

**BYRON TOWNSHIP PLANNING COMMISSION
&
TOWNSHIP BOARD
SPECIAL JOINT MEETING**

October 29, 2007

MINUTES

CALL TO ORDER, ATTENDANCE

Planning Commission Chairman Dutch Zeinstra called the special joint meeting with the Township Board to order at 7:00 p.m., on Monday, October 29, 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, John Stone Tim Slot and Carroll Elenbaas. Township Board members present were: Audrey Nevins, Norm Wustman, Carol Houseman, Kathy Burgess, Tim Slot, Paul Nevins, and Joel Hondorp Also present were Township Attorney James Brown, Township Planner Larry Nix, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Dutch Zeinstra explained that Mr. Brown and Mr. Nix have submitted a memorandum regarding the Master Plan. Dutch asked Mr. Nix to review each areas of concern. He began that the southwest corner of **US 131 and 84th St.** He stated the Board recommends that the designation be changed from Commercial to Commercial PUD. The Planning Commission recommends this change. The **northwest corner of Division Ave and 100th Street** the Board recommends that the land use designation be changed from Commercial to Commercial PUD. We suggest that the Planning Commission recommend this change. The area of **M-6 & Wilson Avenue between 68th St and 64th St.**, the Board members recommend that the Mixed Use PUD as described on pages 142 – 145 of the proposed Master Plan be revised so that the requirement of a “traditional town atmosphere” and the use of land in a way that would function in a manner consistent with a traditional small town be eliminated, together with other changes, so that the Mixed Use PUD that would apply to this location would permit less restricted commercial uses, more appropriate to the proximity of these lands to the M-6 interchange at Wilson Ave. Given the location of these lands to the M-6 interchange at Wilson Ave, the Board members expressed a preference for more highway oriented commercial development, rather than the highly restricted village center type of development contemplated in the description of the Mixed Use PUD category in the text of the Master Plan. The Planning Commission suggest a revision in the text of the Mixed Use PUD category. **The southwest corner of Byron Center Ave and 64th St.** the Board members are not in favor of the Office Service designation at this intersection.

At the September 24 meeting there were comments in favor of a commercial designation. The Board is looking for this area to be a commercial use given the location of this area at an intersection just south of the M-6. Board members were not of the view that commercial development should be confined to the north side of 64th St.,. In response to these proposals by the Board members, we believe that parcels on the south side of 64th St. could suitable be developed by applying the Mixed Land Use guidelines proposed in the master plan revisions. With appropriate restrictive provisions for the protection of residential uses further to the south. **The northeast and northwest corners of 84th Street and Burlingame Ave.**, the Board members recommended that the Planning Commission review the current designation of MFR/OS PUD at this location, and consider the land use designation shown in the future land use map of the 1998 Master Plan. He felt a joint meeting to discuss these issues was very important. The next step now is to have a public hearing.

Chairman Zeinstra then opened the meeting up for discussion.

Supervisor Audrey Nevins had a concern about a statement that is in the Mixed Use restricting the floor area of a building or buildings should not comprise more than 50,000 square feet. Where did that idea come from?

Nix responded by saying we don't want to promote "big box" stores in that area.

Audrey asked someone to give her an example of a 50,000 sq ft store.

Examples given were the proposed new Family Fare store at 84th and Burlingame, and Pace Trailer.

Audrey felt it didn't seem necessary to talk about the size of buildings in Mixed Use PUD. To limit a size of a building in one area and not another doesn't seem right. She also commented on the curb cut restrictions. She was wondering where that idea came from.

Mr. Nix commented that is in direct relationship to the Mixed Use. The reason is for safety, or to create a potential dangerous situation. This statement is not chiseled in stone.

Audrey reminded everyone that this Master Plan is a vision and does not have to be that detailed.

Zeinstra commented that the Kent County Road Commission would determine curb cuts.

Gould commented on his concern about M-6 & Wilson & 64th St., and commercial going all the way to Kenowa. What is the reasoning for that.

Audrey stated that area is proposed Mixed Use PUD not commercial.

Zeinstra asked what Mixed Use really means.

