting empty. This is a hard decision that has to be made.

Larry Boomsma - 4400 - 64th asked the Planning Commission members to look at the property south of M6 and compare it to the north side of M6. There is a huge piece to the south and a small piece to the north. He does understand that water/sewer is a big issue but understands that there is something in the works with Wyoming. This is not a rural area any more and hopes that this area would be looked at again.

Paul Houseman - 3994 92nd St. SW was told that in the R-A zoning that the lot width could possibly change from 200 feet to 250 feet. Is this going to change or not?

Ed Valk - 2343 Pleasant Pond commented that he did not envy the Planning Commission members at all. He has heard good comments both ways. It’s really hard to make the right decision. He also wanted to apologize for the harsh feelings that have be encoming from the Van Singel lake residents.

Mark Fennema – 978 64th St. SW agrees with Mr. Telman and the Boverhof’s.

Marv Van Sweden - 6603 Byron Center Ave complained about the noise that comes from Van Singel lake residents. Last night they were shooting off fireworks! If this continues he will call the police and they will have to stop. He has had to put up with a lot of stuff and he is sick and tired of it.

Dewey Born - 6657 Byron Center Ave. commented that he has lived in the same home for 46 years. When they first came here it was a two lane road with a ditch on each side and the traffic was not heavy. But when the Van Singel development began it really caused a lot of headaches. The traffic goes 65 – 75 mph past his house and for some reason the motorcycles use one wheel instead of two when they come out of that development. Then M6 came through, followed by the hospital. With all this comes commercial. The lake people don’t even associate with Byron people at all! The property is going to be developed! It’s a force that can’t be stopped.

Krisi Richardson – 6860 Byron Center Ave stated she would love to live on Pleasant

anything. Living on Byron Center Ave is far from Pleasant.

Vicki Betras – 6722 Pleasant Hill handed out a newspaper article to the Planning Commission members regarding underground gas leaks.

Jeff Richards - 2151 Pleasant Glen Dr., is saddened by the animosity shown here tonight. We have to get past this. We have to ask ourselves is this a good location for a gas station – he does not think so. We want what is best for Byron Township.

No further public comments were made.

Chairman Zeinstra closed the hearing to the public.

Mr. Nix summarized the public comments that were made. Two comments were made regarding for more flexibility for the area at Wilson & 64th St. for the consideration of the mixed use to be extended further west from Wilson Aveune. This area should be considered during the Master Plan update in 5 years with consideration to market demand.

There were no comments made for the areas of 84th & Clyde Park, Division Ave. between 84th & 100th St., and 100th & Clyde Park.

Byron Center Ave & M6 had a lot of comments. We heard a lot of discussion on the gas station. Some want it and some don't. The Master Plan is a view into the future. We have to provide fair opportunities for various uses. It's unfortunate that the 4 ½ acres piece on the southwest corner of 64th and Byron Center Ave is the tail that wags the dog. It is very difficult. This is a very visible piece of property. Planners need to address "what is reasonable". We have the public on both sides of this issue. The Planning Commission favors Office which is a less intensive use. Curb cuts and traffic issues have to be taken into consideration. People do live on Byron Center Avenue and over the last 30 years we have seen a lot of changes. What is the best use for this corner? There will always be empty offices spaces. Maybe in 3 years that will be a different story. There is not an easy answer for this. He stressed to the public that we are not rezoning any property tonight. This is for the Master Plan which is used as a guide for the future.

Chairman Zeinstra stated that since the areas of 84th & Clyde Park, Division & 84th St. and 100th & Clyde Park were not discussed tonight these areas stand as presented.

Chairman Zeinstra then asked each commission member their thoughts on the area of Wilson & M6.

Carroll Elenbaas - feels we have to stick with what we presented. Where do you draw the line.

John Stone - agrees with Carroll

Seymour Gould - agrees that we have to draw the line somewhere. He desires to leave it as it is presented.

Bernie Schuitema – agrees and stated that the DDA was instrumental in their decision regarding the area of 64th & Wilson.

Jeff Gritter – no change.

Tim Slot – no problem with 64th & Wilson area.

Chairman Zeinstra – keep as presented.

Chairman Zeinstra then asked each commission member their thoughts on M6 & 64th & Byron Center Ave.