Larry Nix stated it could be all commercial or all residential. We are encouraging the have Mixed Use. The Township Board has indicated that this is not acceptable. Where we have the perimeter it is market driven. Both uses can be located here. We don't envision all those big box stores at M-6 & Wilson. Our desire is to see big box over at the Dome World property on 84th & US-131. We feel this is a more acceptable location. There are no utilities at M-6 & Wilson. We have to reach a balance of revenue to help ward off 425 agreements in the future. How do we get utilities over there and how do we pay for it.

Chairman Zeinstra asked if everyone agreed on the area of the southwest corner of US-131 & 84th St. to be changed from Commercial to Commercial PUD.

Everyone was in agreement regarding this change.

Larry Nix had one comment to consider. He asked about the south side of 100th St., & Division. Should we have a PUD there as well? It is Industrial now.

Everyone felt they were small enough parcel that it would not be necessary to deal with a change at this time.

Larry Nix also asked about the 3 parcels located on the east side of Division near 100th St., which are designated Commercial. This has never had this designation before. Is it your desire to keep it as it is zoned?

It was the consensus of both the Planning Commission and the Township Board to keep it S-R Suburban Residential.

The next area of discussion was the northwest corner of Division & 100th St. The Board recommends that the land use designation be changed from Commercial to Commercial PUD.

Everyone was in agreement with this change.

M-6 and Wilson was then discussed. The Township Board recommends that the Mixed Use PUD of the proposed Master Plan be revised so that the requirement of a traditional town atmosphere and the use of land in a way that would function in a manner consistent with a traditional small town be eliminated, together with other changes, so that the Mixed Use PUD that would apply to this location would permit less restricted commercial uses, more appropriate to the proximity of these lands to the M-6 interchange at Wilson Ave.

Kathy Burgess asked if the PUD gives the Township specific power.

Nix commented that the way it is written now yes we do.

Carroll Elenbaas stated she feels a Mixed Use means exactly that. A mixed use! Not just one use. She is not comfortable with that at all. The Planning Commission had a different vision for this area.

Chairman Zeinstra agreed with Carroll.

Bernie Schuitema stated he has no strong feelings on this. But he said in the beginning the DDA had concerns in this area. Don't they care anymore?

Kathy Burgess stated the DDA was concerned with the "Town Center". They didn't want to see downtown Byron Center as a ghost town.

Joel Hondorp stated that living near a highway is loud. How can you do a residential area along a highway. Commercial/office with a mixed use would be the best.

Carroll Elenbaas said a lot of developments go up along highways. They are built after the highway was in.

A comment came from the audience that "freeways are very loud and it will never happen putting a residential development so close to the freeway."

Audrey stated that is mixed use.

Larry Nix said part of planning is traffic. He has lived next a busy highway for many years and you just live with it.

Paul Nevins asked "why wouldn't you want to get rid of residential.

Larry Nix said he is not in favor of all residential in this area.

Audrey Nevins stated she likes the way it is now.

Larry Nix agreed with Carroll. Is this mixed use really mixed use? A lot of value is placed on the words describing these various uses. This is a huge change.

Attorney Brown stated that not every parcel has to have mixed use on it. Situations may evolve through zoning. One does not know what type of opportunity comes around.

Seymour Gould commented that over the 20 years that he has sat on the Planning Commission and the Zoning Board of Appeals if the wording is not just right, engineers, developers and attorneys will tear us apart. We have to know exactly what we want. He would like to see the % back in the description.

Tim Slot worries when you put a percentage as a restriction. We have more leeway if we leave it out. With the PUD we can control it.

Kathy Burgess really felt that a PUD was a safety net.

Attorney Brown stated yes with a PUD we decide all the details. The Township writes a PUD for each proposed project.

Kathy Burgess stated that people don't want "big box". Where did you get this idea?

Larry Nix stated it came off the public survey. They did not want to see that type of use in the Township.

Kathy Burgess stated that is what you usually see near a freeway.

Audrey Nevins commented you can't say no to this area and yes on Dome world.

Larry Nix said we don't need a gas station, motel, Industrial Park, etc., at our highway interchanges. We don't want to duplicate 68th St. & 131. The Planning Commission wanted to try to do something different and we have the ability now to do that.

Dutch Zeinstra commented that the Planning Commission had a vision for these areas.