Seymour Gould - he has had the privilege to live in the Township a long time and has seen more changes than you can imagine. We have to look at the Township and not just one area. But if we allow Commercial to be built on the southwest corner of Byron Center Ave & 64th St. where do we stop? He feels its best suited for office and it should stay that way.

Bernie Schuitema - says he sympathizes with the Boverhof's. The hospital did set a good tone for that area and with that hospital I dare say they will be needing additional office space in the area. I feel that Marathon Oil Co. should not write the Master Plan for us. He can't see any reasoning to Master Plan this area Commercial.

Jeff Gritter - agrees with Bernie & Seymour. The hospital has set a good tone for this area and our job is to Master Plan for the entire Township. His desire for this area would remain office service.

John Stone – feels the same way. We have an opportunity to make this a nice gateway into the community. The hospital opened that door for us. If we did allow commercial at this corner it would be a force that can't be stopped.

Tim Slot – spent a ton of time on this area. We have to get our focus off a gas station. We are dealing with the Master Plan. Everyone here tonight cares for the Township and we are trying to do what is best. Look at that property it is so close to M-6. A traffic count was done on Byron Center Ave & 64th St., and it showed there were 12,005 vehicles going northbound and 8,295 going southbound. For some reason there is more traffic going north than south. A traffic count was also done on M-6 & Byron Center Ave., with 31,800 vehicles going west bound and 37,100 going east. That is a lot of traffic. Also it is so easy to run your business out of your home, thus office space is not really needed. Office vacancies are on the rise! The Master Plan advisory committee said they were not opposed to Commercial/Retail on this corner. Maybe we

should look at that again. The community survey clearly stated that the residents of Byron Township want to preserve the property rights of the owners. This is very important. Why can't there be a compromise? He would like to see Commercial with Mixed Use PUD. Let's work together.

Carroll Elenbaas - the Master Plan has to be for the Township as a whole. We need to look at it as a future of what we hope to see and sometime you have to draw the line. We want to keep it especially nice because of the hospital corridor. She still feels we have to draw the line and keep Commercial on the north side of 64th St., and Office Use on the south side.

Dutch Zeinstra - agrees that we have to draw the line somewhere. We have to look at a vision for the Township. Just imagine 5, 10, 20 years from now if Commercial were allowed there. He thanked everyone for coming to this meeting and the comments that were made.

Chairman Zeinstra then stated that we have a couple choices here. We can table this, or adopt the Master Plan as presented or make adjustments and send it to the Township Board for approval.

A motion was made by Stone supported by Elenbaas to approve the Master Plan draft as printed.

Roll call vote:

Elenbaas - yes. Stone - yes. Gould - yes. Slot - no. Gritter - yes. Schuitema - yes. Zeinstra - yes.

A motion was made by Gould supported by Stone to amend the motion to submit the two page draft Master Plan to the Township Board, a copy of which is made part of these minutes.

Yes - 6. No - 1 (Slot). Motion carried.

Miscellaneous

□ TOWNSHIP BOARD REPORT

Tim Slot stated that the Board has requested that the Planning Commission set a date for the public hearing for the Marathon Oil. He suggested they take it off the table and set a public hearing. Since this is such a controversial issue he suggested that there should be a full Commission available for the hearing. Tim stated he would not be at the September meeting and Dutch commented that he will not be at the ,October meeting.

A motion was made by Schuitema supported by Gould to remove this rezoning request from the table for the Marathon Oil Co., and to set a public hearing for the

next regular meeting to be held on November 19, 2007.

Yes - 7. No - 0.

□ **TOWNSHIP ZONING BOARD OF APPEALS REPORT**

Seymour Gould explained a letter he received from DeKleine builders regarding the 60% garage size rule. Maybe it is something we should consider to change.

It was suggested that Larry Nix give us some guidelines as to what other communities are doing regarding this issue. To date we have had no variance request for this but we do have the first one coming up this month.

Jay De Kleine was present to explain the letter he submitted regarding the recently adopted ordinance disallowing stand along condos on a private street. He would like the Planning Commission to revisit this as well. Larry will get some information put together for this also.

- Attorney Jim Brown stated he is working on a comprehensive letter for possible zoning ordinance changes.

Adjournment

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

Yes - 7. No - 0. Motion Carried

Bernie Schuitema
Planning Commission Secretary