Larry Nix assured everyone that this is not Larry Nix vision but it is the Planning Commissions ideas.

Paul Nevins commented he wants to see the 50,000 sq ft taken out but go with the PUD. He has confidence in the Planning Commission to make good decisions. If something really unique wantd to come into the Township we don't want to be so technical to turn them away.

Joel Hondorp said the way it looks now it doesn't say it has to be the certain size.

Carol Houseman asked why the "no drive-in" statement is gone on this new revision.

Larry commented that you normally see those types of business next to freeways. Pharmacy's, fast food restaurants, coffee houses, etc.

Norm Wustman stated that he is not against "big box" at all. I will keep his wife out of Wyoming. He loves fast food restaurants, and motels along a freeway that's what he looks for when he is traveling. If you start with residential you can't start with residential. He likes the Mixed Use but leave the residential out.

Audrey Nevins had no further comments on this area.

Jeff Gritter likes the 50,000 sq ft rule. It is only a guide line and its not set in stone. With the PUD you have control.

Mr. Nix commented that everyone seems to be in agreement with a degree of flexibility.

Next area of discussion was the southwest corner of Byron Center Ave. & 64th St. The board members are not in favor of the Office Service at this corner. The boards comments are in favor of a commercial designation. We are proposing the Mixed Use PUD. This is a big change.

Audrey Nevins stated that she would like this area to be Mixed Use, but the Planning Commission didn't support that.

John Stone asked if the property is large enough for the Mixed Use zoning.

Larry Nix thought the property has 18 to 20 acres.

After some discussion it was decided to soften that language concerning curb cut control.

The goal in all our areas is to have minimal curb cuts for safety measures.

The southeast corner of Byron Center Ave., & 64th St., would be the same as the west side. This is to maintain continuity. These two pieces of property are very visible and alike.

Kathy Burgess stated she is in favor of Mixed Use PUD.

Paul Nevins likes this idea better.

Kathy Burgess thinks this is good change.

Seymour Gould is okay with it but it has to be PUD and have some control of curb cuts.

Bernie Schuitema stated that this is not the vision he had for this corner. He just wants to get the Master Plan done and over with.

John Stone agrees with Bernie.

Seymour Gould said we have to very careful with commercial opening up in this area just wait it will eventually be commercial all the way to the Township building.

Kathy Burgess asked if we could control hours on a business that goes there. Of course we all know what type of business wants to go there.

Carol Houseman feels this is the best of all evils.

Tim Slot is okay with it.

Norm Wustman is okay.

Audrey is okay with it.

Carroll Elenbaas gave a firm no. She does not want to see commercial there.

Jeff Gritter is ok with it but has to have control with the PUD

Dutch Zeinstra really wants to keep commercial out of there.

Next area to be discussed is the northeast and northwest corner of Burlingame Ave. SW and to have it go back to the 1998 Master Plan.

Audrey asked why the change in the first place.

Dutch Zeinstra stated that they were trying to keep commercial in the downtown area.

Various options were discussed for the northeast corner of 84th & Burlingame.

Norm Wustman stated that you don't get much tax revenue from residential. The schools are already crowded. With condo's and commercial you can catch up on the tax base.

It was decided to make the corner Commercial PUD and make the property just to the east of the corner and around the top S-R Suburban Residential.

Larry Nix asked if there were any other areas to be discussed.

No further comments were made.

Audrey stated that she is working on the original text and the new version. She will have it ready in time for the public hearing.

Carol Houseman asked about the RA zoning and the minimum lot width changing to 250'. It is 200' now.

A public hearing would have to be heard for any text changes.

Seymour Gould made a final statement saying that when the Planning Commission comes and all the language is corrected and we are at the public hearing, he hopes the Township Board reads and is satisfied with it. Because if we send it to the Board for approval you better approve it. We have to sit and listen to the public voice their concerns that night and we have to tell them we can't listen to you, we have to listen to the Board.

Audrey Nevins responded by saying "at least now you are listening to me".

Joel Hondorp commented at least we can sit down together and discuss this and be civil.

The public hearing will probably be held at the December 17, 2007 meeting.

A motion was made by Houseman supported by Slot to adjourn the meeting.

Bernie Schuitema
Planning Commission Secretary